

Policy and Planning Committee

Tuesday 3 September 2019

10.30am

Taranaki Regional Council, Stratford



Agenda for the meeting of the Policy and Planning Committee to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 3 September 2019 commencing at 10.30am.

Members	Councillor N W Walker	(Committee Chairperson)
	Councillor M P Joyce	
	Councillor C L Littlewood	
	Councillor D H McIntyre	
	Councillor B K Raine	
	Councillor C S Williamson	
	Councillor D N MacLeod	(ex officio)
	Councillor D L Lean	(ex officio)
Representative Members	Ms E Bailey	(Iwi Representative)
	Mr J Hooker	(Iwi Representative)
	Mr M Ritai	(Iwi Representative)
	Councillor P Nixon	(South Taranaki District Council)
	Councillor R Jordan	(New Plymouth District Council)
	Councillor G Boyde	(Stratford District Council)
	Councillor C Coxhead	(South Taranaki District Council)
	Mr P Muir	(Taranaki Federated Farmers)

Apologies

Notification of Late Items

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Closing Karakia and Karakia for kai

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Confirmation of Minutes – 23 July 2019

Approved by: A D McLay, Director-Resource Management

B G Chamberlain, Chief Executive

Document: 2321517

Resolve

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 23 July 2019 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 13 August 2019.

Matters arising

Appendices

Document #2298795 – Minutes Policy and Planning Committee

Minutes of the Policy and Planning Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 23 July 2019 at 10.30am.



Members	Councillors	N W Walker M P Joyce C L Littlewood B K Raine C S Williamson D L Lean	(Committee Chairperson) (via Zoom) (ex officio)
Representative Members	Councillors	G Boyde C Coxhead	(Stratford District Council) (South Taranaki District Council)
	Messrs	J Hooker P Muir	(Iwi Representative) (Federated Farmers Representative)
	Ms	E Bailey	(Iwi Representative) (from 10.40am)
Attending	Messrs	B G Chamberlain G K Bedford C L Spurdle G Severinsen R Phipps	(Chief Executive) (left meeting 11.20am) (Director-Environment Quality) (Planning Manager) (Manager Policy & Strategy) (Science Manager)
	Ms	J Mack	(Committee Administrator)
	Mrs	J Bielski	(Policy Analyst) (left meeting 10.45am)
	Mr	S Ellis	(Environment Services Manager) (11.05am-11.50am)
	Mr	J Clough	(Wrightson Consulting)
	One member of the media		
Apologies	The apologies from Councillors D N MacLeod (ex officio), D H McIntyre, Mr M Ritai (Iwi Representative), Mr P Nixon (South Taranaki District Council) and Mr R Jordan (New Plymouth District Council) were received and sustained.		
Notification of Late Items	There were no late items of business.		

1. Confirmation of Minutes - 11 June 2019

Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

- a) takes as read and confirms the minutes and confidential minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the

Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 11 June 2019 at 10.40am

- b) notes that the recommendations therein were adopted by the Taranaki Regional Council on 2 July 2019.

Raine/Hooker

Matters Arising

There were no matters arising.

2. Update on implementation of the National Policy Statement for Urban Development Capacity

- 2.1 Mr C Spurdle, Planning Manager, spoke to the memorandum to present an update on the implementation of the *National Policy Statement on Urban Development Capacity* (NPS-UDC) in the Taranaki region.

Recommended

That the Taranaki Regional Council:

- a) receives the third Quarterly Monitoring Report on Urban Development Indicators for the New Plymouth District;
- b) notes that the Housing and Business Development Capacity Assessment report and Future Development Strategy for New Plymouth will be published shortly
- c) notes that the NPS-UDC is currently being reviewed.

Boyde/Littlewood

3. Review of the Regional Air Quality Plan for Taranaki

- 3.1 Mr C Spurdle, Planning Manager, spoke to the memorandum seeking Members' agreement to proceed with an early review of the *Regional Air Quality Plan for Taranaki* in accordance with the First Schedule requirements of the Resource Management Act 1991 (the RMA), and combine the review of the Regional Air Quality Plan with the reviews of the Regional Freshwater Plan for Taranaki and the Regional Soil Plan for Taranaki..

Recommended

That the Taranaki Regional Council:

- a) notes that the Council is required by the RMA to commence a review of the Regional Air Quality Plan for Taranaki no later than July 2021
- b) agrees to commence a full review of the Regional Air Quality Plan for Taranaki in conjunction with the reviews of the freshwater and soil plans in accordance with the Schedule 1 requirements of the RMA

- c) agrees to the development and review of a combined regional natural resources plan that addresses the integrated management of air, land and freshwater resources
- d) approves the attached project brief entitled Review of the Regional Air Quality Plan for Taranaki and development of a combined regional plan
- e) notes that combining these plans is not anticipated to delay the public notification of a proposed plan addressing the Council's freshwater and soil conservation functions.

Raine/Littlewood

4. Regional Freshwater Ecological Quality: 2017-2018 results from state of the environment monitoring

- 4.1 Mr G K Bedford, Director-Environment Quality, spoke to the memorandum to present an update to the Committee on the latest annual results of the Council's state of the environment monitoring programme for fresh water ecological health (macroinvertebrate monitoring). A powerpoint presentation was also given by Mr Bedford.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum noting the preparation of a report into the state of and trends in regional in-stream macroinvertebrate community health data for Taranaki, for 2017-2018 and over the period 1995-2018
- b) notes the findings of the SEM programme
- c) adopts the specific recommendations therein.

Joyce/Muir

Ms E Bailey voted against the motion.

5. Aotearoa Deal for Nature

- 5.1 Mr C Spurdle, Planning Manager, spoke to the memorandum presenting for Members' information the *Aotearoa Deal for Nature* action plan.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum Aotearoa Deal for Nature
- b) notes the actions the Council is undertaking which support the protection and enhancement of biodiversity in Taranaki.

Joyce/Raine

6. Update on Towards Predator-Free Taranaki Project

- 6.1 Mr S Ellis, Environment Services Manager, spoke to the memorandum presenting Members with an update on the progress of the *Towards Predator-Free Taranaki* project. A powerpoint presentation was also included.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum Update on Towards Predator-Free Taranaki project
- b) notes the progress and milestones achieved in respect of the urban and rural predator control and the zero density possum projects of the Towards Predator-Free Taranaki project.

Raine/Littlewood

7. Ministry of Health: Annual report on Drinking-water Quality and update on Taranaki Drinking Water Joint Working Group and related matters

- 7.1 Mr G Severinsen, Manager Policy and Strategy, spoke to the memorandum to introduce the Ministry of Health's annual report on drinking-water quality for the 2017-2018 year and to provide a brief update for Members on the Taranaki Drinking Water Joint Working Group and the Government's review of Three Waters regulation following the Havelock North Drinking Water Inquiry.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum 'Ministry of Health: Annual Report on Drinking-water Quality and update on Taranaki Drinking Water Joint Working Group and related matters'; and
- b) notes that the Taranaki Drinking Water Joint Working Group has been formed and is working well.

Boyde/Littlewood

8. Report on Advocacy and Response Activities for the 2018/2019 Year

- 8.1 Mr G Severinsen, Manager Policy and Strategy, spoke to the memorandum reporting on advocacy and response activities for the 2018/2019 year.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum Report on Advocacy and Response activates for the 2018/2019 year
- b) notes that twenty-six (26) submissions were made during the year on the policy initiatives of other agencies
- c) notes that senior staff were also involved in various working parties or other fora on central and local government policy development and review projects.

Littlewood/Joyce

Closing Karakia Mr J Hooker (Iwi Representative) gave the closing Karakia to the Policy and Planning Committee and Karakia for kai (lunch).

There being no further business, the Committee Chairperson Councillor N W Walker, declared the meeting of the Policy and Planning Committee meeting closed at 12.05pm.

Confirmed

Chairperson _____
N W Walker

Date **3 September 2019**

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Government announcements on three waters review

Approved by: AD McLay, Director – Resource Management
BG Chamberlain, Chief Executive

Document: 2311602

Purpose

1. The purpose of this memorandum is to update Members on recent announcements by the Government on the three waters review.

Executive summary

2. The Minister of Local Government, the Hon Nanaia Mahuta and the Minister of Health the Hon David Clark, have jointly released the Government's proposals for reform of the three waters and a timetable for their implementation.
3. Key features of the announcements include a dedicated water regulator; a new Water Services Bill; extending regulatory coverage to all water suppliers, except individual household self-suppliers; greater Central Government oversight of wastewater and stormwater services; and transitional arrangements of up to five years to allow water suppliers to adjust to the new regulations.
4. The functions of the new water regulator are wide ranging and include standards setting, compliance, monitoring, enforcement, and capability building. There are to be new and enhanced obligations on regional councils and water suppliers to manage risks to drinking water sources. Mandatory disinfection of all water supplies will be required with limited exemptions to apply in appropriate circumstances.
5. Regional councils will remain the primary regulators for environmental matters with respect to wastewater and stormwater discharges under the RMA, including compliance, monitoring and enforcement of consent conditions, but with stronger central government oversight. These will be overseen either by one central regulator or separate entities and is to be decided later in the year. The Government has yet to decide on whether to require the aggregation of drinking water suppliers.
6. Most of the reforms for the three waters will be implemented in a new Water Services Bill to be introduced by the end of the year with possible enactment by mid-2020.

Recommendation

That the Taranaki Regional Council:

- a) receives the memorandum '*Government announcements on three waters review*'.

Background

7. The three waters review began in mid-2017, and ran in parallel with the latter stages of the Havelock North Drinking Water Inquiry following the campylobacter outbreak in 2016. The initial findings of the review were consistent with many of the Havelock North Inquiry's findings but also raised broader issues about the effectiveness of the regulatory regime for wastewater and stormwater.
8. Members will recall having received at the last meeting of the Committee held on 23 July 2019, an update on the Government's review of three waters regulation (and other related matters). It was noted in the accompanying memorandum that no formal recommendations for changes to drinking water regulation or to wastewater or stormwater regulation had yet been announced.
9. A little over a week later on 31 July 2019 the Minister of Local Government, the Hon Nanaia Mahuta and the Minister of Health the Hon David Clark, jointly released the Government's proposals for reform of the three waters and a timetable for their implementation.
10. Key features of the 31 July 2019 announcements include:
 - a dedicated water regulator;
 - a new Water Services Bill;
 - extending regulatory coverage to all water suppliers, except individual household self-suppliers;
 - strengthened Government stewardship of wastewater and stormwater services, with regional councils remaining primary regulators for the environment; and
 - transitional arrangements of up to five years to allow water suppliers to adjust to the new regulations, if necessary with support from the new regulator.
11. The documents released in making the 31 July announcements, including Cabinet papers, can be found on the Department of Internal Affairs website <https://www.dia.govt.nz/Three-waters-review> . A media release can be found at <https://www.beehive.govt.nz/release/dedicated-watchdog-water-quality>

Discussion

12. A major feature of the announcements is the proposal to establish a new dedicated water regulator. The functions of the water regulator are to include sector leadership; standards setting; compliance, monitoring and enforcement; capability building; information, advice and education; and performance reporting. The scope, roles and institutional arrangements for the regulator, including whether to include all three waters within a single regulator, or separate bodies, will be the subject of further consideration later this year.

13. The new regulatory regime will extend regulatory coverage to all drinking water suppliers, except individual household self-suppliers.
14. The water regulator will be responsible for registration of drinking water suppliers and will be empowered to monitor and enforce compliance with drinking water standards.
15. There will be new and enhanced obligations on regional councils, territorial authorities and water suppliers to manage risks to drinking water sources. Regional councils will be required to contribute to the preparation of source water risk management plans to be developed and implemented by water suppliers and to report annual trends in source water quality and quantity. Regional councils will also be required to periodically assess the effectiveness of actions taken to manage risks to source waters. These changes are proposed to be given effect to through revisions to the NES for drinking water.
16. Further steps are to be taken to ensure a multi barrier approach to drinking water safety is implemented. This will include each supplier having a water safety plan that maintains the quality of drinking water in the distribution system. Mandatory disinfection of all water supplies will be required with limited exemptions to apply in appropriate circumstances.
17. The new regulatory regime is proposed to be implemented over a five-year period. This will allow water suppliers time to adjust to the new regulations with the support and assistance of the new regulator.
18. The proposals for wastewater and stormwater do not involve such significant changes from the status quo compared to those for drinking water.
19. Regional councils will remain the primary regulators for environmental matters with respect to wastewater and stormwater discharges under the RMA, including compliance, monitoring and enforcement of consent conditions. However, there will be stronger central government oversight of wastewater and stormwater regulation. In summary, it appears that these proposals will entail:
 - a new national environmental standard for wastewater discharges and overflows;
 - new obligations on wastewater and stormwater network operators to manage risks to people, property and the environment;
 - a new regulatory requirement for wastewater and stormwater network operators to report annually on a set of national-prescribed environmental performance metrics and compliance; and
 - the development of national guidance to improve the regulation and design of stormwater services.
20. These proposals will be progressed alongside the Ministry for the Environment's Essential Freshwater programme.
21. The proposals will be overseen by a central regulator but as noted earlier in this memorandum, the question of whether the regulation of all three waters will come within one regulator or separate entities, will be the subject of further Cabinet consideration later in the year.

22. Most of the reforms for the three waters will be implemented in a new Water Services Bill. The Bill will contain the suite of system-wide reforms to the regulation of drinking water and some aspects of wastewater and stormwater. The Government's aim is to introduce the Bill by the end of this year with possible enactment by mid-2020.

Implications of the announcements

23. The Government acknowledges it will be challenging for smaller drinking water suppliers to comply with the new regulatory framework. It intends to decide later in the year how to address the cost implications of complying with the regulatory regime, including whether financial help from central government needs to be provided.
24. It seems clear that some smaller councils, communities and many non-council supplies (including marae), will struggle to comply with the proposed reforms for drinking water. The Government has been made well aware of these issues during stakeholder engagement with local government, iwi/Māori and Crown agencies that provide three water services. Local Government New Zealand has already called for central government assistance to implement the proposed reforms.
25. There may be scope for smaller suppliers to work together and pool resources to achieve compliance with the new regime. In some cases this may be an efficient way of spreading the costs of compliance over a broader base. Taranaki water suppliers have a history of sharing expertise and working together for the benefit of the regional community.
26. The Government has still to make announcements on whether it intends to require aggregation of drinking water suppliers – an issue that has been raised earlier in the Government's review of three waters. However, the new compliance obligations create strong incentives for territorial authorities and other drinking water suppliers to aggregate voluntarily. Indeed, in the accompanying Cabinet papers the Minister of Local Government has indicated she has sought funding to support and incentivise regions to investigate collaborative approaches to water service delivery, noting that some local authorities have already responded positively to this approach.
27. With respect to wastewater and stormwater proposals, details have yet to emerge on what might be included in national environmental standards, the role of a central regulator and the responsibilities of regional councils. The Ministers have said that regional councils will remain the primary regulators for the environment, but that there will stronger central government oversight of wastewater and stormwater regulation.
28. This Council has indicated that it already has strong regulation of wastewater and stormwater discharges in Taranaki which are reported on regularly and which provide assurance that good environmental outcomes are being achieved. We will await further announcements with interest and remain hopeful any approaches are efficient, effective, and avoid duplication, and add value and not unnecessary cost for Taranaki ratepayers.
29. There are important implications for Māori in the three waters review. The Cabinet papers referred to at the beginning of this memorandum state that the Government is working to ensure the three waters regulatory reform proposals contribute to

upholding Te Mana o te Wai. Those papers go on to say that this will be done by strengthening how Te Mana o te Wai is reflected throughout the three waters system, and by aligning the Essential Freshwater and Three Waters reviews so that together they contribute to a holistic and integrated whole of system approach to water management.

Decision-making considerations

30. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

31. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

32. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

33. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: PEPANZ publication: Powering to 2050:
A vision for natural gas in New Zealand**

Approved by: AD McLay, Director – Resource Management
BG Chamberlain, Chief Executive

Document: 2313586

Purpose

1. The purpose of this memorandum is to introduce a publication by the Petroleum Exploration and Production Association of New Zealand (PEPANZ) entitled '*Powering to 2050: A vision for natural gas in New Zealand*'.
2. The document can be viewed on the PEPANZ website at <https://www.pepanz.com/dmsdocument/113>

Executive summary

3. The publication '*Powering to 2050: A vision for natural gas in New Zealand*' outlines PEPANZ's vision for how natural gas can deliver 'affordable, reliable and sustainable energy for New Zealand into the future'.
4. It sets out a pathway to help New Zealand achieve net zero emissions by 2050 through the use of natural gas to replace coal, encourage electrification and create hydrogen using carbon capture and storage technology.
5. The document is clearly an advocacy tool for the petroleum industry but does raise some important issues and opportunities with respect to the role of natural gas in the transition to a low emissions economy.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum '*PEPANZ publication: Powering to 2050: A vision for natural gas in New Zealand*', and
- b) notes the Taranaki region's natural gas resources have a role in the transition to a low emissions economy.

Background

6. The publication *'Powering to 2050: A vision for natural gas in New Zealand'* outlines PEPANZ's vision for how natural gas can deliver 'affordable, reliable and sustainable energy for New Zealand into the future'.
7. It sets out a pathway to help New Zealand achieve net zero emissions by 2050 through the use of natural gas to replace coal, encourage electrification and create hydrogen using carbon capture and storage technology.
8. The document notes that natural gas also provides a crucial back-up to New Zealand's electricity system that is readily available when renewable electricity sources are not sufficient. This back-up role helps keep electricity prices lower than they would otherwise be. It also describes how natural gas is used in a variety of other ways that does not involve burning it and releasing emissions, for example in producing methanol, fertiliser and a range of chemical products.
9. PEPANZ states that new discoveries could result in higher incomes, new jobs and substantial revenue for the Government.

Discussion

10. The document is clearly an advocacy tool for the petroleum industry with its call for long-term bi-partisan policies that allow for offshore exploration, appraisal, development and production of natural gas. Nonetheless, the document makes some interesting points that suggest that the wise use of natural gas could play an important role in the transition to a low emissions economy and have other important benefits for New Zealand in the long term.
11. For example, the report claims that discovering and developing new natural gas resources could speed up the transition away from coal, which is still widely used in New Zealand. It could also be exported overseas as LNG to countries in Asia making a significant contribution to reducing global emissions by displacing higher emitting sources.
12. The report also claims that the switch from coal to natural gas is the major reason why emissions in the USA and UK have fallen to their lowest level since the nineteenth century. As a result the demand for natural gas is 'booming' around the world and 'is widely seen as cleaner, affordable and reliable fuel source of the future' (page 6).
13. The document touches on other potential benefits such as using natural gas to produce hydrogen, encouraging electrification and keeping electricity prices affordable.
14. It suggests that the Government should encourage and enable the offsetting and capture of emissions from the use of natural gas and should also consider a sovereign wealth fund (similar to Norway) to invest the proceeds from development for future generations.
15. The collation Government has made a decision not to issue any new offshore mining permits. The decision for onshore permits is pending. These decisions will negatively impact the nation's gas resource and the ability to sustainably transition to a low

carbon economy. It is widely recognised any new large gas fields will be in the offshore area rather than onshore.

16. The Taranaki community and local government, and local and national gas users will watch with interest the outcome of planned exploration drilling in the EEZ under existing mining permits, particularly off the west coast of the North Island by OMV. If a discovery is made this could be important for New Zealand's energy supply and security, and in turn the ability to use gas to transition to a low carbon economy.

Decision-making considerations

17. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

18. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

19. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

20. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

21. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Update on climate change policy announcements

Approved by: AD McLay, Director – Resource Management
BG Chamberlain, Chief Executive

Document: 2307826

Purpose

1. The purpose of this memorandum is to update Members on recent climate change policy announcements by the Government.

Executive summary

2. Three major announcements have occurred over the past one to two months on climate change matters. The first announcement was on 16 July 2019 when the Government released the Interim Climate Change Committee's (ICCC's) report on agricultural emissions and renewable energy.
3. The second was on 31 July 2019, and concerned further changes to the New Zealand Emissions Trading Scheme (NZ ETS) while the third, was announced on 3 August 2019 when the Government released its decisions on the Productivity Commission's Low Emissions Economy report.
4. On agricultural emissions, the ICCC concluded that the best way to reduce livestock emissions was to price them through a farm levy or rebate scheme. However, a farm-level levy/rebate scheme could not be fully implemented until 2025, and if this proved unfeasible, emissions should be priced at processor level through the NZ ETS. The Government has consulted on the options for agriculture and decisions are expected in September.
5. With respect to renewable electricity, the ICCC recommended that the Government should prioritise accelerated electrification of transport and process heat over the goal of achieving 100% renewable electricity by 2035.
6. The latest changes to the New Zealand Emissions Trading Scheme (NZ ETS) are designed to drive emissions reductions in industry and to incentivise increased emissions offsets through new forestry plantings. With respect to industry, phasing

down of industrial allocation will begin at 1 per cent per year from 2021-2030, then at 2 per cent from 2030-2041 and at 3 per cent per year from 2041-2050.

7. The main change in relation to forestry is the introduction of a simplified carbon accounting approach aimed at incentivising the planting of new forests. This is also seen as providing emitters with more opportunity to offset their emissions.
8. The Government's response to the Productivity Commission's report on a low emissions economy agrees with, or agrees to investigate the majority of the recommendations in the Commission's report. These cover key sector policies in land use, transport, electricity, industrial and process heat, the built environment and waste, as well as system and institutional aspects.
9. There are no direct implications for the Council's statutory functions or responsibilities arising from the Government's latest announcements but there will be a number of flow-on effects.

Recommendation

That the Taranaki Regional Council:

- a) receives the memorandum '*Update on climate change policy announcements*'.

Background

10. Three major announcements have occurred over the past one to two months on climate change matters. The first announcement was on 16 July 2019 when the Government released the Interim Climate Change Committee's report on agricultural emissions and renewable energy.
11. The second was on 31 July 2019, and concerned further changes to the New Zealand Emissions Trading Scheme (NZ ETS) while the third, was announced on 3 August 2019 when the Government released its decisions on the Productivity Commission's Low Emissions Economy report.

Report of the Interim Climate Change Committee

12. The Interim Climate Change Committee (ICCC) was established in mid-April 2018 to provide advice to the Government on two matters. The first was how agricultural emissions of methane and nitrous oxide might be best arranged to enter into the NZ ETS and meet New Zealand's emissions reduction targets for 2050 and the second, was what steps might be taken in planning for the transition to 100% renewable electricity by 2035.
13. The ICCC's report was released on 16 July 2019 along with details of how the Government plans to respond to its recommendations.

Agricultural emissions

14. On agricultural emissions, the ICCC concluded that the best way to reduce livestock emissions was to price them through a farm levy or rebate scheme. This was seen as a simpler and less costly approach than including all farms in the NZ ETS and would

avoid the need for farmers to trade emissions units. However, a farm-level levy/rebate scheme could not be fully implemented until 2025, and if this proved unfeasible, the Committee recommended that emissions be priced at processor level through the NZ ETS.

15. In the interim, the ICCC has recommended pricing livestock and fertiliser emissions at processor level via the NZ ETS with 95% free allocation, an action plan for implementing farm-level pricing and the recycling of funds (estimated at \$47 million per year) back into farming. This would be to support the sector in measuring emissions at the farm-level and to identify ways in which to reduce or manage on-farm emissions.
16. Farming leaders have proposed an alternative sector-led approach with central government endorsement that would have the agricultural sector develop a programme of action to support emissions reductions at farm-level and progress on implementing farm-level pricing by 2025.
17. The Government has consulted on the ICCC's recommendations and on the farming sector's option. Decisions are expected by the Government in September. If the decisions require changes to the Climate Change Response Act these will be included in the Climate Change Response Amendment Bill for NZ ETS improvements expected to be enacted by early 2020.

Renewable electricity

18. With respect to renewable electricity, the ICCC recommended that the Government should prioritise accelerated electrification of transport and process heat (steam, hot water or hot gases used in industrial processes) over the goal of achieving 100% renewable electricity by 2035.
19. This strategy was preferred because electricity generation is responsible for less than 5% of New Zealand greenhouse gas emissions whereas fossil fuels used in transport and process heat accounts for about 30%. Accelerated electrification of these two sectors would result in greater greenhouse gas reductions than achieving 100% renewable electricity, while also keeping electricity prices affordable.
20. The ICCC proposes that a target of electrifying 50% of New Zealand's vehicle fleet by 2050 is ambitious but achievable. They also conclude that electrifying a significant proportion of process heat is technically possible but it will be essential that electricity remains affordable and regulatory barriers to electrification are addressed.
21. The ICCC's report recognised that there would be additional demand for electricity if we are to reduce our greenhouse gas emissions and was very conscious of the potential effect of their recommendations on the affordability of electricity for all New Zealanders, particularly those in low-income households. It made a number of additional recommendations concerning valuing hydropower when decisions on freshwater are made, investing more in wind generation and ensuring that the regulatory system is responsive to climate change needs.
22. The Government has accepted the recommendations of the ICCC on accelerated electrification and has indicated work is already underway on a number of the recommendations or would be investigated further.

23. The ICCC's reports and recommendations plus media releases can be found at <https://www.iccc.mfe.govt.nz/>

Further changes to the Emissions Trading Scheme

24. The recently announced changes to the NZ ETS are part of an ongoing programme to make the ETS function as intended. The latest changes are designed to drive emissions reductions in industry and to incentivise increased emissions offsets through new forestry plantings. Changes to the ETS are expected to be enacted by early 2020.

Industry

25. The changes set out how the Government will reduce free allocations to major industrial emitters (which was envisaged when the ETS was first created in 2008) so as to incentivise reductions in emissions. The intention is that this will encourage innovation in lower emission production.
26. The Government has consulted with stakeholders and has said that the phasing down of industrial allocations will provide industry with the clarity and certainty that they have been asking for over timeframes that will allow businesses and communities to adjust. The plan is to begin phasing down industrial allocation at 1 per cent per year from 2021-2030, then at 2 per cent from 2030-2041 and at 3 per cent per year from 2041-2050.
27. The Government is aware that some industries face international competitiveness pressures which is why they have said that the Climate Change Commission will review the phase-down rates and advise governments on appropriate allocations if technology, economics, or the global situation changes.

Forestry

28. With respect to forestry, the main change is the introduction of a simplified carbon accounting approach aimed at incentivising the planting of new forests. This is also seen as providing emitters with more opportunity to offset their emissions.
29. An average accounting system will mean that if landowners or foresters want to convert ETS registered forested land to another use they can now do this without paying back emissions units, as long as they plant a forest elsewhere with the same carbon storage. For forests under the current carbon stock accounting system, any deforestation means surrendering emissions units they have earned, even if a new forest is established elsewhere.
30. In addition, the changes mean that landowners or foresters using average accounting will not have to pay back emissions units after adverse events such as forest fires or extreme winds, if the affected area is re-established within four years.
31. However, the Government has decided that forests registered before 2019 will not be able to transition to average accounting. The logic behind this is that averaging is primarily intended to encourage new forests because they make the biggest contribution to reducing carbon. There is also an issue with managing the volume of carbon units entering the market to maintain a stable price to drive emissions

reductions. This decision is to be reviewed in 2021 once there is a better understanding of how the carbon market will be affected and the resulting costs.

32. Further information on recent changes to the Emissions Trading Scheme in relation to industry can be found on the Ministry for the Environment's website <https://www.mfe.govt.nz/climate-change/proposed-improvements-nz-ets> and for forestry, on the Ministry for Primary Industries website <https://www.mpi.govt.nz/protection-and-response/environment-and-natural-resources/emissions-trading-scheme/emissions-trading-scheme-reviews/>

Decisions on Productivity Commission's Low Emissions Economy report

33. In August 2018, the New Zealand Productivity Commission completed its inquiry into transitioning New Zealand to a low-emissions economy. Members will recall that the Council made a submission on the Commission's draft report.
34. The Commission made 77 recommendations covering the following actions:
- Establish a comprehensive and durable climate change policy framework;
 - Reform the New Zealand Emissions Trading Scheme;
 - Devote significantly more resources to low-emissions innovation and technology; and
 - Create a suite of other policy reforms to help drive the transition including introducing emissions standards for newly registered vehicles, a feebate scheme to accelerate the uptake of EV's, and mandatory climate-related financial disclosures.
35. On 3 August 2019, the Government released a Climate Action Plan in response to the Productivity Commission's report – see media release at <https://www.beehive.govt.nz/release/government-announces-climate-action-plan>
36. The Climate Action Plan agrees with, or agrees to investigate the majority of the recommendations in the Productivity Commission's report.
37. The Government's response recognises key sector policies that will drive the transition, for example in land use, transport, electricity, industrial and process heat, the built environment and waste. In addition, four 'system settings' were identified as being necessary to support the transition. These were in the areas of innovation, laws and institutions, investment and emissions pricing.
38. The Government's decisions target low-emissions vehicle uptake, tree planting grants and strengthening the ETS to provide greater financial incentives to plant forests. They also signal significantly increased investment in research and development in reducing emissions from the agricultural sector, among a number of other specific initiatives.
39. In terms of system settings, the Zero Carbon Bill gets a special mention, alongside the establishment of an independent Climate Change Commission, the acceleration of low emissions investment and changes to emissions pricing, among others.
40. Further details on the Government's decisions on the Productivity Commission's report can be found at <https://www.mfe.govt.nz/productivity-commission-report-government-response>.

Implications for the Council

41. There are no direct changes to the Council's statutory functions or responsibilities arising from the Government's latest announcements.
42. However, there will be flow-on effects, for example arising from the Government's confirmation that there will be a Climate Change Commission established and that advising and planning for adaptation to climate change will be a core responsibility of the Commission.
43. Flood risk is one area where regional councils are likely to be called on to do more and the sector has been proactive in seeking central government co-investment in river management for flood protection in light of climate change projections and the increased risks to the economy, communities and assets. A report on this issue was considered at the last full Council meeting on 13 August – see <https://www.trc.govt.nz/assets/Documents/Meetings/Ordinary-Council2019/Ord1308-web.pdf>.
44. Changes to the ETS with respect to forestry may also see greater incentives for land owners and foresters to establish new forests and coupled with grants, may have benefits for this Councils sustainable land management and water quality programmes. Final announcements on agriculture may also see some changes in this sector which may impact on stocking rates etc.
45. A number of other announcements will have less direct impact but will still be a factor for Council consideration in its day-to-day operations, for example the intention to accelerate the uptake of electric vehicles.

Decision-making considerations

46. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

47. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

48. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

49. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

50. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 3 September 2019



Memorandum to
Chairperson and Members
Policy and Planning Committee

Subject: Regional freshwater recreational bathing water quality report for 2018-2019

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2316739

Purpose

1. The purpose of this memorandum is to update the Committee on the 2018-2019 bathing season results from the 'state of the environment' programme that monitors freshwater contact recreational water quality. The full report (*Freshwater contact recreational water quality at selected Taranaki sites State of the Environment Monitoring Report 2018-2019, Technical Report 2019-01, September 2019*) is available upon request, and will be published on the Council's website following this meeting. This memorandum summarises the report's data and results, and the Executive Summary and recommendations from the report are attached as an appendix.

Executive summary

2. The Council's *Regional Freshwater Plan for Taranaki* recognises point source and diffuse source discharges of contaminants to surface freshwater as a significant resource management issue. The Council seeks to manage the quality and effects of such discharges through consents (for point sources) and programmes such as riparian exclusion and plantings (diffuse sources). Progressive improvement in in-stream water quality is achieved as consent conditions are made more rigorous, and as land managers undertake new fencing and planting.
3. The Council's State of the Environment monitoring programmes includes a programme to monitor the state and any changes in the state of the recreational quality of the region's lakes and rivers that are used by the community for recreation.
4. The latest report (for summer 2018-2019) is available upon request, and the Executive Summary of the report is attached to this memorandum as an appendix, for Members' information. Sixteen sites were monitored for bacteriological quality. Nine of these sites are also monitored for benthic cyanobacteria ('slime') as well. Two lake sites were monitored for both bacteriological quality and planktonic cyanobacteria (floating algal 'blooms')- Lake Opunake, and Lake Ratapiko, while Lake Rotokare was monitored solely for planktonic cyanobacteria. In the year under review, there were further

investigations conducted at designated bathing sites into particular sources of bacterial contamination at several sites.

5. Sampling frequency is increased to weekly at the region's most popular sites, including within the Christmas-New Year holiday period, with the additional sampling being undertaken regardless of weather. The core scheduling is referred to as 'SEM' samples and the additional sampling as 'MfE' sampling. There was little difference in the two datasets in the year under review.
6. Bacterial levels were somewhat higher than in long-term patterns in the season under review, although the same as those in the previous year. There were 43 samples altogether in the 'Action' category. Almost half of the 'Action' level samples arose at just two sites- lower Waiwhakaiho and lower Te Henui. These exceedances were due to resident wild fowl populations in the vicinity, and there is increasing bacterial contamination at these two sites. The Waiwhakaiho River fell from 94% compliant at Merrilands Domain, in upper urban New Plymouth, to 30% compliant adjacent to Lake Rotomanu, just above its mouth. At most of the other Taranaki freshwater contact recreational sites, it is almost always isolated events rather than general seasonal quality that give rise to exceedances of guidelines.
7. A notable increase over last year in the frequency of exceedances of the MfE 'Action' guideline occurred at Lake Opunake, while there was a notable improvement in the Waingongoro River at Eltham camp.
8. Five of the 16 sites remained below the Ministry for the Environment's 'Action' level at all times during the season, the same number as in the 2017-2018 season. Another 2 sites had only one non-compliance during the season, while a further two sites had 2. Twelve of the 16 sites had at least 75% of their samples below the 'Action' grade throughout the entire season. In terms of guideline attainment, the top five sites for water quality in the 2018-2019 season were:
 - 1= Patea River at boat ramp, Patea
 - 1= Lake Ratapiko
 - 1= Urenui River at estuary
 - 1= Manganui River at Everett Park
 - 5 Waingongoro River at Eltham camp.

Lake Rotomanu dropped out of the top 5 from last year, while the Waingongoro River at Eltham camp has come into the list.
9. The Council's 2012-2022 *Long-Term Plan (LTP)* has as a target for microbiological quality in inland waters, the *maintenance or increase in the number of sites compliant with the 2003 Ministry of Health contact recreational guidelines* (with 2003-2004 as the baseline year). Out of the 11 inland bathing sites that have been monitored in both seasons, 6 were fully compliant in 2003-2004, but only 3 in 2018-2019 (cf 2 in 2017-2018). There has been a very large increase in non-compliant samples at the mouth of the Te Henui Stream (from 4 in 2003-2004 to 11 in 2018-2019, out of 13 samples), and smaller but still significant increases for the Kaupokonui River and the Timaru Stream.
10. Cyanobacteria blooms were recorded at Lake Rotomanu over two months from mid November (a shorter duration than in the previous season), and at Lake Rotokare in December and January. Only low levels of planktonic cyanobacteria were found in the other lakes monitored. Benthic (streambed) cyanobacteria were found occasionally in

most of the nine rivers and streams monitored. Warning signs were posted at the mouth of the Kaupokonui River when the 'Action' level for exposed mats of cyanobacteria was exceeded in November, to avoid potential risk to children or dogs (who seem drawn to the odour of exposed mats but are then adversely affected by toxins if present within the cyanobacteria).

11. While the regional riparian programme and diversion of farm dairy effluent to land will have significant benefits for reducing bacteriological contamination of waterways in the long term, through reducing faecal deposition directly into waterways or on stream banks and through increasing the interception and attenuation of runoff, the significant variations in results in the last decade point also to more immediate meteorological and hydrological as well as longer term land management and farming practice influences showing through.
12. Over the long term, there are clear indications of deteriorations in the Te Henui Stream and the lower Waiwhakaiho River. In both cases waterfowl are the source of microbial pollution.
13. The Ministry for the Environment released a report in 2013 (*'Suitability for swimming'* July 2013 INFO 690), which focused solely on the grading system used by MfE and the Ministry of Health to indicate the presence of risk factors at swimming spots. The Council has repeatedly expressed its disappointment that this system, which does not take into account the state of water as revealed by day to day monitoring, has from time to time been given so much emphasis, as also its mis-interpretation (e.g. '60% of NZ's waters unsafe to swim in') by the media. However, it is also acknowledged that in this publication at least, MfE noted that the suitability for recreation criteria:
 - do not represent an accurate picture of water quality in the catchment;
 - reflect a precautionary approach to managing health risk;
 - are not designed to represent health risks on a particular day;
 - tend to reflect the poorest water quality measured at a site rather than the average water quality;
 - a site may be graded as poor but still be suitable for swimming much of the time; and
 - do not replace the site-specific information available on council websites.¹
14. The Council was previously required to give effect to the *National Policy Statement for Freshwater Management 2014* (NPS-FW) by implementing measures 'to safeguard.... (b) the health of people and communities, **at least as affected by secondary contact with fresh water**; in sustainably managing the use and development of land, and of discharges of contaminants'. This was colloquially described as ensuring at least a 'wadeability' quality in all water bodies. In 2017, the Government amended the recreational criteria to create four separate 'swimmability' criteria. All major water bodies (regardless of whether they include recognised freshwater recreational sites) are regarded as having to meet all four 'swimmable' criteria simultaneously. All four criteria have to be applied to data regularly collected year round, regardless of flow. While the Council's summer monitoring programme does not provide data collected according to this protocol (the Council's separate year-round water quality programme provides data that is assessed by the Council to determine regional 'swimmability'), the report presented today provides a comparable analysis for interest. Of the 17 recognised

¹ *Suitability for swimming: Indicator update July 2013: INFO 690*, Ministry for the Environment

freshwater recreational sites in Taranaki, when considering samples collected over the last five years under conditions suitable for recreation, 7 sites satisfy all 'swimmability' criteria, and another 3 fail only one of the four criteria.

15. In terms of promoting a 'one-stop shop' in public awareness of available guidance on water quality and suitability for recreational use, the Council now promotes the regional councils' LAWA website as the preferred source of national data on water quality and other environmental metrics. Data from the Council is uploaded automatically to the LAWA website as soon as it is available.
16. In terms of responsibility for advising the public on public health aspects of water quality, during 2016 the Council discussed with the district councils and the Medical Officer of Health the messaging that each agency should be providing to the public. As a result, it was agreed that the TRC website would direct all web enquiries around 'Can I swim here?' to the websites of the Taranaki District Health Board (TDHB) and district councils, where public health-based interpretation of water quality data would be provided and any advisory notification posted. During 2018-2019, there were 922 page views of the freshwater quality data on the Council's individual freshwater bathing sites pages, up by 8% on the previous year's 854 (which was itself an increase of over 270% on the previous year). The figures do not include anyone viewing the environmental data map only on the Council's home page, or anyone viewing the Council's monitoring data on the LAWA website. On 11 December the Council posted a story on its Facebook page promoting use of the website for accessing information on bathing water quality. This posting had a high level of delivery (a reach of 16,386) and engagement (2,549 interactions).
17. The Council's intentions re the completion of the regional riparian management programme and the diversion of the remaining dairy effluent treatment system discharges from streams to land will serve to reduce bacterial loadings on our streams. The finding of the 2018 study by NIWA² into the outcomes of the riparian programme, that there has been a meaningful reduction in bacterial loadings in the waterways of the ringplain correlated with the progressive implementation of the programme, is noted.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum noting the preparation of the report *Freshwater Contact Recreational Water Quality at selected Taranaki sites SEM Monitoring Report 2018-2019, Technical Report 2019-01*; and
- b) adopts the specific recommendations presented in Technical Report 2019-01.

Background

18. Section 35 of the Resource Management Act requires local authorities to undertake monitoring of the region's environment, including land, soil, air, and fresh and marine

² Analysis of stream responses to riparian management on the Taranaki ring plain, NIWA client report 2018051HN, prepared for Taranaki Regional Council, March 2018

water quality. Monitoring is undertaken to identify pressures upon the regional resources, their state, changes in their state (i.e. trends), and the effectiveness of the policies and actions undertaken to maintain and enhance the environment.

19. The Regional Fresh Water Plan for Taranaki contains objectives to manage the state of the region's surface freshwater. Objective 6.2.1 requires the Council and region '*to maintain and enhance the quality of the surface water resources of Taranaki by avoiding, remedying or mitigating the adverse effects of contaminants discharged to land and water from point sources*', while Objective 6.3.1 is an equivalent objective for diffuse sources of contaminants.
20. In Section 10.3 of the Plan, the Council commits to continued monitoring, research and investigations related to fresh water quality, to provide information on the state of fresh water in the region and the effectiveness of the Plan.
21. Section 4 of the RFWP recognises that iwi seek the recognition of the values of water and protection of the mana, mauri, and wairua of waterways against contamination; maintenance of the quality of water for its ability to provide mahinga kai; and respect for wāhi tapu and other areas or resources that have special significance.
22. The Council's 2018-2028 LTP has, under the 'Levels of service' specified for resource management, a commitment to '*maintain and enhance overall water quality in our rivers and lakes, groundwater and coastal waters*'. The measure for this activity is: '*parameters that characterise the physical, bacteriological, biological and chemical quality of surface water*'.
23. The Taranaki Regional Council initiated freshwater contact recreational water quality monitoring at a number of designated sites as part of Council's state of the environment monitoring (SEM) in 1996. The on-going programme is designed to annually monitor the bacteriological quality of lakes, rivers and streams at popular contact recreational sites. This work is undertaken principally for state of the environment purposes, measuring the current condition of the sites and looking for any trends as indicators of pressures, but the results are also compared with various contact recreational guidelines as a means of providing perspective on the significance of the results.
24. Monitoring is scheduled to be carried out from early November to the end of March (ie the bathing season), but can extend to April, depending on weather conditions.
25. Freshwater contact recreational water quality monitoring measures the number of bacteria in the sampled water. The designated indicator bacterium is *E.coli*. Sampling is undertaken according to documented Council procedures, which includes avoidance of elevated river flow conditions.
26. The proposed programme for each year is workshopped with staff of the three district councils and the TDHB - Health Protection Unit prior to the start of each season, results are reported as soon as available on the Council's website throughout the season, and a full report on all results and findings presented to and discussed with each of the other agencies at the completion of the season.

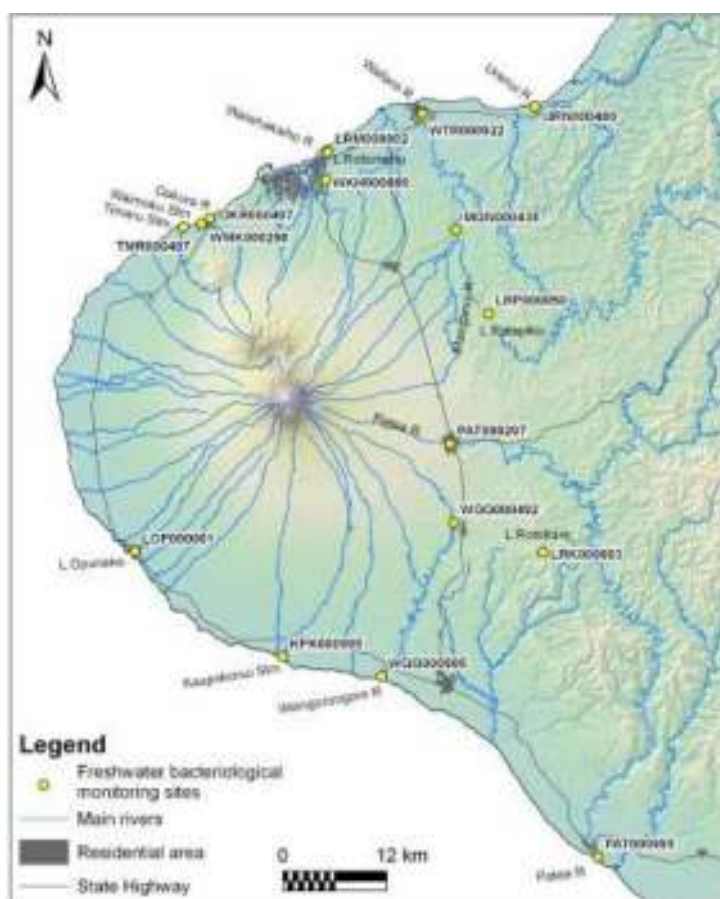


Figure 1 Location of freshwater contact recreation survey sites in 2018-2019

Discussion

Programme description

27. This report examines the bacteriological quality of 16 popular freshwater recreational locations in the region for the 2018-2019 bathing season. It was the twenty-third such annual survey. Some of the sites have been added during the programme's lifetime, in response to concerns over cyanobacteria and as changes in access have meant new sites have become more popular. Sampling was completed within the period of early November to mid March, with an increased frequency at popular sites from mid December to mid March, in recognition of greater usage during this period especially during public holidays.
28. Sample test results were compared with the Ministry for the Environment's (MfE) *Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas* (2003). These guidelines are developed to apply to high-contact uses of water used intensively for recreational purposes, but are applied by the Council to each of the freshwater recreational sites without differentiation as to risk e.g. sites where there is paddling or kayaking or children playing in or near the water are treated the same as sites where there is repeated full immersion of swimmers' heads through activities such as diving or body-surfing rapids. The guidelines note a potential health hazard 'when the water is used for recreational activities such as swimming and other high-contact water sports. In these activities there is a reasonable risk that water will be swallowed, inhaled (Harrington et al 1993), or come

in contact with ears, nasal passages, mucous membranes or cuts in the skin, allowing pathogens to enter the body’.

29. The sites have also been graded for recreational suitability according to MfE, 2003 guidelines, based upon the immediately preceding five seasons of monitoring data (where such data existed). In addition, the Council assesses sites using the Ministry’s ‘Suitability for recreation’ (SFRG) criteria that base grades on surrounding land use. In doing so, it emerges that although most of the sites’ SFRGs suggest possible high risks associated with contact recreational usage, those SFRG gradings have been dictated by the agricultural nature of all catchments (meaning the sites are inevitably rated poorly regardless of proven quality). SFRG gradings for the 5 years to 2019 are given in the report.
30. For the last three years, the reports also referenced the *National Policy Statement for Freshwater Management 2014* (NPS-FW), which required that the Council, in giving effect to the NPS, is ‘to safeguard.... (b) the health of people and communities, **at least as affected by secondary contact with fresh water**; in sustainably managing the use and development of land, and of discharges of contaminants’ (Objective A1 for Water Quality, emphasis added). This was colloquially described as setting a ‘wadeability’ standard for all water bodies. In 2017 the NOF was amended to include 4 criteria in respect of primary recreation, or ‘swimmability’. The NOF requires that a site be categorised on the basis, not of the typical water quality, but from the worst results obtained at any time across any of the criteria throughout the record of monitoring. While these amendments do not include a specific ‘national bottom line’, the previous government announced its intention that 90% of all ‘swimmable’ waters in New Zealand should be within the top 3 of the 5 new categories. The current government’s position on this intention is not clear.
31. In general, these approaches indicate shortcomings in the grading systems that are based upon landuse/perceived impacts, or a precautionary interpretation of monitoring data other than actual exceedances, rather than basing gradings upon actual monitoring data measured throughout the bathing seasons. The results of the Council’s contact recreational water quality programmes confirm that gradings do not reflect the recreational water quality experienced by recreational users and therefore it is suggested by Council officers that they are not appropriate to be used or relied upon to provide any statement about how safe water actually is for recreational purposes. They show only susceptibility, and predominantly reflect perceptions and suppositions about how some land uses might influence quality, as designated ‘risk factors’. It is the view of the Council that when there is regular and systematic testing of the actual quality, those results reflect actual levels and are far more informative and meaningful to recreational water users. The Council emphasises the importance of results of systematic and timely on-going testing and reporting of actual contact recreational water quality.
32. It is noted that the Ministry for the Environment acknowledges that the SFRG ‘*reflects a precautionary approach to managing public health risks and does not represent an accurate picture of water quality in the catchment. ... The grades reflect a precautionary approach to managing health risk and are not designed to represent health risks on a particular day. They tend to reflect the poorest water quality measured at a site rather than the average water*

*quality. A site may be graded as poor but still be suitable for swimming much of the time....The indicator does not replace the site-specific information available on council websites.'*³

33. In terms of access to a 'one-stop shop' for public awareness of available guidance on water quality and suitability for recreational use, the Council has in the last few years promoted the LAWA website as the preferred source of national data on water quality and other environmental metrics. The LAWA website has been set up and is supported by all regional councils across New Zealand, as a 'one stop shop' for the public to use to access environmental data. Data from the Council is uploaded automatically to the LAWA website as soon as it is available.
34. In terms of responsibility for advising the public on public health aspects of water quality, during 2016 the Council discussed with the district councils and the Medical Officer of Health the messaging that each agency should be providing to the public. As a result, it was agreed that the TRC website would direct all web enquiries around the question of 'can I swim here?' to the websites of the TDHB and district councils, where public health-based interpretation of water quality data would be provided and any advisory notification posted. During 2018-2019, there were 922 page views of the data on the Council's individual freshwater bathing sites, 8% up on the previous year (which itself was 270% up from the year before). The figures do not include anyone viewing only the general environmental data map on the Council's home page, or anyone viewing the Council's monitoring data on the LAWA website. The Council's website's overview/freshwater quality summary map was the most frequently visited, with the individual page for Lake Rotomanu the most popular individual page (accounting for 9% of total page views). Other frequently visited pages were those showing data from the Oakura River, Lake Rotokare, and the Waiwhakaiho River at the Merrilands Domain.

Results

Microbiological quality

35. The Council's 2012-2022 *Long-Term Plan (LTP)* has as a target for microbiological quality in inland waters, the *maintenance or increase in the number of sites compliant with the 2003 Ministry of Health contact recreational guidelines*. Out of the 11 inland bathing sites that have been monitored in both seasons, 6 were compliant in 2003-2004, and 3 in 2018-2019. Of the sites in question, the Timaru Stream has in the last few years showed increasing numbers of 'Action' samples. Council staff have comprehensively investigated these incidents, and addressed some farming practices in the catchment.
36. In general terms, *E. coli* bacteriological water quality was somewhat worse than the long term patterns, as marked by the overall number of samples entering the 'Alert' level and increases in seasonal median counts at several sites. However, as usual there is a high degree of variability between individual sites. There were the same number of 'Action' samples as in the previous season. Variability in quality between bathing seasons at each site may be related to a variety of reasons including changing hydrological and meteorological conditions, stock access, wildlife presence, and dairy farm wastes disposal practices in particular.

³ *Suitability for swimming: Indicator update July 2013: INFO 690, Ministry for the Environment*

37. In relation to the guidelines, two bathing sites (the mouth of the Te Henui Stream and the Waiwhakaiho River site adjacent to Lake Rotomanu), failed almost invariably to meet the *E. coli* 'Action' guideline suitable for contact recreation. Both sites have high numbers of resident birds, and DNA analysis has shown that these populations are the cause of the high bacterial counts. It can be noted that the Waiwhakaiho River at Merrilands Domain i.e., below the agricultural catchment and within the urban area, consistently has very high quality (96% compliance in the last six years, although 94% in the season under review). The deterioration in recreational quality occurs within the city boundaries. Twenty-seven percent of samples in the lower Waiwhakaiho River have been compliant in the last six years. That is, compliance within the river drops from close to 100% in its agricultural reaches to about one-quarter of all samples within the urban reach.
38. Four sites maintained counts below the 'Alert' mode at all times throughout the season (compared with 2 in the previous season), while a total of 5 sites maintained counts below the 'Action' mode at all times (the same number as last season). In terms of all samples at bathing sites during the monitoring season, there were 43 'Action' samples (the same number as in the previous season). Twenty of these samples were at just two sites, as noted above. Sixty-one percent of all samples were in the 'surveillance' mode, a marginal improvement over the previous 2 seasons. Eleven of the 16 sites monitored in 2018-2019 had at least 75% of all samples below the 'Action' threshold.
39. In terms of median *E coli* bacterial numbers, the 5 bathing sites with the best water quality in 2018-2019 were:
 - 1 Lake Ratapiko
 - 2 Patea River at boatramp, Patea
 - 3 Urenui River at estuary
 - 4 Lake Rotomanu
 - 5 Waiwhakaiho River at Merrilands Domain.The Waiwhakaiho River at Merrilands Domain comes into this list, and Oakura River d/s of SH 45 bridge drops out of this list, from 2017-2018.
40. Based upon the number of samples that have been within the 'surveillance' mode (ie the category of highest quality of suitability for swimming) over the entire record since 1996, the following ranking of sites (in descending water quality) may be used to rank bathing sites in Taranaki:
 - 1= Patea River at boat ramp, Patea
 - 1= Urenui River at estuary
 - 1= Lake Ratapiko
 - 4 Waiwhakaiho River at Merrilands Domain
 - 5= Oakura River at SH45
 - 5= Waingongoro River at Ohawe Beach
 - 5= Lake Rotomanu
 - 8 Manganui River at Everett Park
 - 9 Kaupokonui River at beach domain
 - 10= Waingongoro River at Eltham Camp
 - 10= Lake Opunake
 - 12 Waitara River at town wharf, Waitara
 - 13 Timaru Stream at Weld Road

- 14 Patea River at King Edward Park, Stratford
 - 15 Waiwhakaiho River adjacent to Lake Rotomanu
 - 16 Te Henui Stream at mouth, East End.
41. Temporal trends over the 1996-2019 period have been evaluated for the sites that have ten years or more data (and will continue to be assessed annually). Two sites, the Waiwhakaiho River adjacent to Lake Rotomanu and the Te Henui Stream, show statistically significant increasing trends. Previously the site at the Eltham camp site on the Waingongoro River also showed statistically significant deterioration, but with the most recent results this trend is no longer as definite. There are indications of increasing trends in median E. coli counts at another twelve bathing sites, and of reductions at three bathing sites.
42. Permanent health warning signage have been erected by the New Plymouth District Council (on the direction of Taranaki District Health Board) following past exceedances of 'Alert' levels (at Oakura [for past Waimoku Stream issues], Waitara township, the lower Waiwhakaiho River, and Te Henui Stream). Temporary signage was also required at various times at Rotomanu, Ratapiko and Opunake lakes, and at the upper Patea and upper Waingongoro river sites, during the season. Vandalism of the warning signs at Waitara has been an on-going issue.

Microbiological quality: SFRG

43. The sites have also been re-graded for recreational suitability according to MfE, 2003 guidelines, based upon the immediately preceding five seasons of monitoring data (where such data exists). In addition, the Council assesses sites using the Ministry's 'Suitability for recreation' (SFRG) criteria that base grades on surrounding land use. In doing so, it emerges that although most of the sites' SFRGs suggest possible high risks associated with contact recreational usage, those SFRG gradings have been dictated by the agricultural nature of all catchments (meaning the sites are inevitably rated poorly regardless of proven quality).
44. The 5-year microbiological data to 2018 indicate 15 of 17 sites achieving compliance on 90% or more of occasions. Yet the only freshwater bathing site in Taranaki graded either 'good' or 'very good' according to MfE criteria is Lake Rotokare. Further, the Urenui River estuary site, the Waingongoro River site just above Ohawe Beach, the Patea River estuary site, the Manganui River site at Everett Park, the Waiwhakaiho River at Merrilands Domain, and the Lake Ratapiko site, have either never reached or else have had a maximum of 3 results in the 'Action' mode at any time during the last five seasons (i.e. at least a 95% compliance rate), under the sampling protocols of the SEM programme, and yet according to the Ministry for the Environment, all these sites should be deemed 'poor' sites for bathing.

Microbiological quality: NOF 'swimmability' criteria

45. In February 2017, MfE released proposals to further amend the NOF 'swimmability' criteria. These proposals were put into effect later that year. While data gathered within the Council's bathing season monitoring programmes is not collected as per the NOF specifications (which are for a year-round programme), this year's report assesses the state of Taranaki's freshwater bathing sites against the proposals, as a

matter of information⁴. The monitoring data from Taranaki's freshwater bathing sites for the past five seasons have been analysed against the 2017 MfE criteria for 'swimmability' and the results are depicted in the table below. The NOF criteria do not include any minimum ('bottom line') requirements, but the government has announced its intention that 90% of the nation's rivers should be in the yellow, green, or blue categories by 2040.

46. The Ministry has indicated that their view is that across all criteria, a single failure (i.e. either an 'orange' or a 'red') in any of the four distinct criteria is sufficient to constitute an overall 'unsuitable for swimming' grading. Of the 17 recognised freshwater recreational sites in Taranaki, for samples collected over the last five years under conditions suitable for recreation, 7 sites satisfy all criteria, and another 2 fail only one of the four criteria.
47. What becomes apparent is that gradings denoting degrees of suitability for swimming vary immensely according to the particular criterion. For example, the quality of the Oakura River below SH45 can apparently be variously rated as 'excellent', 'good', or 'only intermittently suitable' for swimming. Likewise, the Patea River at King Edward Park is either 'good', 'intermittently suitable', or not safe to swim in; and the Waingongoro River at Ohawe Beach could be variously graded as 'excellent' through to only 'intermittently safe', depending on the choice of criterion. This lack of rationalisation between criteria is not helpful for sensibly conveying 'swimmability' to the public.

Cyanobacteria

48. The presence of cyanobacteria can trigger health warnings in any of 3 ways- excessive coverage of the stream bed, exposure of algal mats on rocks at the water's edge, excessive quantities of detached mats floating in the water column, or 'blooms' of planktonic cyanobacteria. There are national guidelines for unacceptable levels of stream bed coverage or the concentration of planktonic cyanobacteria in blooms. In addition, the Council has chosen to also adopt an approach when exposed or detaching mats are detected. To date there have been no reported incidences of humans or animals in the Taranaki region having been harmed by toxins produced by benthic cyanobacteria though there may well have been unreported incidences. Microscopic analysis of benthic cyanobacteria reveals that toxin-producing bacteria are generally present.
49. For planktonic (floating) cyanobacteria, of the four designated lake monitoring sites, two had biovolumes exceeding contact recreational guidelines at some time during the 2018-2019 season, requiring the erection of warning signs: Lake Rotokare (a natural bush catchment) for December and January, and Lake Rotomanu up until mid January. Planktonic cyanobacteria were detected in Lake Opunake and Lake Ratapiko only at low levels on occasion throughout the season.
50. Benthic (streambed) cyanobacteria was monitored at nine locations throughout the season, and, while detected occasionally, never reached public health warning levels in respect of streambed coverage at any site. On two occasions in late spring, the

⁴ For the most recent classification of Taranaki's waterways sampled and assessed according to the NOF 'swimmability' regulations, see *Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2017-2018, Technical Report 2018-103*, Taranaki Regional Council June 2019

degree of exposure of mats at Kaupokonui River at its mouth triggered the erection of warning signs for the time being.

51. Exposed and/or detached mats exceeded the 'Alert' threshold on a number of occasions at several sites, although there were fewer such events than over the past 3 years.

Other matters

52. Microbial source determination testing has previously been conducted at a number of recreational sites, using environmental forensic DNA testing techniques. DNA marker tracking investigations in the Patea River at Stratford, the Waingongoro River at Eltham and the Timaru Stream have found that the principal faecal contributions were sourced from wildfowl and from ruminants. No human markers were found. The Council continues to use the technique for investigative purposes.

Conclusions

53. The report includes recommendations for the 2019-2020 bathing season that pertain to the scope of the sampling programme and integration with the dairy treatment pond compliance monitoring programme so that any adverse effects and sources can be efficiently identified and appropriate action taken. The recommendations are reproduced as an appendix to this memorandum, for the information of Members.
54. There is variability in quality between bathing seasons at each site, which is related to a variety of reasons including hydrological conditions, stock access, the presence of wildlife (particularly wildfowl), and dairy farm wastes disposal practices in particular. Similar results have been recorded elsewhere for sites in the middle and lower reaches of other streams and rivers in New Zealand (Deely et al, 1997 and MfE, 2008). The Ministry for the Environment identifies dense bird and wildlife populations, agricultural runoff, and storm water or sewerage discharges as potential sources of contamination. These factors continue to be the major sources of adverse impacts on recreational water quality for the Council to address.
55. The Council's intentions re the completion of the regional riparian management programme and the diversion of the remaining dairy effluent treatment system discharges from streams to land will serve to reduce bacterial loadings on our streams. The finding of the 2018 study by NIWA⁵ into the outcomes of the riparian programme, that there has been a meaningful reduction in bacterial loadings in the waterways of the ringplain correlated with the progressive implementation of the programme, is noted.

Decision-making considerations

56. Part 6 (Planning, decision-making and accountability) of the Local Government Act 2002 has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

⁵ *Analysis of stream responses to riparian management on the Taranaki ring plain*, NIWA client report 2018051HN, prepared for Taranaki Regional Council, March 2018

Financial considerations—LTP/Annual plan

57. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

58. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the Local Government Act 2002, the Resource Management Act 1991 and the Biosecurity Act 1993.

Iwi considerations

59. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the Local Government Act 2002) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

60. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices

Document: 2267366: Executive summary and recommendations from '*Freshwater contact recreational water quality at selected Taranaki sites State of the Environment Monitoring Report 2018-2019, Technical Report 2019-01*, September 2019.

Executive summary

(from 'Freshwater contact recreational water quality at selected Taranaki sites State of the Environment Monitoring Report 2018-2019, Technical Report 2019-01')

This survey of sixteen recognised freshwater contact recreational sites in the Taranaki region was the twenty-third of an on-going programme designed to annually monitor the bacteriological quality of lakes, rivers and streams at popular contact recreational sites during each bathing season. It forms a component of the State of the Environment bathing beaches trend monitoring programme, which commenced in the 1995-1996 summer period. Two sites (at Lakes Ratapiko and Opunake) were monitored in this programme during this 2018-2019 period for the thirteenth time, partly as a component of the more recently instituted cyanobacteria programme (covering four lakes) instigated after consultation with Taranaki District Health Board. A site in the lower Waitara River was added in the 2010-2011 period at the joint request of Taranaki Healthcare and NPDC and two additional sites in the lower reaches of the Waiwhakaiho River and Te Henui Stream (both adjacent to the New Plymouth walkway) were included in the programme in the 2012-2013 period. The sixteen sites have been graded for recreational suitability (SFRG) according to MfE, 2003 guidelines, in part based upon the immediately preceding five seasons of monitoring data (where such data existed) although short-comings of this grading methodology are acknowledged. A re-assessed SFRG also has been provided by inclusion of the current season's data for comparative purposes and this showed minimal change of the microbiological water quality gradings over this latest five year period.

A further site (Lake Rotokare) has been monitored since 2007, principally for planktonic cyanobacteria. Additional comprehensive flowing water benthic cyanobacteria monitoring (at nine river/stream sites) was undertaken in the current period for the sixth time in this state of the environment programme.

Changes were made in 2016-2017 to follow protocols for reporting on the Land and Water Aotearoa (LAWA) website: sampling frequency at four of the most popular sites (Lake Rotomanu, Waiwhakaiho River at Merrilands Domain, and Kaupokonui and Waingongoro river mouths) was increased to weekly, mainly in dry weather, from December to February inclusive, and extended to March in 2017-2018.

The results of the 2018-2019 survey have continued to illustrate variability in bacteriological water quality, with the highest quality achieved at the Urenui River estuary and lower Patea River sites where marked seawater intrusion is the norm (under high tide conditions), and Lake Ratapiko. Impacts on bacteriological water quality at some sites, particularly the lower reaches of the Waiwhakaiho River and Te Henui Stream, were due principally to resident wild fowl populations in the vicinity of recreational usage sites (as confirmed previously by inspections and DNA marker surveys).

In terms of *E. coli*, bacteriological water quality in the latest survey period was lower than normal in comparison with historical surveys. The total number of samples falling within the "Alert" or "Action" categories (39% of samples) across the 16 recognised bathing sites was among the highest recorded. However, it should be noted that the "Action" category is the only category for which swimming is not recommended. In the 2018-2019 season, 79% of all samples met the national bathing guideline. Of the 21% of samples that exceeded the

guideline, 10% arose from just two sites - the two New Plymouth urban sites. Bird life was mainly responsible for the exceedances at these sites.

Two sites recorded all single samples in either the 'Alert' or the 'Action' mode of the MfE, 2003 guidelines (Te Henui Stream near East End beach and Waiwhakaiho River opposite Lake Rotomanu). Ten other sites from time to time exhibited single sample entries, mainly into the 'Alert' mode of the 2003 guidelines, at some time during the season. Nine of these sites had counts which entered the 'Action' mode, a slight increase in the number and frequency of guideline exceedances in comparison with many previous seasons' results. To a certain extent these exceedances were probably a feature common to the mid and lower reaches of rivers and streams draining developed (particularly agricultural) catchments throughout New Zealand.

Notably, only two exceedances of the MfE 'Action' guideline were found in the Waiwhakaiho River at Merrilands Domain (mid urban New Plymouth and downstream of agricultural land), whereas 9 of 13 samples exceeded this guideline further downstream near this river's mouth.

At most sites, minimal follow-up sampling was performed when deemed necessary following exceedances of the 'Action' limit, as in most cases bacteriological quality was found to have returned to typical levels within short time frames or the causes were well established from historical data. Permanent health warning signage had been erected by the New Plymouth District Council (on the direction of Taranaki District Health Board) following past exceedances of 'Action' levels at the lower Waiwhakaiho River and Te Henui Stream sites, and of 'Alert' levels at Waitara. Temporary signage was required at the Lakes Rotomanu and Opunake, Timaru Stream and Oakura, Kaupokonui, upper Patea and lower Waingongoro Rivers sites following single sample 'Action' levels, but single sample 'Alert' level exceedances at other sites were not necessarily signposted.

Temporal trends over the 1996-2019 period have been evaluated on the basis of seasonal median E. coli count for the sixteen sites that have ten years or more data (and will continue to be assessed annually). Two sites (Te Henui Stream and lower Waiwhakaiho River) have shown a statistically significant increasing trend. No other sites have shown statistically significant trends (positive or negative) in seasonal median E. coli counts.

Additional sampling (in accordance with the MfE, 2003 guidelines for datasets for grading purposes) at four principal usage sites (Lake Rotomanu and Waiwhakaiho, Kaupokonui and Waingongoro Rivers) occurred largely in dry weather and resulted in little change in the overall median bacteriological numbers.

Cyanobacteria blooms were recorded at Lake Rotomanu over two months from mid-November 2018, and at Lake Rotokare in December 2018 and January 2019. This necessitated warning notices to avoid contact recreation in these two lakes during much of the first half of the recreational period. Low to moderate levels of planktonic cyanobacteria were found in Lakes Opunake and Ratapiko.

Benthic cyanobacteria were found occasionally in most of the nine rivers and streams monitored. Monitoring frequency was increased from fortnightly to weekly in response to 'Alert' levels found on several occasions. Two sites (Waingongoro and Kaupokonui Rivers at mouth) exceeded the 'Alert' mode trigger level for bed coverage on a total of eight surveys. Exposed mats exceeded the 'Action' level in Kaupokonui River at the beach domain in

November 2018, triggering warning notices to contact recreational users. The 'Alert' mode trigger level for exposed mats was exceeded at four sites on a total of 15 individual site surveys, and for detaching or detached mats accumulating on the river's edge at the same four sites (Waingongoro River at Ohawe, Kaupokonui River at the mouth, and Waiwhakaiho River at the last riffle and at Merrilands Domain) on a total of 13 surveys. Levels of cyanobacteria were higher than in the previous two seasons, but lower than the preceding two seasons, probably a reflection of the relative amounts of rainfall causing freshes that scour streambeds of periphyton.

Timely reporting of the results of bacteriological water quality and cyanobacteria numbers/cover was undertaken by use of the Taranaki Regional Council website (www.trc.govt.nz) and LAWA website (www.lawa.org.nz) as well as liaison with territorial local authorities and the Health Protection Unit of Taranaki District Health Board throughout the survey season of 2018-2019.

For the third time, this report also discusses the monitoring results in the light of the criteria for primary recreational use of water bodies ('swimmability') set out in the National Objectives Framework that is attached to the National Policy Statement for Freshwater Management 2014.

It is recommended that annual bacteriological monitoring of selected freshwater sites be continued (in conjunction with the coastal bathing water programme) by use of a similar sampling format over a five month (November to March inclusive) contact recreational period to provide information for trend detection purposes and for assessment of suitability for contact recreational usage. Cyanobacteria monitoring at the four lakes sites and nine stream/river sites at a lesser frequency is also recommended to continue. A further recommendation involves appropriate scheduling of the annual round of dairy wastes disposal systems and advice provided in relation to stock access to watercourses to attempt to reduce the frequency of exceedances of recreational limits particularly in catchments where historical problems from this source have been located.

6. Recommendations

(from 'Freshwater contact recreational water quality at Taranaki sites State of the Environment Monitoring Report 2017-2018, Technical Report 2018-01')

As a result of the 2017-2018 summer freshwater contact recreation bacteriological survey it is recommended:

1. THAT the 2018-2019 survey be performed at sixteen regular sites continuing with the existing sampling protocols during the season extending from 1 November to 31 March (and into April, if necessary).
2. THAT the 2018-2019 survey includes additional samples collected at the four principal usage sites (Lake Rotomanu, Waiwhakaiho River at the Merrilands Domain, Waingongoro River at Ohawe and Kaupokonui River at the mouth) in accordance with MfE, 2003 guidelines.
3. THAT the 2018-2019 summer survey includes cyanobacteria monitoring at the three lake sites and an additional lake (Rotokare) site and benthic cyanobacteria monitoring at nine of the river and stream sites fortnightly on at least ten occasions.
4. THAT follow-up sampling (after guideline exceedances) be performed when deemed necessary by TRC staff.
5. THAT appropriate timing of the annual dairy farms inspection round be incorporated into the programme for catchments where issues relating to exceedances of contact recreational standards have been identified and advice and publicity be provided in relation to the prevention of stock access to natural water.
6. THAT reporting of results be performed as appropriate during the season, and in an Annual Report upon completion of the season's programme.
7. THAT the appropriate statistical trend detection procedures be applied to the data and reported in the Annual Report

Agenda Memorandum

Date 3 September 2019

**Memorandum to
Chairperson and Members
Policy and Planning Committee**



**Subject: Bathing beach recreational water quality
SEM report 2018-2019**

Approved by: G K Bedford, Director-Environment Quality

B G Chamberlain, Chief Executive

Document: 2315864

Purpose

1. The purpose of this memorandum is to present to the Committee the report on the quality of coastal bathing waters in the Taranaki region during the 2018-2019 bathing season, as set out in the report *Bathing Beach Water Quality State of the Environment Monitoring Report Summer 2018-2019, Technical Report 2019-36*. The Executive summary and recommendations from the report are attached to this memorandum. The full report is available upon request, and will be published on the Council's website following this meeting.

Executive summary

2. The report provides an assessment of microbial water quality at 14 bathing beach sites in the Taranaki region, based on routine summer monitoring of faecal indicator bacteria (enterococci) in the 2018-2019 summer. A core group of 10 beaches is monitored every year, and another 10 are monitored over the course of a rotating 3-year cycle. Results are assessed for any evidence of trends, and for compliance with microbiological water quality guidelines for recreational use prepared by the Ministry for the Environment (MfE) and the Ministry of Health (MfE, 2003), and are released to the public via the Council's website.
3. Thirteen samples are collected at every site under bathing conditions ('SEM samples'), with 8 of the sites having a further 10 or so samples collected at each, under all-weather and all-tide conditions ('MfE samples').
4. During the 2018-2019 summer season, exceedances of guidelines for microbiological water quality across bathing beaches in the Taranaki region were only sporadic, during what was a drier than usual season. Sampling during a wet weather run and a pollution event at Ngamotu Beach gave the highest results during the season. (Enforcement action was undertaken). Median enterococci counts recorded in the SEM programme were lower or equal to their respective historical medians at seven sites, and higher at the remaining seven sites.

5. Out of the 243 samples collected for SEM purposes, 92% were in the highest water quality category (surveillance mode). In the previous, wetter summer, this figure was 89%.
6. In the 2018-2019 season, Fitzroy, Opunake, and Oakura (camping ground site) were the region's cleanest bathing beaches. It should be noted that even the beach with the highest median count, Ohawe beach, had a median count that were less than 30% of the 'Alert' threshold. No sample at Ohawe reached the 'Action' threshold. The higher counts at Ohawe were strongly correlated with a riverine influence. Over the long term, Opunake, Oakura beach in front of the camping ground, Fitzroy, and Urenui beaches are amongst the region's cleanest.
7. The Fitzroy Beach site continues to show a statistically significant improvement. This may be associated with improvements to stormwater control in the vicinity. No site is showing a statistically significant deterioration. While Ohawe Beach has shown a significant trend of improvement from about 2003 (following the removal of the Eltham waste water discharge into the Waingongoro River), the quality has now stabilized. There is still an overall indicative improving trend.
8. In the case of the Waitara beaches, this has been the fifth bathing season since the discharge of treated municipal sewage has been diverted to New Plymouth. Having noted that, the Waitara River rather than the outfall is considered to have had the greater effect on bacteriological quality on the two Waitara beaches. Waitara East beach shows an indicative but not statistically significant tendency towards improvement in recent years, with no indications of any change apparent at Waitara West beach.
9. Over the long term, 6 of the sites monitored during the season under review indicate a tendency towards improvement, and 4 an extremely slight tendency towards deterioration. Four sites have insufficient data for any trend analysis.
10. Through the Council's Long Term Plan (LTP) and 2018-2019 Annual Plan, the Council's target in respect of the microbiological state of coastal bathing sites is that there is maintenance or increase in the number of sites from 2003 compliant with 2003 Ministry of Health contact recreational guidelines. In 2003, 7 of 9 coastal bathing sites were compliant with the guidelines ('Action' levels). In the season under review, 8 of these same sites were compliant throughout the season. As noted above (para 4), there was an 'Action' event at Ngamotu Beach during the season.
11. In terms of public interest in information about water quality at bathing beaches, visits to the individual web pages on the Council's website that present information on coastal recreational water quality underwent a massive increase of over 700% in the 2018-2019 year- 1726 page views to the coastal water quality page, compared with 215 in the previous year (which admittedly was wet later in the bathing season). On 11 December 2018, the Council posted a story on its Facebook page publicising the Council pages presenting coastal recreational data. Notable spikes in visit numbers over the next couple of weeks included 76 on 11 December, 146 on Monday 17 December, 71 on Thursday 27 December, and 62 on Tuesday 1 January. The Facebook page itself had a reach of 16,386 people (number of destinations that the page reached), and 2,549 engagements (individual interactions with the Facebook page eg clicking on links,

posting a comment, forwarding the link to another party).

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum noting the preparation of the report *Bathing Beach Water Quality State of the Environment Monitoring Report Summer 2018-2019 Technical Report 2019-36a*; and
- b) adopts the specific recommendations presented in Technical Report 2019-36.

Background

12. Taranaki's coastal and inland fresh waters are widely used for a range of contact recreational activities such as swimming, sailing, surfing, wind surfing, and underwater diving. The sea is important as a source of kaimoana. Maintaining and protecting the quality of this recreational water is therefore an important resource management and public health issue.

13. The Council's notified Proposed Coastal Plan noted:-

The coastal environment is an important and valued part of Taranaki's environment and the quality of life offered by the region. The coastal marine area in particular is an extensive area of public space available for people to use and enjoy. It is where we play, gather food, undertake traditional practices, or relax. Many coastal resources and activities contribute to the economic, social and cultural well-being of communities..... Taranaki generally has high quality coastal water, mainly as a result of the region's exposed coastal environment and low development pressures. However, a deterioration of coastal water quality can sometimes occur in discrete areas, such as near river mouths and in close proximity to wastewater discharges.

The resources of Tangaroa have provided for and nourished the iwi o Taranaki for generations. These resources were integral to the lives of the people who occupied the settlements that adjoined the coastline. Tangaroa provided for them materially, acted as a highway for travel, a source of rongoa (medicine), aided their well-being and provided for their spiritual sustenance..... Sustainable coastal management, through the exercise of kaitiakitanga and tikanga, is at the heart of the relationship between iwi o Taranaki and the coastal environment. This Plan has integrated iwi o Taranaki values throughout the Plan provisions.

14. The draft policies set out in the Plan address the public use and enjoyment of the coastal environment, including enjoyment of its amenity and recreational values. Through its Annual Plan, the Council is committed to monitoring the microbiological state of coastal bathing sites.
15. It is recognised that the quality of coastal waters in New Zealand is variable. It can be compromised by contaminants from sources such as sewage and storm water outfalls, septic tanks, urban run-off, birdlife, sanitation discharges from boats, and dairy effluent discharges and contaminated run-off from agricultural land. The Ministry for the Environment has identified that at a national scale, intensifying land uses in rural areas and rapid urban development of coastal areas have the potential to put increasing pressure on the quality of the country's coastal recreational waters.

16. As one of the suite of State of the Environment (SEM) monitoring programmes that the Council has in place, bathing water quality around the region's coastline is assessed each summer. Ten primary beach sites are repeatedly sampled during the bathing season every year, and another ten beaches are sampled one year in three on a rotating basis. The SEM programme began in 1995-1996 and there had also been a number of surveys prior to this time.
17. The bacteriological state of each site is compared with national guidelines¹.
18. Through the Council's LTP and 2018-2019 Annual Plan, the Council's target in respect of the microbiological state of coastal bathing sites is that there is *maintenance or increase in the number of sites from 2003 compliant with 2003 Ministry of Health contact recreational guidelines*. In 2003, 7 of 9 coastal bathing sites that are being monitored annually were compliant with the guidelines (i.e. went throughout the entire season without an 'Action' level event).

Discussion

19. The report presented to the Committee today summarises the results for the 2018-2019 bathing season, including beaches monitored in year one of the rotation.
20. Thirteen samples were collected over the bathing season at each of the 14 sites designated for the season, as part of the Council's regular SEM monitoring programme, with an additional 8 or so samples collected at 8 of the primary beaches to fulfil Ministry for the Environment requirements for calculation of microbiological assessment categories (which go beyond the Council's long-established programme and are sampled under a different protocol, including sampling within all-weather and all-tide conditions). Follow-up samples were often collected following instances where enterococci counts in scheduled sampling exceeded the threshold for 'Alert' status. Due to adverse weather and unsafe sampling conditions, not all sites were sampled on every occasion.
21. The monitoring results have been assessed using the national microbiological guidelines for marine recreational areas (MfE, 2003). The indicator bacteria measured are enterococci. Levels of less than 140 enterococci per 100 ml are considered to be acceptable (i.e. water quality is suitable for bathing, and approximately weekly sampling is routinely undertaken for surveillance purposes). Should any routine samples contain greater than 140 enterococci per 100 ml, the 'Alert' mode is triggered – that is, water is deemed potentially unsuitable for bathing, and further sampling is often undertaken. This is a mode for elevated surveillance, and it is not considered that public health has been compromised if sample results are at this level.
22. Samples containing greater than 280 enterococci per 100 ml indicate water is highly likely to be contaminated. The guideline recommendation is that further sampling is to be undertaken again within 24 hours, to see if the elevated bacteriological counts are

¹ *Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas*, Ministry for the Environment 2003

continuing. If the second result in this case is also above 280, then the 'Action' categorisation is designated. That is, it is when there are two consecutive samples above 280 enterococci per 100 ml in a specific sequence, that it is considered public health is potentially compromised. Any follow-up action is in the hands of the Taranaki District Health Board. High flows in streams and rivers following rainfall events may have a major but localised influence on the water quality of Taranaki beaches, and re-sampling is not always undertaken if a significant rainfall event in the recent past is determined to be the likely cause of a sample exceeding 280 enterococci per 100 ml.

23. Microbiological water quality in the 2018-2019 season was generally very good, by comparison with the previous season when quality had been adversely affected by higher than usual levels of summer rainfall, and also particularly by Cyclone Fehi at the beginning of February 2018 (coinciding with a king tide height). The drier than usual summer in 2018-2019 meant that exceedances of the 'Alert' threshold were only sporadic in this most recent season. During the 2018-2019 summer season, 91.8% of the 243 scheduled samples remained within surveillance mode (compared with 89% in 2017-2018).
24. Based on median counts in the 2018-2019 season, Opunake, Fitzroy and Oakura beach in front of the camping ground were the region's cleanest bathing beaches. These results largely mirror those of past years. Opunake and the Oakura beach in front of the camping ground are consistently the best in the region, followed closely by Fitzroy, Patea, and Waverley beaches.
25. As has been the case in previous years, Oakura Beach (surf club site) and Ohawe Beach were comparatively the worst, while noting that their seasonal SEM survey medians of 30 and 45 were still only 15% of the 'Action' and 30% of the 'Alert' trigger levels. Further, neither site had any individual samples reaching the 'Action' level. Median counts at both beaches in 2018-2019 were somewhat above those in their long-term records. Ohawe Beach has shown a trend of improvement in previous years (following the removal of the Eltham waste water discharge into the Waingongoro River), although this tendency has now dissipated.
26. Both of these sites show a particularly pronounced riverine influence from time to time, and this contributed to relatively higher counts at Ohawe Beach on several occasions in the season under review.
27. In the case of the two Waitara beaches, this has been the fifth season since the discharge of treated municipal sewage has been diverted to New Plymouth. Having noted that, the Waitara River rather than the outfall was considered to have had the greater effect on bacteriological quality on the beaches. Waitara East beach shows an indicative but not statistically significant tendency towards improvement in recent years, with no indications of any change apparent at Waitara West beach. Over 95% (Waitara East) and 95% (Waitara West) of all samples remained below even the 'Alert' level.
28. The site at Fitzroy Beach is showing a statistically significant improvement. This may be associated with improvements to stormwater control in the vicinity, undertaken by NPDC. Bacterial counts at most of the region's beaches are so low that it would be

impossible to bring about a statistically significant improvement.

29. No site is showing a significant deterioration over the record of results. In terms of indicative (as distinct from statistically significant) trends, six sites are showing signs of reductions in median enterococci, while four are showing an extremely slight tendency towards deterioration in bacteriological quality. Four sites have insufficient data for any trend analysis.
30. In terms of the Council's target in respect of the microbiological state of coastal bathing sites as expressed in the Council's LTP and 2017-2018 Annual Plan, the target is that there is *maintenance or increase in the number of sites from 2003 compliant with 2003 Ministry of Health contact recreational guidelines*. In 2003, 7 of 9 coastal bathing sites that were monitored annually were compliant with the guidelines (ie remained throughout the season below the 'Action' level category). In the 2018-2019 season under review, all SEM sample results at 8 of the 9 same beaches were compliant with this guideline. The LTP target was therefore met. At the remaining beach (Ngamotu Beach), routine sampling detected an ongoing contamination issue that led to remedial interventions by the Council and other parties, and enforcement action. Follow-up sampling confirmed the efficacy of the interventions.
31. Frequent and timely reporting of the results of bacteriological water quality was undertaken by use of the Taranaki Regional Council website (www.trc.govt.nz) as well as liaison with territorial local authorities, the Health Protection Unit of Taranaki District Health Board, and Ngāruahine throughout the summer bathing season of 2018-2019.
32. Continuation of the bathing beach SEM programme in the 2019-2020 bathing season is recommended.

Decision-making considerations

33. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

34. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

35. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

36. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

37. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices

Document 2275785: Bathing Beach Water Quality State of the Environment Monitoring Report Summer 2018-2019, Technical Report 2019-36 (executive summary and recommendations).

Executive summary

This report provides an assessment of microbial water quality at 14 coastal bathing beach sites in the Taranaki region, based on summer monitoring of faecal indicator bacteria conducted by the Council between November 2018 and March 2019. The report focusses on enterococci results, as this indicator is considered by health authorities to provide the closest correlation with risks of health effects in New Zealand coastal waters. Results have been assessed for compliance with microbiological water quality guidelines prepared by the Ministry for the Environment (MfE) and the Ministry of Health (MfE, 2003).

Thirteen samples were collected at every monitored beach under dry weather conditions for State of the Environment Monitoring (SEM) purposes, except when it was unsafe to do so. At eight of the ten coastal sites monitored every year, an extra eight samples were collected to satisfy MfE requirements for the number of seasonal samples to be used for grading purposes and to provide more timely results during the holiday periods. Follow up samples were often collected following instances where enterococci counts exceeded 140 cfu/100 ml. Microbiological water quality results were regularly reported on the Taranaki Regional Council website (www.trc.govt.nz) and there was timely liaison with territorial local authorities and the Health Protection Unit of the Taranaki District Health Board throughout the summer bathing season of 2018-2019.

During the 2018-2019 summer season, 243 routine samples were collected across 14 sites; of which 91.8% remained within Surveillance mode (≤ 140 cfu/100 ml). Guideline exceedances were relatively sporadic during what was a drier than usual summer, although a wet weather survey and a pollution incident at Ngamotu Beach contributed to the highest counts of the season. Median enterococci counts recorded in the SEM programme were lower or equal at seven sites, and higher at seven sites, when compared with their respective historical medians.

The normal mode of monitoring is deemed the 'Surveillance' mode. Additional monitoring is considered if a sample exceeds the 'Alert' mode (140 cfu/100 ml). The 'Action' mode guideline is reached when enterococci counts in two consecutive samples exceed 280 enterococci cfu/100 ml, and requires public notification by health authorities. There was one Action mode event during the summer which was associated with the Ngamotu Beach pollution incident. The latter resulted in enforcement action by the Council.

Over both the SEM programme and the extended (MfE) programme, Fitzroy Beach, Opunake Beach, and Oakura Beach (camping ground site) had the best water quality, and Ohawe Beach the lowest (although the median count here was still less than one-third of the 'Alert' threshold). No sample at Ohawe Beach reached the 'Action' threshold. High counts at Ohawe Beach were associated strongly with low conductivity (riverine influence). Five sites had every sample below the 'Alert' threshold, with another four sites above this threshold only once.

Mann-Kendall tests were performed in order to assess long term trends in microbiological water quality. One site, Fitzroy Beach, showed a significant decrease in median enterococci counts (improving quality) over the 24 years it has been monitored, indicating an overall improvement in microbiological water quality. Several sites have water quality so consistently high that further significant reductions in bacteriological counts cannot be

expected. No site showed a significant increase in enterococci medians over the time period monitored i.e. deterioration in water quality.

Two sites, Waitara East and Oakura Beach in front of the camping ground, were showing indications of improving quality although at a lower level of certainty than required for statistically-based confidence.

Through the Council's Long Term Plan (LTP), the Council's target in respect of the microbiological state of coastal bathing sites is that there is maintenance or increase in the number of annual monitoring sites from the 2003-2004 summer that are compliant with the contact recreational guidelines (MfE, 2003). In the 2003-2004 summer, seven of the nine coastal bathing sites were compliant with the guidelines (Action levels). In the season under review, one site (Ngamotu Beach) exceeded this guideline. The LTP target was therefore met.

Continuation of the Bathing Beach Recreational Water Quality Programme in the 2019-2020 year is recommended.

Recommendations

As a result of the 2018-2019 bathing beach recreational water quality survey it is recommended:

1. THAT the 2019-2020 summer survey be performed at 12 sites continuing with the existing sampling protocol (sites monitored annually, plus Year 2 sites).
2. THAT the 2019-2020 summer survey also includes weekly 'MfE samples' at eight sites (Onaero, Waitara West, Waitara East, Fitzroy, Ngamotu, Oakura Surf Club, Opunake and Ohawe) between December and February in accordance with MfE, 2003 guidelines to provide up to date public information on beach conditions throughout the holiday periods.
3. THAT follow-up sampling be performed as deemed necessary by Council staff.
4. THAT public reporting of results be performed as appropriate during the season, and in an annual report upon completion of the season's programme.

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Submission on protecting Hector's and
Māui dolphins**

Approved by: AD McLay, Director – Resource Management
BG Chamberlain, Chief Executive

Document: 2317363

Purpose

1. The purpose of this memorandum is to introduce the submission on the discussion paper *Proposals for the Hector's and Māui Dolphin Threat Management Plan* (the discussion paper) and to recommend its endorsement by the Council.
2. The deadline for submissions was 19 August 2019. The attached submission reflects Council policies and previous submissions on the threats to Hector's and Maui dolphins. However, the Department of Conservation (DOC) were advised that this submission would be formally considered by the Policy and Planning Committee at this meeting and may be subject to any changes arising from members' consideration and feedback.

Executive summary

3. In June 2019, the Government released the discussion paper on proposals for an updated Hector's and Māui Dolphin Threat Management Plan. The deadline for submissions was originally 4 August 2019 but this was extended to 19 August to allow for more consultation.
4. The purpose of the discussion paper is to seek views and input into proposals for an updated Hector's and Māui Dolphin Threat Management Plan, including proposals addressing the management of fishing, toxoplasmosis and other non-fishing threats.
5. Key options outlined in the discussion paper include: extending current restrictions on trawling and set netting in areas; increasing the boundaries of marine mammal sanctuaries; developing an action plan to address the threat from the disease toxoplasmosis; and placing further restrictions on seismic surveying and seabed mining.
6. The attached draft submission is largely supportive of the review into protection for Hector's and Māui dolphins. In particular, there is support for the goals and for DOC

and Fisheries New Zealand to take responsibility for ensuring and supporting appropriate additional research and investigations, including a toxoplasmosis action plan.

7. The draft submission supports extending the sanctuary (noting the significance of the South Taranaki Bight and foraging grounds further offshore for a variety of marine mammal species, including the Pygmy Blue Whale) subject to any restrictions imposed being proportionate to the risks.
8. The draft submission also provides qualified support for restrictions addressing human-induced impacts but that again that these restrictions be targeted, proportionate to the risks, and recognise the effectiveness of other regulatory and policy frameworks also relevant and contributing to the protection of Hector's and Māui dolphins.
9. Note that the proposals to extend the current North Island Marine Mammal Sanctuary extent to Wellington, within the coastal marine area out to 12 nautical miles, would identify the entire Taranaki coastal marine area as a marine mammal sanctuary with associated restrictions on important commercial activities in this area.
10. Iwi hold fishing quota that may be impacted by the review. Given a small portion of the commercial catch is used to provide food for cultural purposes these may also be impacted. There has been little consultation with Iwi Authorities on this important matter.
11. Any restrictions on commercial activities should occur through appropriate economic, cultural and environmental assessments in appropriate legal frameworks, rather than via the narrow, limited and indirect threat management review process.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum *Submission on protecting Hector's and Māui dolphins*; and
- b) endorses the submission with any changes recommended by the Committee.

Background

12. DOC and Fisheries New Zealand have sought feedback on a revised plan to protect Hector's and Māui dolphins.
13. Hector's and Māui dolphins are unique marine mammals found only in New Zealand waters. These species live close to the coast, making them particularly vulnerable to human activities. Their range includes the Taranaki coastal marine area with north Taranaki coastal waters already being identified and included in the Marine Mammal Sanctuary.
14. Hector's and Māui dolphin numbers have been dwindling nationally. There are estimated to be only between 57 and 75 Māui dolphins over the age of one year left in existence. They are classified as Nationally Critical under the *New Zealand Threat Classification System* and are found only on the west coast of the North Island There are

around 15,000 Hector's dolphins (mainly South Island) and they are classified as Nationally Vulnerable.

15. Alongside fisheries impacts (such as trawling and set nets) there are several other threats to these dolphins, including disease (toxoplasmosis), seismic surveying, seabed mining and vessel-based tourism.
16. In June 2019, the Government released a discussion paper to consult on a range of options to improve the way threats to Hector's and Māui dolphins are being managed by the *Hector's and Māui Dolphin Threat Management Plan*. The deadline for submissions was originally 4 August 2019 but this was extended to 19 August to allow time for more consultation.

The proposals

17. The purpose of the discussion paper is to seek views and input into proposals for an updated Hector's and Māui Dolphin Threat Management Plan, including proposals addressing the management of fishing, toxoplasmosis and other non-fishing threats.
18. Proposals set out in the discussion paper have been put together using the best available information. Key options presented include:
 - extending current restrictions on trawling and set netting;
 - increasing the boundaries of marine mammal sanctuaries (there are four options for protecting Māui dolphins in the North Island, and three options for protecting Hector's dolphins in the South Island from fishing related threats;)
 - placing further restrictions on seismic surveying and seabed mining;
 - developing an action plan to address the threat from the disease toxoplasmosis, which has emerged as a significant threat; and
 - placing a moratorium on commercial tourism permits to view Māui dolphins.
19. The discussion paper and supporting documentation can be viewed at <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2019/hectors-and-maui-dolphins-threat-management-plan-review/>.

The draft submission

20. As previously mentioned, the draft submission is largely supportive of the review into protection for Hector's and Māui dolphins. The submission states that targeted effective management is required by the Government to manage the effects of human-induced deaths on these important dolphins.
21. Key points made in the draft submission are as follows:
 - Support the four medium-term goals in the discussion paper regarding the management of human-induced threats, engaging New Zealanders, understanding tangata whenua expectations on exercising kaitiakitanga and improving knowledge.
 - Highlight importance of goal 4 [Improve knowledge of poorly understood threats], which is considered particularly important for the overall success of the revised management plan. Submission notes that it is essential that the DOC and

Fisheries New Zealand take responsibility for ensuring and supporting appropriate additional research and investigations.

- Encourage DOC to carefully assess the socio-economic effects through a thorough cost benefit analysis of any fishing restrictions to the Taranaki region to ensure any further fishing restrictions in Taranaki are proportionate to the risks posed to the Māui dolphin population.
- Taranaki iwi hold fishing quota which may be impacted by any fishing restrictions imposed through the review. Customary fishing practices associated with pataka, that provide fish for cultural purposes, eg tangi, may also be negatively impacted if commercial fishing is impacted. Pataka is a small portion of what is commercially caught. Hence there may be economic and cultural impacts and appropriate consultation is required. However, little consultation with Iwi Authorities has occurred on this important matter.
- Support a toxoplasmosis action plan. Acknowledge that the issue of toxoplasmosis is complex and seek a multi-disciplinary and collaborative approach to its development.
- Generally supportive of the proposal to extend the sanctuary and note growing research around the significance of the South Taranaki Bight and also recently identified foraging grounds further offshore for a variety of marine mammal species, including the Pygmy Blue Whale.
- Note that the proposals to extend the current North Island Marine Mammal Sanctuary extent to Wellington, within the coastal marine area out to 12 nautical miles, would identify the entire Taranaki coastal marine area as a marine mammal sanctuary.
- Notwithstanding the above, the submission notes that Council would be concerned if unreasonably prohibitive options were adopted for some of the lesser human-induced impacts, e.g. seismic surveying and seabed mining.
- In relation to seismic surveying, the submission highlights the effectiveness of new and proposed planning instruments to address impacts on marine mammals, namely the *Code of conduct for minimising acoustic disturbance to marine mammals from seismic surveying 2013* and a new controlled activity rule in the *Proposed Coastal Plan for Taranaki* introducing a consenting regime for seismic testing.
- Support options 2 and 4 relating to seabed mining, which would provide a prohibition area consistent with the known range of Māui Dolphins and protecting near shore corridors and dolphin connectivity. However, urge that any prohibitions need to be considered alongside Coastal Plan provisions currently in place and recognizing the role of the Resource Management Act and consenting process for addressing adverse effects on indigenous biodiversity.
- Any restrictions on commercial activities should occur through appropriate economic, cultural and environmental assessments in appropriate legal frameworks, rather than via the narrow, limited and indirect threat management review process.

Decision-making considerations

22. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The

recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

23. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

24. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

25. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
26. The submission notes there may be impacts on commercial fishing and the exercise of Iwi fishing quota. Customary practices such as fishing practices associated with pataka, that provide fish for cultural purposes, eg tangi, may also be negatively impacted if commercial fishing is impacted. Pataka is a small portion of what is commercially caught. Hence there may be economic and cultural impacts and appropriate consultation is required. However, little consultation with Iwi Authorities has occurred for this important matter.

Legal considerations

27. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Attachment

Document 2315126: Submission on the Proposals for the Hector's and Māui Dolphin Threat Management Plan

19 August 2019
Document: 2292598

Consultation: Hector's and Māui Dolphin Threat Management Plan
Department of Conservation
PO Box 10420
Wellington 6143

Attention: Hector's and Māui Dolphin Threat Management Team

Submission on the Proposals for the Hector's and Māui Dolphin Threat Management Plan

Introduction

1. The Taranaki Regional Council (the Council) thanks the Department of Conservation for the opportunity to make a submission on the Proposals for the Hector's and Māui Dolphin Threat Management Plan (HMTMP). The Council also thanks the Department of Conservation for the time extension for responding to the consultation document. However, given staff involvement in the review of the Regional Coastal Plan and Council meeting schedules, this submission has not been formally endorsed by the Policy and Planning Committee. The submission reflects Council policies and previous submissions on the threats to Hector's and Maui dolphins but it is a draft. The Committee meets on 3 September and changes, if any, to the submission will be immediately provided to the Department at this time.
2. The Council makes this submission in recognition of the purpose of local government set out in the Local Government Act 2002, and the role, status, powers and principles under that Act relating to local authorities. In particular, the Council's comments are made in recognition of its:
 - functions and responsibilities under the *Local Government Act 2002* and the *Resource Management Act 1991* (RMA); and
 - its regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional significance or concern.

General comments

3. The Council generally supports the review into protection for Hector's and Māui dolphins and in particular the proposed vision statement and long-term goal set out in the HMTMP. As noted in the Proposed Plan, Hector's and Māui dolphins are found only in New Zealand and together they are one of the world's rarest dolphin species. Targeted effective management is required by the Government to manage the effects of human-induced deaths on these important dolphins.

4. The Council therefore supports the four medium-term goals that have been identified. However, the Council highlights goal 4 [Improve knowledge of poorly understood threats], which is considered particularly important for the overall success of the HMTMP and to ensure that implementation is targeted and appropriate. It is essential that the Department of Conservation and Fisheries New Zealand take responsibility for ensuring and supporting appropriate additional research and investigations.
5. It is extremely important that the Department of Conservation carefully assess the socio-economic effects of any decisions on fishing, oil and gas exploration (who need to be able to use seismic equipment) and seabed mining. Any restrictions on these activities should occur through appropriate economic, cultural and environmental assessments in appropriate legal frameworks, rather than via the narrow, limited and indirect HMTMP process. For fishing the socio-economic and cultural impacts of fishing restrictions in Taranaki need to be proportionate to the risk that the industry poses to the Maui dolphin population, given the spatial risk assessment approach that underpinned this proposal.
6. Specific comments on key areas of interest to this Council are set out below.

Fishing activities

7. Currently, fishing activities such as trawling and set net fishing are regulated by Fisheries New Zealand under the *Fisheries Act 1996* and is outside the jurisdiction of the Council. As such, the Council does not offer comment on this aspect of the proposed HMTMP except to encourage the Department of Conservation to assess the socio-economic effects through a thorough cost benefit analysis of any fishing restrictions to the Taranaki region. Specifically, would the socio-economic impacts of fishing restrictions in Taranaki be proportionate to the risk that the Taranaki fishing industry poses to the Maui dolphin population, given the spatial risk assessment approach that underpinned this proposal?
8. Taranaki iwi hold fishing quota which may be impacted by fishing restrictions imposed through the HMTMP. Customary fishing practices associated with pataka, that provide fish for cultural purposes, eg tangi, may also be negatively impacted if commercial fishing is impacted. Pataka is a small portion of what is commercially caught. Hence there may be economic and cultural impacts and appropriate consultation is required. However, little consultation with Iwi Authorities has occurred for this important matter.

Toxoplasmosis

9. The Council is generally supportive of a toxoplasmosis action plan and acknowledges that the issue of toxoplasmosis is complex and would require a multi-disciplinary and collaborative approach to succeed.
10. The Council, from its own experience, is aware that monitoring techniques take time to develop and even more time to gather data and meaningful information. Thus, the Council is concerned that, if the estimated mortality rate attributed to toxoplasmosis is accurate, then swift intervention will be necessary as the minimum viable population limit could be reached in the very near future, despite other efforts to

address human induced dolphin deaths. Therefore, success is likely to be dependent on whether an appropriate action plan can be developed and implemented in the limited timeframe available. For this reason the Council supports the initiative to refine and prioritize research within 6 months of updating the Proposed HMTMP through collaboration with experts. However, the Council encourages the Department of Conservation to include any regulatory bodies, who are likely to be responsible for monitoring or implementation in the collaboration.

11. Development of an appropriate action plan will require targeted research and monitoring and the Council considers that more information on the toxoplasmosis pathway is necessary.
12. Monitoring of toxoplasmosis in the environment to inform the development of a toxoplasmosis management plan will require resourcing and guidance if it is to be effective and useful. Some options for consideration based on the Council's environmental monitoring experience include, sampling of water or sediment for oocysts or sampling of coastal filter feeders (e.g. green lipped mussels) to determine the presence of toxoplasmosis in the environment and the development of eDNA techniques. As already noted, the Council considers that further sector engagement in this area will be required.
13. The consultation document does not address public engagement on toxoplasmosis. Noting that the success of any action plan will depend on implementation, at different levels by a number of organisations that have responsibilities to the wider community, the Council consider that a public engagement strategy will also be necessary. Further, in order for effective implementation, the Council considers that strong direction and support (including funding) from Central Government will be necessary to ensure community buy in, ongoing support and potential programme success.

Sanctuary extensions

14. The consultation document suggests an extension to the current North Island Marine Mammal Sanctuary extent to Wellington within the coastal marine area out to 12 nautical miles. This extension would identify the entire Taranaki coastal marine area as a marine mammal sanctuary.
15. While the Council is generally supportive of the proposal to extend the sanctuary, due to growing research around the significance of the South Taranaki Bight and also recently identified foraging grounds further offshore (due to local upwelling) for a variety of marine mammal species, including the Pygmy Blue Whale, it does have concerns for other potential implications of the extension. In particular seismic surveying and seabed mining as is discussed below, especially if unreasonably prohibitive options were adopted.

Seismic surveying

16. It is not clear whether the options provided in the HMTMP, relating to seismic surveying, adopt the proposed sanctuary extensions or refer to the current area. Clarification is required.

17. The Council recognises the risks to marine mammals (and other biodiversity) associated with exposure to seismic surveying. However, the Council considers that an appropriate method for avoiding effects on marine mammals has been established through the *Code of conduct for minimising acoustic disturbance to marine mammals from seismic surveying 2013* (the 'code of conduct' or the 'code').
18. The Council understands that voluntary compliance with the code is high within territorial waters. Therefore, the Council questions what additional benefit would be gained from option 1. It would appear that this compliance requirement is less than is currently being achieved voluntarily.
19. Regarding option 2, the Council already considers that a permitting system is appropriate for seismic surveying to address adverse effects on indigenous biodiversity. Through the review of the Coastal Plan for Taranaki, the Council is seeking to introduce a new controlled activity rule for seismic surveying in all coastal management areas of the Taranaki coast. The rule will require that all seismic surveying operations obtain a resource consent, requiring them to comply with the code of conduct as well as meeting other environmental conditions ensuring no adverse effects on significant indigenous biodiversity and no significant adverse effects on scheduled taonga species. This approach, even if the sanctuary extents are enlarged as proposed, is closely aligned with option 2.
20. A consistent seismic permitting regime is preferred across the entire Taranaki Coastal Marine Area, as this most closely aligns with currently proposed provisions and approach of the Council for managing any adverse effects of seismic surveying. The Council considers that any permitting process should be developed in conjunction with the Council in order to ensure alignment between the Council and the Department of Conservation and to streamline the process for potential applicants. Given the properties of sound underwater, it is suggested that a permitting system be applied to any survey that is likely to exceed a prescribed sound threshold within the sanctuary, irrespective of whether the survey is taking place within or outside the sanctuary.
21. The Council considers that option 3, which would prohibit seismic surveying in marine mammal sanctuaries, is unnecessarily prohibitive, especially if the North Island Marine Mammal Sanctuary were to be extended as proposed. This approach is considered extreme given that there is no evidence of a resident population south of Cape Egmont, that adverse effects are generally temporary, and that the effects could be adequately addressed through targeted locational and seasonal restrictions. The Council considers that option 3 should only be considered if other options cannot be implemented and there is a strong evidential basis for the Hector's and Māui dolphins utilizing the proposed areas and being adversely affected by the activity.

Seabed mining

22. The Council recognises that seabed mining activities are long lived, in the order of years as opposed to days to months for seismic surveying, and as such appropriate management of the activity is required to ensure adverse effects on the Māui Dolphin are avoided over the life of the activity.

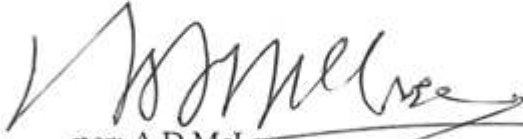
23. Within territorial waters the Council is responsible for managing disturbance activities such as seabed mining under the *Resource Management Act 1991*. The current *Coastal Plan for Taranaki* addresses seabed mining through general disturbance rules as discretionary or non-complying, depending on the scale of the activity and the location. Under the *Proposed Coastal Plan for Taranaki*, seabed mining would be addressed as discretionary in the Open Coast, Port and Estuaries Modified areas and non-complying in areas of Outstanding Value and Estuaries Unmodified. The discretionary and non-complying activity classification allows the Council to impose conditions on a case-by-case basis in line with the policies of the Plan or decline a consent application, if the applicant cannot demonstrate that the activity would not be able to meet the requirements of the objectives and policies.
24. Of particular note, the Proposed Coastal Plan includes policies specific to the protection of indigenous biodiversity, Policies 14, 14A and 14B (which are appended to this submission). Policy 14 [Significant indigenous biodiversity] is particularly relevant as it requires the avoidance of adverse effects on the Maui Dolphin (amongst other indigenous biodiversity scheduled within the Plan) and 'areas containing nationally significant examples of indigenous community types'.
25. Through the Coastal Plan review process the Council has considered different options for the management of activities such as seabed mining. For this activity the Council has not adopted a prohibitive stance, even for vulnerable areas such as estuaries and outstanding value areas, and has continued to address the activity as non-complying. The non-complying activity classification signals that the Council generally considers this activity to be inappropriate in the areas identified, however, does not place a prohibition outright. Instead, the Council would require an applicant to prove that the activity is not contrary to the objectives and policies of the Plan, ensuring a very high test and allowing the Council to decline the application if all the policy criteria are not met. Furthermore, the Proposed Coastal Plan requires the adoption of a precautionary approach where the effects of an activity are uncertain, unknown or little understood but potentially significant, strengthening the test further.
26. Notwithstanding the above, the Council does not oppose the introduction of additional prohibition areas to ensure Māui and Hector dolphins are adequately protected. In particular the Council would support options 2 and 4 which would provide a prohibition area consistent with the known range of Māui Dolphins and protecting near shore corridors and dolphin connectivity. However, the Council considers that any prohibitions need to be considered alongside the respective Coastal Plan provisions currently in place throughout the region.

Conclusion

27. The Council reiterates that it is extremely important that the Department of Conservation carefully assess the socio-economic effects of any decisions on fishing, oil and gas exploration (who need to be able to use seismic equipment) and seabed mining. Any restrictions on these activities should occur through appropriate economic, cultural and environmental assessments in appropriate legal frameworks, rather than via the narrow, limited and indirect HMTMP process.

28. The Council again thanks the Department of Conservation for the opportunity to submit on the Proposed Threat Management Plan for Hector's and Māui Dolphins. Further work and engagement are required before any plans are finalised and then implemented.
29. The Council looks forward to engaging further on this important matter.

Yours faithfully
BG Chamberlain
Chief Executive



per: A D McLay
Director - Resource Management

Appendix 1

These policy provisions are subject to change prior to adoption by the Council following the hearing of the Proposed Coastal Plan for Taranaki.

Policy 14: Significant indigenous biodiversity

Protect significant indigenous biodiversity in the coastal environment by:

- (a) 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) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) areas containing nationally significant examples of indigenous community types; and
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- (b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:
 - (i) areas of predominantly indigenous vegetation in the coastal environment;
 - (ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:
 - i. estuaries;
 - ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);
 - iii. areas that provide passage for diadromous species;
 - iv. marine mammal resting, feeding and breeding areas; and
 - v. bird roosting and nesting areas;
 - (iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as identified in Schedule 4B;
 - (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - (v) habitats, including areas and routes, that are important to migratory species; and
 - (vi) ecological corridors and areas important for linking or maintaining biological values identified under this policy, including Significant Marine Animal and Seabird Areas identified in Schedule 4C.

Policy 14A: Indigenous biodiversity

Maintain and enhance indigenous biodiversity generally in the coastal environment by:

- (a) as far as is practicable, avoiding, remedying and mitigating the adverse effects of activities on indigenous biodiversity; and
- (b) when assessing adverse effects on indigenous biodiversity, having regard to the extent of effects, including consideration of:
 - (i) the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;
 - (ii) the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;
 - (iii) the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that;
 - i. the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;
 - ii. discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and
 - iii. activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible.

Policy 14B: Taonga species

Maintain or enhance taonga species as identified in Schedule 4CC by:

- (a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:
the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and
- (b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

Subject: Coastal occupation charges

Approved by: A D McLay, Director – Resource Management

B G Chamberlain, Chief Executive

Document: 2304923

Purpose

1. The purpose of this memorandum is to seek Members' agreement that the Taranaki Regional Council (the Council) not charge for the occupation of coastal space in the coastal marine area (CMA).

Executive summary

2. The Council has commenced a review of its current Regional Coastal Plan for Taranaki under the *Resource Management Act 1991* (the RMA). The Coastal Plan is the rulebook addressing the Council's statutory functions relating to the coastal marine area, including occupation of the foreshore and seabed.
3. Any 'fixture' in the CMA allowed by a regional rule or resource consent that prevents others from using that space constitutes an 'occupation'. Once a jetty or other such structure has been built it will preclude or potentially restrict other activities or structures taking place in that exact spot. Types of occupations include moorings, marinas, jetties, wharves, sheds, boat ramps, marine farms, utilities, pipelines and erosion protection structures.
4. An amendment to the RMA, subsequent to the adoption of the current Coastal Plan, gave regional councils the opportunity of introducing a charging regime for the occupation of coastal space within the coastal marine area. Section 64A of the RMA now requires that in preparing or changing their coastal plan, regional councils must consider whether or not a coastal occupation charging regime will apply to persons who occupy any part of the CMA after having had regard to:
 - (a) the extent to which public benefits from the CMA are lost or gained; and
 - (b) the extent to which private benefit is obtained from the occupation of the CMA.
5. If a regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in their coastal plan. To date, the Council has not sought to charge for the occupation of coastal space in the CMA and it

is recommended that a statement to this effect be included in the *Proposed Coastal Plan for Taranaki*.

6. In Taranaki, there is a low number of occupation consents in the CMA, the extent to impact on public access is only minor, and consent conditions have generally been applied allowing free public access except where it is a matter of public safety.
7. The Council has comprehensive compliance monitoring in place for coastal permits and results are publically reported to the community. The monitoring is paid for by the consent holder and an occupation charge, albeit for a different purpose, would be an additional charge. Elsewhere in New Zealand, occupational charges are the only charge levied.
8. On the basis that there are relatively few occupation consents and matters relating to public access can be addressed through coastal permit conditions, it is recommended that the Council not introduce an occupational charging regime in the review of the current Coastal Plan.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum entitled *Coastal occupation charges*;
- b) notes that in Taranaki there is a low number of occupation consents in the CMA, the extent to impact on public access is only minor, and consent conditions have generally been applied allowing free public access except where it is a matter of public safety; and
- c) agrees that the Council forego charging for occupation of coastal space in the CMA.

Background

9. The Council is currently reviewing its current *Regional Coastal Plan for Taranaki* under the RMA. The current Coastal Plan was the first produced by the Council and is the rulebook addressing the Council's statutory functions relating to the coastal marine area, including occupation of the foreshore and seabed.
10. Section 2 [Interpretation] of the RMA defines 'occupy' as follows:
"Occupy means the activity of occupying any part of the coastal marine area -*
(a) where the occupation is reasonably necessary for another activity; and
(b) where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the coastal marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent; and
(c) for a period of time and in a way that, but for the rule in the regional coastal plan and in any relevant proposed regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense."
11. Any 'fixture' in the CMA allowed by a regional rule or resource consent that prevents others from using that space constitutes an 'occupation'. Once a jetty or other such structure has been built it precludes or potentially restricts other activities or structures taking place in that exact spot. Types of occupations include moorings, marinas, jetties,

wharves, sheds, boat ramps, marine farms, utilities, pipelines and erosion protection structures.

12. Under Section 12(2) of the RMA, no person may occupy any part of the coastal marine and coastal area unless expressly allowed by a national environmental standards, a regional rule or a resource consent. It is Council practice that any consent application for a structure in the CMA must address the erection and placement of the structure plus the ongoing occupation of space in the CMA.¹ This makes sense because any structure does occupy some space, and can potentially restrict public access to that part of the CMA.
13. Section 122 (5) of the RMA states that no coastal permit shall be regarded as an authority for the holder to occupy a coastal marine land to the 'exclusion' of other people unless a coastal permit expressly provides otherwise.
14. The *Resource Management Amendment Act 1997* gave regional councils the opportunity of introducing a charging regime for the occupation of coastal space within the coastal marine area. The amendment placed a responsibility on councils to place a statement in their coastal plans, either to set out a charging regime or to say they will not do so. The RMA also specified that any money so collected must be spent on the sustainable management of the coastal marine area.
15. Of note, the Council has comprehensive compliance monitoring in place for coastal permits and results are publically reported to the community. The monitoring is paid for by the consent holder and an occupation charge, albeit for a different purpose, would be an additional charge. Elsewhere in New Zealand, occupational charges are the only charge levied.

Need to identify any coastal occupation charges in the Plan

16. Section 64A of the RMA requires that in preparing or changing a coastal plan, regional councils must consider whether or not a coastal occupation charging regime will apply to persons who occupy any part of the CMA after having had regard to:
 - (a) the extent to which public benefits from the CMA are lost or gained; and
 - (b) the extent to which private benefit is obtained from the occupation of the CMA.
17. Pursuant to section 64A(2) of the RMA, if a regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in the coastal plan. Conversely, under Section 64A(3) of the RMA, if a regional council considers that a coastal occupation charging regime should be included, the council must after having regard to the matters set out above, specify in the plan-
 - (a) the circumstances when a coastal occupation charge will be imposed; and
 - (b) the circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge; and

¹ *Hume vs Auckland Regional Council related to the public use of a private jetty. The decision concluded that unless expressly provided, a coastal permit authorising occupation of the CMA does not authorize the exclusion of the public from using the jetty for access to, from and along the foreshore of the CMA.*

- (c) the level of charges to be paid or the manner in which the charge will be determined; and
- (d) in accordance with subsection (5), the way the money received will be used.²
18. The current *Regional Coastal Plan for Taranaki* does not address coastal occupation charges as the RMA requirement to do so was introduced after the adoption of the Plan. However, the question of whether the Council should impose a coastal consenting charging regime was considered at the Policy and Planning Committee meeting of 12 June 2008, as part of the interim review of the Coastal Plan.
19. As reported to Council at that time, no person providing feedback commented on coastal occupation charges being imposed by way of the current Coastal Plan, occupation of coastal space was confirmed as not a significant issue, and it was noted that it is not intended that the Plan would include such provisions.³
20. In submissions and written evidence received from the Department of Conservation on the Proposed Coastal Plan, the Department has sought amendments to the *Proposed Coastal Plan for Taranaki* to clarify Council's position on coastal occupation charges in accordance with Section 401A (4) of the RMA. Section 401A (4) reads as follows:
- "Where no provision for coastal occupation charges has been made in a regional coastal plan or proposed regional coastal plan by the expiry date, the regional council must, in the first proposed regional coastal plan or change to a regional coastal plan notified on or after the expiry date, include a statement or regime on coastal occupation charges in accordance with section 64A."*
21. In evidence presented to the Hearing Panel of submissions on the Proposed Coastal Plan for Taranaki, the Department of Conservation subsequently questioned whether the Council has undertaken the necessary statutory steps prescribed by Section 64A of the RMA. Notwithstanding earlier considerations as part of the interim review of the Coastal Plan, for the purposes of certainty and clarity, this item has been prepared so that the Council can explicitly record their consideration of coastal occupation charges and document their decision to the satisfaction of the Minister of Conservation.

Review of coastal occupation charges

22. The premise underlying coastal occupation charges is that exclusive occupation of the coastal marine area is a privilege not a right - it is public space over which everyone has a right of access, and if used so as to exclude others a similar option of use, the public should be compensated for that exclusion and loss of opportunity.
23. Most occupations in the CMA will result in elements of both public and private benefit, and the extent to which they are exclusive will vary. The identification of benefits (public/private) is limited to those directly arising from a structure that is occupying the space, not the associated activity that is facilitated by that structure being present.

² Section 64A(5) of the RMA states that any money received by the regional council from a coastal occupation charge must be used only for the purpose of promoting the sustainable management of the CMA.

³ Council undertook targeted consultation on the draft findings of the interim review into the efficiency and effectiveness of the current Coastal Plan. Comments and feedback were received from 17 individuals and organisations, including the Department of Conservation.

The benefits or otherwise of the associated activity are assessed through the coastal permit process.

24. The *Submarine Cables and Pipelines Protection Act 1996* can restrict fishing and anchoring in the CMA and Exclusive Economic Zone to protect important infrastructure protection and for safety and environmental reasons. Applications have been made and granted for pipelines associated with the Kupe, Maui and Pohokura fields and for submarine cables. While these restrict activities, they are not part of any RMA consideration.
25. Of note, a review of Council's database, confirms that there is only a relative small number of consents in the CMA that have conditions excluding or restricting public access (refer Table 1). A survey of the consent database shows there are 194 coastal permits that include occupation. Most of these are for erosion protection structures.

Table 1: Examples of coastal permits with restricted public access conditions

Consent no.	Consent holder	Activity	Comment on consent conditions
4432	Port Taranaki	Port area	Public access only prohibited where reasonably necessary to allow safe operation and management of the Port.
5666	Telstra Saturn Ltd	Cable	Public access only restricted during construction, inspection or maintenance of the structure for safety purposes.
5991	Shell Exploration NZ Ltd	Pohokura pipelines and structures	Public access not permitted within 50m of platform. Apart from that area, free passage has to be provided except for safety purposes during construction, inspection, maintenance or removal. Restriction of public access at foreshore only for safety requirements related to construction, inspection, maintenance or removal
6916	Muggerage	Small seawall	Occupation of the small seawall that is generally covered in sand. There are 51 consents in place at Messenger Terrace, one for each property even though they all link together.
6533	Origin Energy Resources	Kupe pipelines and structures	Public access only restricted for safety purposes during construction, inspection, maintenance or removal of the structure.
3990	Opunake Boating & Underwater Club	Opunake boat ramp	Public can at all times have free ingress, passage and egress into, through, over and out of the consent area and to have reasonable access to and use of the facilities, except for the purposes of launching, berthing and/or maintaining boats.
4298	Cape Egmont Boat Club	Cape Egmont boat ramp	Public access and use of boat ramp required except for: commercial fishing vessels and heavy machinery, casual launching of any craft that cannot meet the appropriate safety standards, and access to the boat ramp and jetty during adverse sea conditions.

26. It should be noted that no coastal occupation charges are levied on the above coastal permits. The majority of these consents are relatively small and only restrict public access for purposes of safety and generally allow free passage or use of the structure.
27. A regime for charging for the occupation of coastal space, that properly takes into account the scale of the occupancy, such as the amount of coastal space occupied, as well as distinguishing private versus public benefit would be overly complex,

administratively difficult to administer, and not warranted given the size of the 'problem' in Taranaki. Any charging regime would be required to address all the circumstances in which charges will be imposed (and possibly waived), the level of charges, and use of monies received, as well as take into account the varying scales of the occupancy, such as the amount of coastal space occupied, as well as the private versus public benefit. To date there has been no demand for such a regime.

28. Also of concern, is the lack of national consistency in the way the charges are established (e.g. an agreed approach to valuation and charge levels). Hence very few councils around New Zealand so far have decided to adopt coastal occupation charges. Councils managing the aquaculture industry have direct experience in setting occupational charges and note these can be contentious and difficult to quantify.
29. The proposed Plan was silent on the matter of coastal occupation charges. In line with recommendations set out in the Hearing Panel's report (refer to separate item), it is recommended that Council consider this item and agree to amend Section 9 of the *Proposed Coastal Plan for Taranaki* by including an explicit statement that read as follows: "...the Council is not operating a charging regime for occupation of the coastal marine".

Decision-making considerations

30. Part 6 (Planning, decision-making, and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

31. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

32. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991*, the *Local Government Official Information and Meetings Act 1987*, and the *Biosecurity Act 1993*.

Iwi considerations

33. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

34. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Agenda Memorandum

Date 11 June 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Approval of Proposed Coastal Plan for
Taranaki**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 2295571

Purpose

1. The purpose of this memorandum is to introduce for Members' consideration the Hearing Panel's report and recommendations on the *Proposed Coastal Plan for Taranaki* (Proposed Coastal Plan) and to recommend the adoption of that report.
2. Attached separate to the Agenda, is a copy of the Hearing Panel's report, which contains the further written submissions and evidence tabled at the hearing, and the Section 32AA Evaluation Report.
3. Officers will be making a PowerPoint presentation to provide an overview on key issues and recommended changes arising from the Coastal Plan review. Members are not expected to read the detailed Hearing Panel report and decisions in full (500 + pages) and should be able to rely on the fact the decision has been made by an accredited Hearing Panel. There has been some detailed considerations to complex planning matters. Council officers have summarised the Hearing Panel's decisions and the changes proposed to allow Members to consider these and, if necessary, follow these up in the actual decision.

Executive summary

4. The Taranaki Regional Council (the Council) has commenced a review of its current *Regional Coastal Plan for Taranaki* under the *Resource Management Act 1991* (the RMA).
5. On 24 February 2018, the Council publicly notified the Proposed Coastal Plan and called for submissions. Council received 61 submissions by the closing date of 27 April 2018.
6. A summary of submission was then prepared and publicly notified and cross-submission (or 'further' submission) called for. Council received 25 further submissions in support or opposition to the initial submissions by the closing date of 4 August 2018.

7. Following comprehensive pre-hearing consultation, the hearing of submissions and deliberations on the Proposed Coastal Plan was held on 24 July, 1 August and 12 August 2019.
8. The Council provided an opportunity for submitters to present their views in person to the Hearings Panel. The Council appointed two accredited Committee members and one other independent accredited person to hear and make recommendations on submissions.
9. The Hearing Panel heard 15 submitters, representing a broad range of interests including government departments, non-government organisations, network utilities, industry, tangata whenua and individuals. Six submitters did not speak at the hearing but tabled further evidence in support of their submissions.
10. The original submissions raised 1,360 matters the Hearing Panel had to consider and determine. Additional matters were also raised and considered through further submissions and the evidence tabled at the hearing.
11. After the hearing of submissions, Panel members deliberated and instructed officers to prepare their report and recommendations to Council on the Proposed Coastal Plan. A copy of the Hearing Panel's report is attached.
12. In addition to the Hearing Panel's report, Council must also consider the Section 32AA Report. The Section 32AA Evaluation Report addresses those key changes that have occurred through the submission and hearing processes that were not considered by the Council under the initial Section 32 evaluation. A copy of the Section 32AA report is also attached to this agenda.
13. In brief, through submissions, pre-hearing meetings, and the hearing of submissions a number of small but important changes have been recommended, that should ensure that the Council builds on its efforts to promote sustainable management in the coastal environment, including Taranaki's coastal marine area. Other changes have also been recommended to improve the readability or clarify policy intent in relation to many Plan provisions.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum, the Hearing Panel's report, the track change version showing recommended changes to the Proposed Coastal Plan, and the Section 32AA Report;
- b) considers the Section 32AA Evaluation Report and confirms that the Council is satisfied that any changes to the policies, rules and methods set out in the Proposed Plan are the most appropriate way to achieve the objectives of the Plan;
- c) adopts the recommendations set out in the Hearing Panel's report in relation to changes to the Proposed Coastal Plan; and
- d) notes that following the Council, at its meeting on 24 September, making its decisions on the Proposed Coastal Plan, a decisions document will be made

available to all submitters and submitters have 30 working days from service of the Council's decisions to appeal to the Environment Court against the Council's decisions should they wish.

Background

14. As Members are aware, the Council has commenced a review of its current *Regional Coastal Plan for Taranaki* under the RMA. The current Coastal Plan was the first produced by the Council and is the rulebook addressing the Council's statutory functions relating to the coastal marine area. The coastal marine area or CMA relates to the wet bit of the coast. Its landward boundary is the mean high water mark and it extends seaward to 12 nautical miles, 22 km.
15. The Proposed Coastal Plan was the culmination of a comprehensive consultative and engagement process involving considerable extensive early engagement with key stakeholders and tangata whenua, including consultation on a draft Proposed Coastal Plan.
16. The Proposed Coastal Plan included a number of significant changes from the current Coastal Plan such as:
 - greater recognition of cross-boundary effects, where activities undertaken landward of the CMA may impact on values within the CMA and vice versa;
 - recognising more coastal areas of outstanding value;
 - increased recognition of Māori values, including a schedule of known sites with high cultural, spiritual and historical associations;
 - increased protection for 140 named surf breaks, including a 'Significant Surfing Area' and schedule of nationally, regionally and locally significant surf breaks;
 - increased protection for indigenous biodiversity and areas of outstanding value;
 - prohibiting discharges of untreated human sewage and new discharges of wastewater containing human waste into estuaries;
 - requiring existing coastal wastewater discharges to improve water quality and reduce in quantity over time;
 - requiring improvement in coastal water quality where the quality has deteriorated to the extent that there are significant adverse effects on ecosystems, natural habitats, or water based recreational activities, or it is restricting existing uses;
 - increased recognition and provision for regionally significant infrastructure and activities, subject to appropriately managing adverse effects;
 - bundling of activities within rules to streamline regulatory requirements and ensuring the fuller consideration of effects; and
 - increased controls on hard protection structures to manage coastal natural hazards.
17. In February 2018, the Proposed Coastal Plan was publicly notified and submission called for. Sixty-one submissions were received by the closing date of 27 April 2018. Officers analysed the submissions and prepared a summary of submissions. This was considered by Members at the Policy and Planning Committee meeting of 17 July 2018. The summary of submission was publicly notified on the 21st of July and further

submission called for. Council received 25 further submissions in support or opposition to the initial; submissions by the closing date of 4 August 2018.

18. The Council provided an opportunity for every person who makes a submission and who request to present their views in person to a Hearings Panel, to be so heard.
19. Following receipt of further submissions, officers commenced pre-hearing discussions and consultation to potentially work through the issues raised. To assist pre-hearing discussions:
 - Council officers prepared an Officers Report, which, in relation to each issue raised by submitters, set out officers' preliminary responses to and recommendations on how the Council might address matters raised by the submissions;
 - the Officers Report was distributed to all submitters as a basis for pre-hearing discussions with submitters and submitters were contacted to see whether they were interested in meeting or discussing matters raised in their submissions; and
 - where there was interest, officers met with submitters to discuss and, if possible, resolve or narrow down any issues raised by the submissions.
20. This pre-hearing process allowed all submitters to be informed of possible changes and to enable all submitters to consider these changes in light of their own submission and the need to attend a hearing of submissions. The first pre-hearing between officers and a submitter occurred on 12 October 2018 with other meetings occurring up to 21 June 2019. Council officers met with 28 submitters, and or their representatives, to discuss their submissions and any changes recommended to the Proposed Plan. These meetings allowed submitters to further clarify their concerns, discuss proposed relief and explore any alternative relief options where appropriate. The opportunity to reconsider officers' preliminary recommendations in light of this engagement was useful and resulted in a number of changes in officer recommendations that were incorporated into a Section 42A Officers Report on the Plan.

The hearing of submissions

21. Following pre-hearing consultation, the hearing of submissions and deliberations on the Proposed Coastal Plan was held on 24 July, 1 August and 12 August 2019.
22. Member will recall that the Council, acting under section 34A of the RMA, appointed three experienced hearing commissioners to hear, consider and make recommendations to it on the submissions on the Proposed Plan. The Council delegated to the Hearing Panel all its functions, powers and duties to hear and consider submissions on the Proposed Coastal Plan, including requiring and receiving reports under section 42A and exercising powers conferred by sections 41B and 41C of the RMA.
23. On Wednesday 24 July and Thursday 1 August 2019, the Hearing Panel met to hear submissions made to the Proposed Coastal Plan. Only Committee members or other accredited persons under the Making Good Decisions programme can be considered when selecting a hearings committee. The three accredited hearing commissioners appointed to the Hearing Panel, were Cr Michael Joyce (as Chair), Cr Neil Walker, and Rawiri Faulkner (the later being appointed as an independent hearing commissioner

with tikanga Maori expertise). Consultation with iwi authorities occurred in relation to the appointment of Hearing Commissioner Rawiri Faulkner.

24. Fifteen submitters appeared at the hearing in support of their submissions. They were Taranaki Energy Watch, Ms Pratt, Department of Conservation, Oil Companies and Powerco (joint evidence), Fonterra, Te Korowai o Ngaruahine, Ngati Rahiri Hapū, Te Kotahitanga o te Atiawa, Te Kaahui o Rauru, Fay Mulligan and Monique Takarangi, Royal Forest and Bird Society, Port Taranaki, New Zealand Defence Force, and PEPANZ. The Hearing Panel heard the further written and oral submissions from those submitters who appeared in person at the Hearing. Panel members also asked questions of submitters regarding their evidence.
25. Six submitters did not appear but tabled further written submissions or evidence at the hearing. They were Taranaki Federated Farmers, First Gas, Meridian Energy, Heritage New Zealand, Transpower and Trans Tasman Resources.
26. Key themes and discussion points raised by the submitters that presented to the hearing are summarised as follows:
 - **Taranaki Energy Watch:** Highlighted concerns regarding the impacts of oil and gas activities in the coastal environment and seeking the bundling of rules relating to oil and gas exploration and production activities and for the activities to be discretionary or non complying.
 - **Ms K Pratt:** Support for the Project Reef being identified as an Outstanding Value coastal management area.
 - **Department of Conservation:** Sought amendments to include criterion policies identifying high natural character, minor changes to rules addressing biofouling, and new methods addressing advocacy to district councils regarding dog control and Council investigating whether or not it will have occupational coastal charges.
 - **Oil Companies and Powerco (joint evidence):** Highlighted the importance of the oil and gas and electricity transmission industries to the region. Broadly supportive of the Plan but sought additional amendments to ensure their activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions.
 - **Fonterra:** Generally supportive of the Plan but sought additional amendments to ensure Fonterra activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions.
 - **Te Korowai o Ngaruahine:** Generally supportive of the Plan noting it is broadly “in a good place” but sought additional amendments to highlight Council commitment to protecting and monitoring tangata whenua values, and concerns relating to subjective terms adopted in rule standards, terms and conditions.
 - **Ngati Rahiri hapū:** Strongly opposed to permitted activity rules that are on or above reefs in their rohe. Sought that permitted activity rules be changed to a discretionary activity to give effect to Treaty of Waitangi, unless it is for customary uses. Submitter noted that the issue is about being part of the decision making and notification process.
 - **Te Kotahitanga o te Atiawa:** Noted Plan scope largely reflects most tangata whenua values but sought further amendments to underpin the protection of tangata whenua values.

- **Te Kaahui o Rauru:** Acknowledged reliefs agreed to in the Section 42A Officers Report, including the addition of guiding tangata whenua principles, but sought additional amendments to the Plan such as amendments to Policy 8 [Areas of Outstanding Value], and Policy 13 [Relationship with tangata whenua], Rules 22 , 26, 54 and 85, plus reparation mechanisms in Section 9 [Financial contributions] to protect, maintain or restore cultural and historic sites of significance to Maori.
 - **Fay Mulligan and Monique Takarangi:** Concerned that mapped Significant Surf break Area includes Maori Reservation and highlighted some surf break names as culturally offensive. Also highlighted problems related to freedom camping and public access and the risks to their land and sites of significance.
 - **Royal Forest and Bird Society:** Sought additional amendments to grant reliefs sought in their original submission to ensure the Plan gives effect to the *New Zealand Coastal Policy Statement* (e.g. identification of areas of high natural character and significant indigenous biodiversity) and other changes to Plan provisions to improve the certainty and clarity of provisions to protect indigenous biodiversity values.
 - **Port Taranaki:** Sought additional amendments to ensure Port Taranaki activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions. The submitter further sought that the Breakwater surf break be deleted from the Plan
 - **New Zealand Defence Force (NZDF):** Opposed the biofouling rules being applied only to the Port and sought amendments to the general standards for noise relating to temporary military training activities to align with reliefs sought by NZDF in other plans around the country.
 - **Petroleum Exploration and Production Association of NZ:** Suggest oil and gas activities are appropriately recognised and provided for in the Plan but sought additional amendments to improve the certainty and clarity of Plan provisions, particularly in relation to policies addressing oil and gas activities [Policy 29] and the removal of coastal structures [Policy 38] and other relevant Rules 26 and 27.
27. Following the presentations and tabling of further written evidence, the Hearing Panel then deliberated and made decisions on recommendations, firstly in relation to the 15 submissions heard at the hearing, secondly in relation to the tabled written correspondence from the six submitters who did not wish to appear at the hearing but wished to have their further written submissions or evidence considered as part of the hearing process, and thirdly deliberations and decisions on officer recommendations on all submissions as set out in the report: *Proposed Coastal Plan for Taranaki: Section 42A Report*, (the Section 42A Officers Report).
28. The Hearing Panel reached decisions on all submissions and instructed officers to prepare the attached report setting out the Panel's deliberations and recommendations to the Council.
29. The original submissions raised 1,360 matters that the Hearing Panel had to consider and determine. Additional matters were also raised and considered through further submissions and in relation to the evidence tabled at the hearing

The Hearing Panel's report

30. The attached Hearing Panel report records the hearing process and the outcome of the deliberations of the Panel on the submissions made on the Proposed Coastal Plan, including the written correspondence and evidence tabled at the hearing.
31. In response to submissions and further submissions received on the Proposed Plan, several major changes are recommended by the Hearing Panel to the Proposed Plan. These changes are summarised as follows:
- **Tangata whenua principles:** Inclusion of agreed tangata whenua principles in the Plan that are aligned and/or given effect to though relevant Plan objectives, policies, rules and schedules.
 - **Subdivision:** Amend Objectives 1, 3, 6, 7 and 11; and Policies 2, 5, 8 and 15 of the Proposed Plan to reference and require explicit consideration of the effects of subdivision within the coastal environment.
 - **Coastal environment line mapped:** Amend Policy 4 (and associated Planning maps) to identify the extent of the coastal environment on Planning maps based on their equivalent in relevant district plans (i.e. Coastal Protection Area identified the Proposed District Plan for South Taranaki and the Coastal Hazard Area identified in the Draft District Plan for New Plymouth).
 - **The balance of protective policies against the use and development policies:** The *New Zealand Coastal Policy Statement* (NZCPS) is particularly directive towards protection of the coastal environment and some submitters were concerned with how the needs of the national grid (and other regionally important infrastructure) would be balanced against the need to protect specific values. After hearing submissions, the Hearing Panel recommends a new Policy 6A, to better align with the *National Policy Statement on Electricity Transmission* (which provides direction specific to managing the effects of the National Grid).
 - **Indigenous biodiversity:** Amend Policy 14 [Significant indigenous biodiversity] to explicitly identify significant marine animal and seabird areas, amend Plan to include a new Policy 14A to addresses other indigenous biodiversity, and amend Planning map (and other consequential changes to the Plan) to identify known significant indigenous biodiversity areas.
 - **Sewage discharge rules:** A number of iwi submitters were strongly opposed to allowing any new discharges of treated human sewage to the open coast (even as a consented activity). After hearing submissions, the Hearing Panel recommends addressing these concerns by prohibiting any new discharges of treated human sewage to the CMA but would continue to provide for existing treated wastewater discharges (subject to a consenting process).
 - **Seismic surveying rule:** The Proposed Plan included a permitted activity rule for seismic testing. A submitter identified that there are possible adverse effects towards the little blue penguin that annually migrates to the South Taranaki Bight for feeding. Recent scientific research has investigated the effect of seismic testing on penguins to be potentially significant. Effects on birds are not considered under the Department of Conservation's Code of conduct for minimising acoustic disturbance to marine mammals for seismic survey operations, which only investigates effects to marine mammals. Council officers have explored and discussed with submitters, during the pre-hearing process, a consented (controlled activity) pathway for seismic testing to ensure that there is a process to gather

information and consider any effects on biodiversity values, including those on the little blue penguin, prior to the activity commencing. Strong and widespread support has been indicated for this change although some submitters argued for further restrictions. After hearing submissions, the Hearing Panel recommends making seismic testing in the CMA a controlled activity, subject to standards, terms and conditions.

- **Rules for structure maintenance, alteration and extensions:** General feedback from some submitters on the maintenance, alteration and extension rules in the Proposed Coastal Plan was that the framework was complicated and, in some instances/scenarios, submitters were not sure which rule might apply to specific activities with the potential for more than one rule to apply to a single activity. Submitters were also concerned about the relevant definitions of these activities. After hearing submissions, the Hearing Panel recommends amendments to reframe the structure maintenance / alteration / extension rules.
- **New rules for sampling and monitoring:** Amendments to Rule 52 [Collection of benthic grab samples] (permitted) and inclusion of two additional rules, 52A and 52B (controlled and discretionary) to provide for disturbances arising from the collection of scientific samples and/or arising from monitoring activities.
- **Revised noise provisions for temporary military training activities:** Amendments to Section 8.6.3 (c) [Noise limits] to better reflect requirements set by the New Zealand Defence Force for temporary military training activities throughout the country.
- **Amendments to on-line maps (and associated schedules)** to better identify 'high natural character areas' and areas of 'significant indigenous biodiversity'.

32. Of note, numerous other minor or inconsequential changes to the Proposed Plan have also been recommended by the Hearing Panel in response to submissions to improve certainty or clarity in relation to policy intent and/or to improve the readability of Plan provisions). In granting relief to some submitters other consequential changes were often necessary in other parts of the Plan.
33. Full copies of the written statements and evidence tabled at the Hearing Panel are in Appendix I of the Hearing Panel Report. It is recommended that the Hearing Panel's report (attached), including the findings and recommendations, be adopted by the Council.

Section 32AA Evaluation Report

34. Also attached to this item for Member's consideration is a Section 32AA Evaluation Report that addresses those key changes that have occurred through the submission and hearing processes that were not considered by the Council under the initial Section 32 evaluation
35. Pursuant to section 32AA of the RMA, an evaluation report *Section 32AA Evaluation Report Proposed Coastal Plan for Taranaki* (Section 32AA Evaluation Report) has been prepared.
36. Section 32(1) to (5A) of the RMA sets out the requirements for preparing and publishing evaluation reports for proposed regional plans and reads as follows:

- (1) *An evaluation report required under this Act must –*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
 - (2) *An assessment under subsection (1)(b)(ii) must –*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
 - (3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –*
 - (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives –*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*
 - (4) *If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.*
 - (5) *If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must –*
 - (a) *summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
 - (b) *summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
 - (5A) *The person who must have particular regard to the evaluation report must make the report available for public inspection –*
 - (a) *as soon as practicable after the proposal is made (in the case of a standard or regulation);*
or
 - (b) *at the same time as the proposal is notified.*
37. The Section 32 Evaluation Report gives effect to the aforementioned requirements. The report evaluates the appropriateness of each objective in the Proposed Plan to achieve the purpose of the RMA and confirms that the proposed objectives are the most appropriate way to achieve the purpose of the RMA. The report also confirms that the Proposed Plan policies and rules are the most appropriate way to achieve the objectives and that the anticipated benefits of the proposal outweigh the costs. The impacts of the Plan on economic growth are, in the main, considered to be limited and,

in some cases, beneficial. By its very nature, the Plan does impose regulatory constraints on use and development activities in the CMA. However, in all cases, these constraints are considered justifiable and appropriate having regard to environmental, social and cultural benefits anticipated.

Next steps

38. Following consideration of the Section 32AA Evaluation and the Hearing Panel's report, staff will prepare the formal Council decisions document and a further amended version of the Proposed Coastal Plan for consideration and adoption by the full Council at their meeting on 24 September 2019.
39. The formal decision document will incorporate in full the recommendations of the Hearing Panel (subject to any changes recommended by this Committee) and be presented to the full Council for its consideration.
40. If the Council adopts the decisions, the decisions document will be made available to all submitters. Submitters will then have 30 working days from service of the Council's decisions, to appeal to the Environment Court against the Council's decisions. Given the agreements reached during the pre-hearing and hearing processes, it is hoped that there will be no appeals against the Council's decisions. Any appeals could delay the Proposed Coastal Plan becoming operative by some months until a formal hearing before the Environment Court is completed.
41. Also of note the Coastal Plan mapping portal, showing the online maps and scheduled information, will be amended to reflect Council decisions.

Decision-making considerations

42. Part 6 (Planning, decision-making, and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

43. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

44. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991*, the *Local Government Official Information and Meetings Act 1987*, and the *Biosecurity Act 1993*.

Iwi considerations

45. This memorandum and the associated recommendations are consistent with the

Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

46. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document No. 2320844 – Hearing Panel report on Proposed Coastal Plan

Document No. 2320393 – Track change version of recommended changes to the Proposed Coastal Plan

Document No. 2320899 – Section 32AA Evaluation Report.

Proposed Coastal Plan for Taranaki

Hearing Panel's report on submissions

Hearing panel report on Decisions Requested Proposed Coastal Plan for Taranaki

3 September 2019

Document number: 2275386

IN THE MATTER of the Resource Management Act 1991

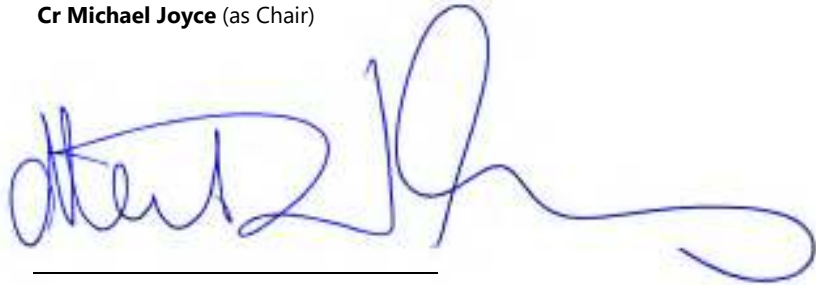
AND

IN THE MATTER of the hearing of submissions on the *Proposed Coastal Plan for Taranaki*

The Hearing Panel is grateful for all the requests and suggestions by submitters and their witnesses that have assisted the Hearing Panel in its deliberations and in reaching the recommendations to the Council contained in this report. Having considered all the submissions, Panel members have made our deliberations and therefore recommend the amendments to the *Proposed Coastal Plan for Taranaki* contained in this report.



Cr Michael Joyce (as Chair)



Cr Neil Walker



Mr Rawiri Faulkner

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1 Introduction

This section introduces the Hearing Panel's report on the Proposed Coastal Plan for Taranaki.

1.1 Purpose

The purpose of this document is to present a report from the Hearing Panel to the Taranaki Regional Council (the Council) that summarises the decisions sought in submissions on the *Proposed Coastal Plan for Taranaki* and to make recommendations on those submissions.

Note, the recommendations presented in this report are recommendations by the hearing panel and have not yet been formally considered by the Council.

1.2 Scope and background

The *Proposed Coastal Plan for Taranaki* was publicly notified for submissions on 24 February 2018, with submissions closing on 27 April 2018.

Public notice calling for further submissions supporting or opposing the initial submissions was made on 21 July 2018 and closed on 4 August 2018. Further submissions may only be made in support of or opposition to the submissions already made. A further submission cannot extend the scope of the original submission and can only seek allowance or disallowance (in whole or in part) of the original submission.

Sixty-one initial submissions were received with 25 further submissions also received.

In October 2018, an officers report with preliminary recommendations in response to submissions (and a revised track change version of the Proposed Plan) was released and made available to all submitters for their consideration. Subsequently, the Council extended an offer to submitters to ascertain their interest in meeting with officers to discuss their issues and officers' preliminary response as part of a pre-hearing engagement process. Council officers met with 28 submitters to discuss changes recommended to the Proposed Plan. These meetings allowed submitters to further

clarify their concerns, discuss proposed relief and explore any alternative relief options, where appropriate. The opportunity to reconsider officers' preliminary recommendations in light of this engagement was useful and resulted in a number of changes in officer recommendations that have been incorporated into a Section 42A report. A hearing has subsequently been held and this report prepared to incorporate the recommendations of the hearing panel to Council.

Section 1 of this report introduces the report, which has been prepared by the Council to inform the review of the Coastal Plan in accordance with Clause 7 of the First Schedule of the *Resource Management Act 1991* (the RMA).

Section 2 of this report provides an index of initial and further submitters.

Section 3 of this report summarises how the Proposed Plan was developed and the Plan review process to date.

Section 4 of this report summarises decisions sought by initial submitters and Hearing Panel' recommendations.

As far as practicable, decisions sought by various submitters have been grouped by specific sections of the Proposed Plan. Some submitters have not clearly stated the decision they wish the Council to make or the reason behind the submission. In such cases the intent of the submission has been considered or inferred from the submission and a response accordingly made.

For each decision sought by initial submitters, this document sets out:

- the decision(s) requested by submitters;
- support or opposition from further submitters to the decision requested by the initial submitter; and
- the Hearing Panel's recommendation in response to the decision requested, including reasons.

Where a recommendation involves changing the Proposed Plan the changes, as read, have been included. Deletions have not been identified but can be found in the Track change version of the Proposed Coastal Plan.

1.3 How to read this document

Individual submission points are numbered for ease of reference as shown below. Any support or opposition from further submitters to the decision requested by the initial submitter is also identified.

Submitter	Submission point	Submitter's requests	Hearing Panel recommendation and response
Rule XYZ			
Submitter id (Each initial submitter has an identification number, e.g. 1 to 61)	Submission point – numbering for decisions sought in submissions	Support / Amend / Other	Accept / Accept in part / Grant in kind / Decline / No relief necessary
		Submitter's request.	Explanation of recommendation
Further submitter (if applicable)		Support / Opposition / Neutral - to the submission point	

Unless the context indicates otherwise, all references to Plan provisions relate to the version of the *Proposed Coastal Plan for Taranaki* publicly notified On 24 February 2018.

2 How the Plan was developed

This section outlines the Coastal Plan review process to date.

The Proposed Plan has been prepared as a result of a full review of the current Coastal Plan under Section 79 and Schedule 1 of the RMA, which has involved the following steps.

2.1 Early engagement

In accordance with Schedule 1 of the RMA, the Council has sought and considered comments from iwi authorities, the Department of Conservation, Heritage New Zealand, New Plymouth District Council, South Taranaki District Council, and other stakeholders in preparing to formally review the Proposed Coastal Plan.

This engagement has involved a combination of information provision, two-way consultation, and iwi and stakeholder exchanges that have assisted in the identification of key issues and community aspirations, plus the development of a draft Coastal Plan (refer Section 2.3 below) and a Proposed Coastal Plan (refer Section 2.5 below) and the refinement of Plan provisions.

2.2 Technical reports and research

The technical reports, working papers, research, policy development and public consultation that contributed to the development of the current Coastal Plan are still relevant. However, as part of this Plan review, a suite of additional discussion documents and technical papers were prepared or commissioned to further inform Council's policy position on future coastal management. They included:

- State of the environment monitoring reports (2003, 2009, 2015)
- *Efficiency and effectiveness of the Regional Coastal Plan for Taranaki* (2002, 2009)
- *Taranaki Region Coastal Plan Review – Archaeological Scoping Study* (December 2012)

- *Taranaki Regional Council – Offshore Seismic Data Acquisition Permitted Activity Review* (May 2015)
- *Taranaki Regional Council – Offshore Petroleum Drilling Review* (August 2015)
- *Petroleum Drilling Activities; Buffer Distances from Outstanding Areas and Substrate Types Requiring Protection* (October 2015)
- *Regional Landscape Study of the Taranaki Coastal Environment* (November 2015)
- *Taranaki Surf breaks of National Significance* (May 2016)
- *Sensitive Habitats and Threatened Species in the Taranaki Coastal Marine Area* (August 2016)
- *Regional Significance Criteria for the Assessment of Surf Breaks* (July 2017)
- *Online Wave Survey Data Analysis and Proposed Regionally Significant Surf Breaks* (October 2017).

2.3 Consultation on a draft Plan

On 2 September 2016, to facilitate comments on specific proposed changes to the current Coastal Plan, the Council released a draft Proposed Coastal Plan to iwi authorities, stakeholders and the wider public for their comment and input. This was an extra non statutory step to inform the development of Plan provisions. See <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/coastal-plan-review/draft-coastal-plan/> for further details.

The draft Coastal Plan set out the findings and outcomes of the engagement and technical investigations undertaken at that time. It largely proposed continuing the existing regime set out in the current Plan subject to a number of important changes. The proposed changes sought to build on the success of the past and continue the decades-long process of incrementally and systematically improving on the maintenance and enhancement of coast values and uses while providing for appropriate use and development.

Other changes were also proposed to give effect to recent national directives such as the *New Zealand Coastal Policy Statement* or NZCPS, and take into account changing environmental practices and community aspirations, plus experiences and lessons learned from the implementation of the current Coastal Plan.

As part of this engagement, around 120 stakeholders consisting of iwi authorities, Department of Conservation, district councils, major consent holders, the oil and gas sector groups, government departments, Royal Forest and Bird, and other non-government organisations with an interest in coastal issues were invited to provide feedback on the draft Coastal Plan. The Council also made the draft Coastal Plan available on its website for any member of the public wishing to comment.

The deadline for feedback on the draft Coastal Plan was 26 November 2016. The Council received 101 responses on the draft Coastal Plan from interested parties and individuals.

In general, many respondents appreciated the opportunity for early input and requested continued involvement throughout the planning process. There was considerable support for the draft Coastal Plan in terms of its content and draft provisions with many requesting that certain provisions be retained. However, there were also requests for changes.

Key themes to emerge from feedback seeking change or further work were as follows:

- minor amendments to Plan provisions sought to improve their readability and/or other changes for the purposes of certainty and clarity
- more substantive changes to Plan provisions to support or restrict use and development in the coastal marine area (CMA)
- Ngati Ruanui, Ngāruahine, and Ngāa Rauru highlighted issues and/or suggested changes to Plan provisions to improve the integration of cultural values and principles and to identify sites of high cultural significance in the coastal marine area
- opposition to a proposed rule for the temporary occupation of the common marine and coastal area for community, recreational or sporting activity as a permitted activity.

Other comments submitted related to minor changes or correcting drafting errors or sought further clarification on issues of interest.

Council officers conducted workshops and held additional meetings and hui with respondents during and following that process to clarify and discuss issues and options.

This included meeting with iwi authorities, interested hapū, New Plymouth District Council, industry, and sector groups. A revised draft Coastal Plan showing Council responses to feedback was circulated to respondents in August 2017 with further opportunity for input.

2.4 Engagement with iwi authorities

As outlined in sections 2.1 to 2.3 above, the Council has sought to engage with iwi authorities throughout the Plan review process. Consultation and collaborative effort with Iwi o Taranaki has greatly informed the Plan review process, including changes to the current Plan.

Appendix II of the Section 32 evaluation report set out a summary of the advice received from iwi authorities, including the Council's response to date.

2.5 Proposed Plan, submissions and pre-hearing process

In conjunction with the preparation of its section 32 evaluation report, the Council publicly notified the Proposed Plan on 24 February 2018 in accordance with Schedule 1 of the RMA. This commenced the formal public consultation on the Coastal Plan review and has so far involved the public notification of a Proposal, and the receipt and consideration of public submissions. The deadline for submissions was 27 April 2018.

Assessment of those submissions was undertaken immediately. A summary of submissions will be notified and any cross-submissions (or 'further' submissions) called for on 21 July 2018. The deadline for further submissions was 4 August 2018.

The Council provided an opportunity for every person who makes a submission and who requests to present their views in person to a Hearings Committee, to be so heard.

In October 2018, an officers' report with preliminary recommendations in response to submissions (and a revised track change version of the Proposed Plan) was released and made available to all submitters for their consideration. Subsequently, the Council extended an offer to submitters to ascertain their interest in meeting with officers to

discuss their issues and officers' preliminary response as part of a pre-hearing engagement process. Council officers met with 28 submitters and or their representatives to discuss their submissions and any changes recommended to the Proposed Plan. These meetings allowed submitters to further clarify their concerns, discuss proposed relief and explore any alternative relief options where appropriate. The opportunity to reconsider officers' preliminary recommendations in light of this engagement was useful and resulted in a number of changes in officer recommendations that were incorporated into a Section 42A report.

2.6 Hearing of submissions

The Council, acting under section 34A of the RMA, appointed the authors of this report, as hearing commissioners to hear, consider and make recommendations to it on the submissions on the Proposed Plan. The Council delegated to the Hearing Panel all its functions, powers and duties to hear and consider submissions on the Proposed Plan, including requiring and receiving reports under section 42A and exercising powers conferred by sections 41B and 41C of the RMA.

Three accredited hearing commissioners were appointed to the Hearing Panel. They were **Cr Michael Joyce** (as Chair), **Cr Neil Walker**, and **Rawiri Faulkner** (the latter being appointed as an independent hearing commissioner with tikanga Maori expertise).

For the avoidance of doubt, the Hearing Panel affirm that, throughout the performance of its duties, hearing commissioners have been entirely independent and objective in considering and making recommendations on the submissions.

As previously noted, the Hearing Panel required and received reports under section 42A of the RMA on the Proposed Plan and the submissions on it. The Hearing Panel conducted public hearings on the reports and evidence and submissions of the submitters who wished to be heard. Those hearings were conducted at the Taranaki Regional Council premises in Stratford on 24 July and 1 August 2019.

Fifteen submitters¹ presented and were heard in support of their submissions at the hearing (refer Table 3, Section 3 of this Plan). Key themes and discussion points raised by the submitters that presented to the hearing are summarised as follows:

- Taranaki Energy Watch: Highlighted concerns regarding the impacts of oil and gas activities in the coastal environment and seeking the bundling of rules relating to oil and gas exploration and production activities and for the activities to be discretionary or non complying.
- Ms Pratt: Support for the Project Reef being identified as an Outstanding Value coastal management area.
- Department of Conservation: Sought amendments to include criterion policies identifying high natural character, minor changes to rules addressing biofouling, and new methods addressing advocacy to district councils regarding dog control and Council investigating whether or not it will have occupational coastal charges.
- Oil Companies and Powerco (joint evidence): Highlighted the importance of the oil and gas and electricity transmission industries to the region. Broadly supportive of the Plan but sought additional amendments to ensure their activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions.
- Fonterra: Generally supportive of the Plan but sought additional amendments to ensure Fonterra activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions.
- Te Korowai o Ngaruahine: Generally supportive of the Plan noting it is broadly "in a good place" but sought additional amendments to highlight Council commitment to protecting and monitoring tangata whenua values, and concerns relating to subjective terms adopted in rule standards, terms and conditions.
- Ngati Rahiri hapū: Strongly opposed to permitted activity rules that are on or above reefs in their rohe. Sought that permitted activity rules be changed to a discretionary activity unless it is for customary uses, to give effect to Treaty of Waitangi, need their activities to be discretionary. Submitter noted that the issue is more about being part of the decision making and notification process.

¹ Seventee submissions were heard, noting that the Oil Companies and Powerco jointly submitted on their submissions

- Te Kotahitanga o te Atiawa: Noted Plan scope largely reflects most tangata whenua values but sought further amendments to underpin the protection of tangata whenua values.
- Te Kaahui o Rauru: Acknowledged reliefs agreed to in the Section 42A Report, including the addition of guiding tangata whenua principles, but sought additional amendments to the Plan such as amendments to Policy 8 [Areas of Outstanding Value], and Policy 13 [Relationship with tangata whenua], Rules 22, 26, 54 and 85, plus reparation mechanisms in Section 9 [Financial contributions] to protect, maintain or restore cultural and historic sites of significance to Maori.
- Fay Mulligan and Monique Takarangi: Concerned that mapped Significant Surf break Area includes Maori Reservation land and highlighted some surf break names as culturally offensive. Also highlighted problems related to freedom camping and public access and the risks to their land and sites of significance.
- Royal Forest and Bird Society: Sought additional amendments to grant reliefs sought in their original submission to ensure the Plan gives effect to the NZCPS (e.g. identification of areas of high natural character and significant indigenous biodiversity) and other changes to Plan provisions to improve the certainty and clarity of the provisions protecting indigenous biodiversity values.
- Port Taranaki: Sought additional amendments to ensure Port Taranaki activities are appropriately recognised and provided for in the Plan and to improve the certainty and clarity of Plan provisions. The submitter further sought that the Breakwater surf break be deleted from the Plan.
- New Zealand Defence Force (NZDF): Opposed the biofouling rules being applied only to the Port Taranaki coastal management area and sought amendments to the general standards for noise relating to temporary military training activities to align with relief sought by NZDF in other plans around the country.
- Petroleum Exploration and Production Association of NZ: Suggest oil and gas activities are appropriately recognised and provided for in the Plan but sought additional amendments to improve the certainty and clarity of Plan provisions, particularly in relation to policies addressing oil and gas activities [Policy 29] and the removal of coastal structures [Policy 38] and other relevant Rules 26 and 27.

Six submitters did not appear (Federated Farmers, First Gas, Meridian Energy, Heritage New Zealand, Transpower and Trans Tasman Resources) but presented written briefs of evidence in support of their submissions.

Copies of the written briefs or evidence presented or tabled at the hearing are included in Appendix I of this report.

During the hearings, the Hearing Panel asked questions of submitters to enhance their understanding of submitter requests, the grounds for them, and advice given in the section 42A reports. The Hearing Panel endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for good communication and fairness to all submitters. A number of submitters raised matters not covered in their original or further submission. As far as practicable the Hearing Panel has endeavoured to address all matters raised in this report, however, some matters were determined to be out of scope and have not been covered in this report.

Most of the submissions on the Proposed Plan requested amendments to it, and gave reasons for requesting those amendments. Many also constructively proposed specific improvements to the Proposed Plan developed by themselves or their advisers.

On 1 August 2019, following the completion of the public hearings, Hearing Panel members deliberated on the matters raised in the submissions heard, all written submissions on the Proposed Plan, the outcome of any pre-hearing consultation with submitters, the officers' recommendations on submissions, and the further evidence and submissions tabled at the hearing. The Hearing Panel members further met on the 12 August to complete their deliberations and instructed reporting officers, on their behalf, to formulate their recommendations to Council on the decisions requested.

Hearing Panel members are grateful for all the requests and suggestions by submitters and their witnesses; and by the section 42A report authors. Members acknowledge that the requested and suggested amendments, including those not recommended, and the evidence relating to them, have substantially assisted the Panel in its deliberations and in reaching the recommendations to the Council made in this report. The submissions and reports have all contributed to an effective and fair process for which Part 1 of schedule 1 of the RMA provides.

2.7 Remainder of the Schedule 1 review process

Recommendations presented in this report by the Hearing Panel, will be formally considered by Council.

The Council's decisions on the matters raised (in the submissions) will be publicly notified. If any person who made a submission on the Proposed Plan is dissatisfied with the subsequent decision of the Council, he or she may refer the decision to the Environment Court, which in turn would hold a formal public hearing into the matter. The Environment Court may direct the Council to make amendments to the Proposed Plan.

Once finally approved by the Council (taking into account any directives from the Environment Court), the Proposed Plan becomes operative on a date that is publicly notified.

Figure 1 below provides an overview of the Coastal Plan review process, including where "we are at" in terms of the process.

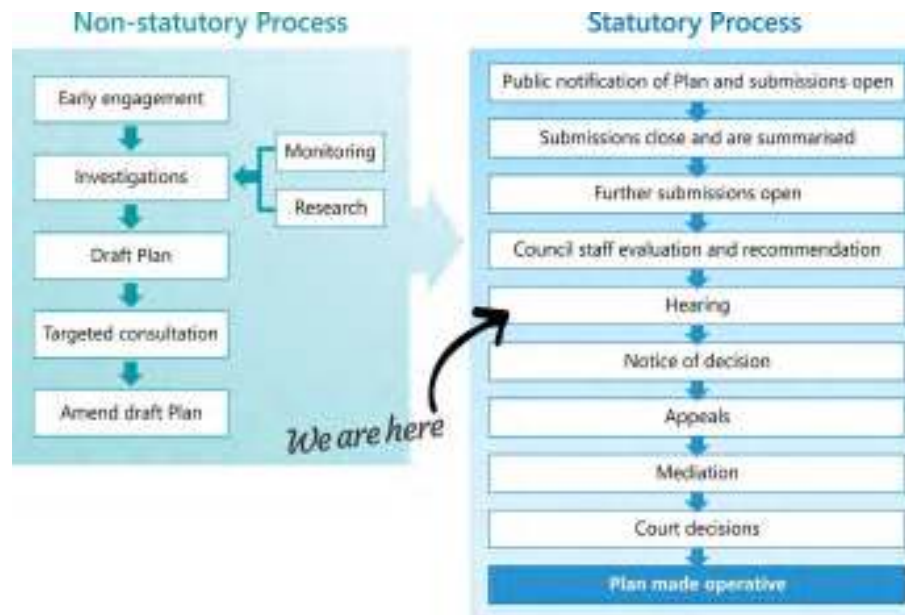


Figure 1: Coastal plan review process

2.8 Further reading

For further information on the Plan preparation and review process please refer to:

<https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/coastal-plan-review/>.

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3 Submitters

This section identifies initial and further submitters to the Proposed Plan plus those who presented their submissions to the Hearing of submissions.

Table 1: Initial submitters

Submitter number and name		Submitter number and name		Submitter number and name	
1.	Tom P Waite	22.	Lyndon De Vantier	43.	Royal Forest and Bird Protection Society
2.	Federated Farmers	23.	New Plymouth District Council	44.	Nga Motu Marine Reserve Society Inc
3.	Roger Maxwell	24.	Paora Aneti 17 & 18 Māori Reservation Trustees	45.	Powerco
4.	Allen Pidwell	25.	New Zealand Petroleum and Minerals	46.	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd
5.	Point Board Riders Inc	26.	Transpower NZ Ltd	47.	Fonterra
6.	Trans-Tasman Resources Ltd	27.	Taranaki Chamber of Commerce	48.	Taranaki District Health Board
7.	Waikato Regional Council	28.	Grant Knuckey	49.	Cam Twigley
8.	Silver Fern Farms Management Ltd	29.	Department of Conservation	50.	Te Kāhui o Taranaki Trust
9.	Karen Pratt	30.	First Gas Ltd	51.	Taranaki Energy Watch Inc
10.	South Taranaki Underwater Club	31.	Komene 13B Māori Reservation Trustees	52.	Emily Bailey
11.	Bruce Boyd	32.	Port Taranaki Ltd	53.	Taranaki Regional Council
12.	Chorus New Zealand Ltd	33.	New Zealand Defence Force	54.	Maritime New Zealand
13.	Spark New Zealand Trading Ltd	34.	Fay Mulligan and Carol Koha	55.	Kiwis Against Seabed Mining
14.	Vodafone New Zealand Ltd	35.	Radio New Zealand Ltd	56.	Greenpeace
15.	Surfbreak Protection Society	36.	Todd Energy	57.	Heritage New Zealand
16.	Ministry for Primary Industries	37.	Petroleum Exploration and Production Association of NZ	58.	Te Atiawa
17.	David Pearce	38.	Nigel Cliffe	59.	KiwiRail

Submitter number and name		Submitter number and name		Submitter number and name	
18.	Surfing Taranaki	39.	Maniapoto Māori Trust Board	60.	Te Kaahui o Rauru
19.	South Taranaki District Council	40.	Te Rūnanga o Ngāti Mutunga	61.	Te Rūnanga o Ngāti Ruanui Trust
20.	Meridian Energy Ltd	41.	Te Korowai o Ngāruahine Trust		
21.	Climate Justice Taranaki Inc	42.	Ngati Rahiri Hapū ²		

Table 2: Further submitters

Submitter number and name		Submitter number and name		Submitter number and name	
2.	Federated Farmers	26.	Transpower NZ Ltd	42.	Ngati Rahiri Hapū
6.	Trans-Tasman Resources Ltd	29.	Department of Conservation	43.	Royal Forest and Bird Protection Society
9.	Karen Pratt	32.	Port Taranaki Ltd	44.	Nga Motu Marine Reserve Society Inc
10.	South Taranaki Underwater Club	33.	New Zealand Defence Force	45.	Powerco
11.	Bruce Boyd	35.	Radio New Zealand Ltd	46.	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd
16.	Ministry for Primary Industries	37.	Petroleum Exploration and Production Association of NZ	47.	Fonterra
20.	Meridian Energy Ltd	40.	Te Rūnanga o Ngāti Mutunga	51.	Taranaki Energy Watch Inc
21.	Climate Justice Taranaki Inc	41.	Te Korowai o Ngāruahine Trust	55.	Kiwis Against Seabed Mining
				61.	Te Rūnanga o Ngāti Ruanui Trust

² Subsequent to the receipt of the submission from Ngati Hine whanau, the submitter indicated that the submission has subsequently been adopted by the Ngati Rahiri Hapū. Officers agreed that all references to 'Ngati Hine whanau' will now refer to 'Ngati Rahiri Hapū'.

Table 3: Submitters that presented to the hearing

Submitter number and name		Submitter number and name	
9.	Karen Pratt	43.	Royal Forest and Bird Protection Society
29.	Department of Conservation	45.	Powerco
32.	Port Taranaki Ltd	46.	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd
33.	New Zealand Defence Force	47.	Fonterra
34.	Fay Mulligan and Carol Koha	51.	Taranaki Energy Watch Inc
37.	Petroleum Exploration and Production Association of NZ	60.	Te Kaahui o Rauru
41.	Te Korowai o Ngāruahine Trust	61.	Te Rūnanga o Ngāti Ruanui Trust
42.	Ngati Rahiri Hapū		

Taranaki Federated Farmers (2), First Gas (30), Meridian Energy (20), Heritage New Zealand (57), Transpower (26) and Trans Tasman Resources (6) did not appear but presented written briefs of evidence to the Panel in support of their submission.

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4 Summary of decisions sought and Hearing Panel recommendations

This section sets out the summary of decisions sought by submitters for the Plan and the Hearing Panel's recommendation in response to the decision sought.

As far as practicable, decisions sought by various submitters have been grouped according to common themes (where they relate to changes to Plan provisions or process generally) or to specific sections of the Proposed Plan (where they have been referenced or inferred). Where specific wording changes to Plan provisions are requested by submitters or proposed by the Hearing Panel, recommended insertions are marked in red and underlined, while recommended deletions are shown as ~~struck-out~~ text. Hearing Panel recommendations generally only show the recommended wording as read and struck out material has not been included. The full amendments, including any deleted/struck out text can be found in the associated track changed version of the Plan.

4.1 Whole Plan – General comments

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
General – Plan			
2 – Federated Farmers	1	Amend	No relief necessary
		Submitter is broadly supportive of the planning approach taken but seeks that normal farming activities that occur in the coastal marine area (adjacent to farms or where the farm boundary extends to the coastal marine area) that these farming activities are permitted.	Note rules relating to use and development activities do not apply to activities landward of the coastal marine area line.
4 – Allen Pidwell	2	Support	Accept
		Submitter supports the Proposed Plan.	Support noted.
26 – Transpower NZ Ltd	3	Amend	Accept
		Submitter is broadly supportive of the Proposed Plan subject to specific amendments to give full effect to the <i>National Policy Statement for Electricity Transmission 2008</i> .	Support is noted. The Hearing Panel notes that the submitter has requested specific amendments throughout the Plan, to bring the Plan more in line with provisions within the <i>National Policy Statement for Electrical Transmission</i> . The Hearing Panel agrees that the <i>National Policy Statement for Electrical Transmission</i> is required to be given effect to within the Plan and recommend consequential amendments to the Plan in response to some of the specific reliefs sought by the submitter.
29 – Department of Conservation	4	Support	No relief necessary
		Submitter notes the Proposed Plan is well structured and easy to use.	Comments noted.
	5	Amend	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
33 – New Zealand Defence Force		Submitter seeks amendment to the Plan to consistently refer to “ <i>temporary military training activities</i> ” and omit the use of “ <i>military training activities</i> ”.	<p>The Hearing Panel agrees with the relief sought by the submitter.</p> <p>The Hearing Panel has further reviewed the Plan to consistently refer to “<i>temporary military training activities</i>” and omit the use of “<i>military training activities</i>” or other variant where “<i>temporary military training activities</i>” would suffice. The Hearing Panel recommends consequential amendments to the definition section of the Plan to delete the term “<i>Military training</i>” and include a new definition for “<i>temporary military training activity</i>”. This is consistent with definition provided in the <i>National Planning Standards</i>, which came into force on 3 May 2019.</p> <p>The amended definition reads as follows:</p> <p><u>Temporary military training activity means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:</u></p> <p><u>(a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;</u></p> <p><u>(b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere;</u></p> <p><u>(c) the contribution of forces under collective security threats, agreements, or arrangements;</u></p> <p><u>(d) the contribution of forces to, or for any of the purpose of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;</u></p> <p><u>(e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;</u></p> <p><u>(f) the provision of any public service.</u></p>
34 – Fay Mulligan and Carol Koha	6	<p>Other</p> <p>Note submitters wish to speak in reference to protections of cultural values/activities and Māori involvement and protection of tikanga.</p>	<p>No relief necessary</p> <p>No precise details of amendments sought to the Plan have been provided. However, the submitters' wish to be heard relating to Māori involvement and protection of tikanga was given effect to when the submitters presented to the hearing on 24 July.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
36 – Todd Energy	7	Support	Accept
		Submitter supports the Proposed Plan as currently drafted.	Support noted.
41 – Te Korowai o Ngāruahine Trust	8	Support	No relief necessary
		Submitter broadly supports the overall direction of the Plan but highlights the benefits of marine spatial planning and seeks the adoption and application of an ecosystems based approach to prevent further degradation of the biodiversity and character of the coastal environment.	<p>The Hearing Panel notes submitter's support for the Plan direction.</p> <p>In relation to marine spatial planning, the Hearing Panel notes that considerable work has been done to collate information on uses and values in the coastal marine area, including the marine environment, and as appropriate, relevant spatial information and overlays have been included in the planning maps. These planning maps are underpinned by GIS information, which, though sitting outside the Plan, may provide additional information that can also be used to inform consenting processes. Together there is considerable information that contributes to marine spatial planning that may be built on over time.</p> <p>At the hearing, the submitter questioned the subjectivity of some of the terms adopted in the Plan rules, e.g. "adverse", "reasonable", "significant" and "minor contaminant". The Hearing Panel notes that not all words in the Plan are defined and the interpretation of Plan provisions must sometimes necessarily rely on the common understanding of key terms and/or the reading context. For example, in relation to the term "adverse", the term is an RMA term and is defined by the Oxford dictionary as harmful. This would be consistent with most reader's understanding of the term. Rules 1A, 1, 15 and 35 refer to "reasonable mixing". While the current Freshwater Plan has provided a definition that refers to a "...zone seven times the width of the channel at the point of the discharge" this definition is not considered appropriate for the significantly different and complex natural and ecological processes that characterise the marine environment. In relation to the terms "significant", the <i>Regional Policy Statement for Taranaki</i> has defined these terms but again this something that would be difficult to have some quantitative measure for that could be applied in all circumstances, all the time. Finally, reference to "minor contaminant" only occurs in the gateway of Rule 1A and acknowledges that all water is likely to contain some natural or man-made 'contaminants'. It is appropriate therefore to refer to minor contaminants in the gateway for the purposes of certainty and clarity. However, the parameters or definition for what constitutes 'minor contaminants' can be determined by a wider reading of the rule and, in particular, the matters in the standards, terms and</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			conditions that need to be complied with. The Hearing Panel recommends no change to the Plan in this area.
55 – Kiwis Against Seabed Mining	9	Amend Submitter seeks amendments to the Plan to include marine spatial management and associated rules framework as an appropriate method to address fishing, oil and gas, and seabed mining.	Decline No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel does not consider further amendments to the Plan are necessary.
Further submissions – Ministry for Primary Industries (16)		Oppose	The Hearing Panel notes that considerable work has been done to collate information on uses and values in the coastal marine area, including the marine environment, and as appropriate, relevant spatial information and overlays have been included in the planning maps. Furthermore, it is the Hearing Panel's view that oil and gas and seabed mining have been appropriately addressed in the rules framework of the Plan pursuant to the Council's RMA responsibilities. However, as a result of pre-hearing engagement further changes to the Plan are proposed that make seismic testing a consented activity (rather than a permitted activity). The Hearing Panel note that fishing activities are controlled by the Ministry for Primary Industries and Fisheries New Zealand through the <i>Fisheries Act 1996</i> and it is not necessary or appropriate to provide for fishing activities within the Plan.
56 – Greenpeace	10	Amend Submitter seeks amendments to the Plan to include marine spatial management and associated rules framework as an appropriate method to address fishing, oil and gas, and seabed mining.	Decline No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel notes that considerable work has been done to collate information on uses and values in the coastal marine area, including the marine environment, and as appropriate, relevant spatial information and overlays have been included in the planning maps. Furthermore, it is the Hearing Panel's view that oil and gas and seabed mining have been appropriately addressed in the rules framework of the Plan pursuant to the Council's RMA responsibilities. However, as a result of pre-hearing engagement, further changes to the Plan were proposed that make seismic testing a consented activity (rather than a permitted activity). The Hearing Panel notes that fishing activities are controlled by the Ministry for Primary Industries and Fisheries New Zealand through the <i>Fisheries Act 1996</i> and it is not necessary or appropriate to manage fishing activities within the Plan.
Further submissions – Trans-Tasman Resources Ltd (6), Ministry for Primary Industries (16)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Indigenous biodiversity provisions			
3 – Roger Maxwell	11	Other	No relief necessary
		Submitter questions what action, if any, is proposed to manage/control the expansion of mangroves in the estuarine areas of the Taranaki coastal area?	The Hearing Panel notes that the Council has no immediate plans to control mangroves in the Taranaki region. Mangroves are known to be present at Urenui estuary. These were planted about 40 years ago to prevent coastal erosion (they were also planted in other estuaries but did not establish). At present the spread appears to be very slow and is not of concern at the moment. However, should monitoring indicate mangroves are becoming invasive to the detriment of local coastal values the Council would consider a site-led response that involves working with the local community to manage the problem.
39 – Maniapoto Māori Trust Board	12	Other	No relief necessary
		Submitter seeks that the Taranaki Regional Council ensure that indigenous biodiversity in the coastal environment is maintained and enhanced and that it is protected.	The Hearing Panel notes that the Council is committed to the maintenance and enhancement of indigenous biodiversity in not just the coastal environment but across the region. This commitment is demonstrated across a variety of Council policy documents and its resourcing for programmes and activities that implement those policies. In addition to its regulatory responsibilities under the RMA to maintain indigenous biodiversity in the coastal marine area and fresh water, the Council has adopted the <i>Pest Management Plan for Taranaki</i> (2018), the <i>Taranaki Regional Council Biosecurity Strategy</i> (2018), and the <i>Biodiversity Strategy for the Taranaki Regional Council</i> (2017) that include a suite of regulatory and non-regulatory programmes for promoting biodiversity outcomes across the Taranaki region.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	Notwithstanding the above, as a result of pre-hearing engagement, further changes to the Plan were proposed to include an additional policy (Policy 14A) that seeks to maintain and enhance indigenous biodiversity generally across the coastal environment. This is in addition to Policy 14 to protect 'significant indigenous biodiversity' in the coastal environment.
Life supporting capacity and mauri provisions			
39 – Maniapoto Māori Trust Board	13	Support	Accept
		Submitter supports recognition by Taranaki Regional Council of mauri and adverse effects when there is development of the coastal environment.	Support noted.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Petroleum related Plan provisions			
37 – Petroleum Exploration and Production Association of NZ	14	Support	Accept in part Support noted. Petroleum related provisions have been retained. However, the Hearing Panel notes consequential amendments to some provisions in response to reliefs sought by other submitters, including recommendation to make seismic testing a consented activity (rather than a permitted activity).
		Submitter seeks all other petroleum-related Plan provisions not explicitly covered in their submission are retained.	
51 - Taranaki Energy Watch	15	Amend	No relief necessary The submitter is concerned that areas of the Plan relating to petroleum provisions do not reflect a precautionary approach, which, in their view, is required by the <i>New Zealand Coastal Policy Statement</i> . The Hearing Panel suggests that no relief is necessary given that a precautionary approach is already adequately provided for via Policy 3 [Precautionary approach] of the Plan. Policy 3 is a General Policy that applies to all activities, including oil and gas industries, within the coastal environment and regardless of which coastal management area the activity may fall within. The Hearing Panel further notes that the potential risks associated with oil and gas exploration and production activities are well understood. In the main, oil and gas exploration activities are a controlled activity while oil and gas production activities in the coastal marine area are a discretionary activity or a non-complying activity. Therefore, through the consenting process, Policy 3 [Precautionary approach] and other relevant policies will be considered and applied, as appropriate, on a case-by-case basis.
		Submitter seeks amendment to the Plan in relation to petroleum related provisions to reflect the precautionary approach (similar to that of Policy 3) such that objectives, policies and rules within the coastal marine area incorporate a precautionary regime for effects of activities that are uncertain, unknown or little understood.	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
51 - Taranaki Energy Watch	16	Amend	Accept in part The Hearing Panel notes that separation and buffer zones have been considered and applied where it is practicable to do so. The Hearing Panel does not consider it appropriate to include such detail in the Plan objectives. However, there are opportunities within the policy and rule framework to do so. An appropriate buffers to avoid, remedy or mitigate adverse effects associated with oil and gas activities (plus other activities) would depend upon the scale, type and location of the activity. Such matters would be considered through the consenting process. For example, Rule 26 includes buffer distances set out in the standards, terms and conditions.
		Submitter seeks amendment to the Plan in relation to petroleum related provisions to add objectives and policies to support the use of separation and buffer zones as appropriate planning tools/methods to manage oil and gas activities in the coastal marine area.	
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Notwithstanding this, the Hearing Panel recommends amending Policy 29 [Impacts from offshore drilling and production] to refer to the use of separation distances. This will ensure that the application of separation distances (buffer) are fully considered through the consenting process.</p> <p>The revised Policy would read as follows:</p> <p><u>(aa) in relation to offshore production activities, adopting adequate separation distances to the extent necessary between the activity having regard to the values and sensitivity of the environment; [...]</u></p>
61 – Te Rūnanga o Ngāti Ruanui Trust	17	Amend Submitter seeks amendment to the Plan to reflect the Government's decision to cease offering new offshore oil and gas exploration permits and restricted permitting.	Decline No precise details of amendments sought to the Plan have been provided. The Hearing Panel acknowledges the current Government's decision to cease granting offshore oil and gas permits. However, the Hearing Panel notes that the licensing of oil and gas exploration permits is regulated under separate legislation by other authorities.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Royal Forest and Bird Protection Society (43), Te Atiawa (58)		Support	In terms of managing adverse environmental effects under the RMA, the Hearing Panel contends that it is not necessary to differentiate between new and existing hydrocarbon activities. In addition, the Hearing Panel notes that the Plan will be operative for a 10-year period and there is a risk that such an amendment could easily be made redundant should a new Government change its stance on oil and gas exploration permits.
Natural and historic heritage provisions			
39 – Maniapoto Māori Trust Board	18	Other Submitter support the importance of natural and historic heritage and would like to ensure that the Māori narrative is incorporated into the rich history of Taranaki.	No relief necessary Comments noted. No specific relief is requested, however, the Hearing Panel notes that a Māori narrative has been included where it is appropriate to do so and additional amendments to the Plan are also proposed to further support this.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
28 – Grant Knuckey	19	Amend Submitter seeks amendments to the Plan (and other actions) to ensure it adequately provides for cultural well-being, relationship of with ancestral and contemporary lands, waters, taonga and rohe, and to actively protect taonga and	Accept in part No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel suggests that the Plan in conjunction with recommended changes, amongst other things, will (as far as it is able) provide for

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		tapu spaces within the coastal environment or provide for management of the rohe in partnership with mana whenua (co-governance/management provisions).	the cultural well-being, relationship of Māori with ancestral and contemporary lands, waters, taonga and rohe, and will contribute to the protection of taonga and tapu spaces within the coastal environment.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	Of note, all the Plan objectives, policies and rules address effects of interest to iwi o Taranaki. However, specific objectives, policies, methods, standards, terms and conditions and schedules also apply to ensure coastal use and development appropriately recognise and provide for the management of adverse effects on tangata whenua values. The identification of sites of significance to Māori in Schedule 5B of the Plan and associated planning maps (and proposed changes to include and schedule taonga species) should further assist Council in ensuring use and development in the coastal marine area avoid, remedy or mitigate adverse effects on Māori cultural and historic heritage values.
28 – Grant Knuckey	20	Amend Submitter seeks amendment to the Plan to ensure it applies Māori attributes of mana, mauri, tapu, taonga to assessment of natural character, particularly in relation to reefs and coastal waters of Taranaki rohe moana and whenua.	No relief necessary The Hearing Panel considers that this is already provided for whereby assessments of natural features and landscapes include consideration of cultural, spiritual, historic and heritage associations, which in turn are underpinned by Plan objectives, policies and rules to protect such values.
39 – Maniapoto Māori Trust Board	21	Support Submitter notes that tangata whenua values and relationships are key priorities to the submitter and desires the Council to work closely with Mokau ki Runga RMC around matters of social, cultural and economic wellbeing.	No relief necessary Comments noted.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	22	Other	No relief necessary
		Taking into account the outcomes of previous engagement, submitter questions what criteria Council planners will use to identify affected parties for the rules outlined in the Plan.	<p>The submitter is not seeking amendment to the Plan but has raised a question with respect to its implementation.</p> <p>The Hearing Panel notes the Council's consenting procedures are set out in its standard operating procedures entitled <i>Resource Consents Procedure Document</i>. This document sets out guidance and direction for Council staff on a broad range of consenting matters, including those relating to notification and determining affected party status.</p> <p>More specifically, in relation to sites of significance, the Council has worked closely with iwi authorities and, as part of the Plan review process, have provided written agreement that iwi will be notified of, as an affected party, any activities occurring within, adjacent to, or impacting directly on tangata whenua sites of significance identified in Schedule 5B in the coastal marine area.</p> <p>The 'trigger' for iwi involvement as an affected party is for any activities occurring within, adjacent to, or impacting directly on sites of significance in the coastal marine area. For such coastal permit applications the Council would advise the applicant that they would need affected party approval and suggest consultation be undertaken. If approval was not obtained from iwi the application would be notified.</p> <p>The Mana Whakahono a Rohe provisions of the RMA represents an opportunity to formalise this (and other) matters plus set out the operational details associated with planning and consenting processes including affected party definitions, appropriate consenting systems and processes, and applicant consultation requirements.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
50 – Te Kāhui o Taranaki Trust	23	Other	No relief necessary
		Submitter questions the adequacy of Plan engagement and consultation.	<p>The submitter is not seeking amendment to the Plan but questions the adequacy of Plan engagement and consultation.</p> <p>Appendix II of the Section 32 Evaluation Report summarises Council's engagement and consultation with iwi authorities (and other tangata whenua) on the Proposed Plan, including Council's response to advice received from iwi.</p> <p>Iwi engagement and consultation commenced in late 2012 and has been ongoing to this point in time. In relation to the Taranaki Iwi, engagement included very early preliminary engagement through participation with an Iwi thinkers group, the</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			circulation and seeking of feedback on coastal archaeological report, seeking of feedback on a position paper on outstanding coastal areas, the circulation and seeking of feedback on draft Coastal Plan objectives and policies, consultation and seeking of feedback on a Draft Proposed Plan, the identification and mapping of sites and significance, and more recently the release of a Proposed Coastal Plan. It has also included, over that time, many hui and face-to-face meetings relating to not just the Coastal Plan but broader policy matters.
50 – Te Kāhui o Taranaki Trust	24	<p>Other</p> <p>Submitter seeks that all iwi (hapū, marae/pā) are notified as an affected party to any activities occurring within, adjacent to, or impacting directly on Statutory Acknowledgements and historic heritage sites and sites of significance to Māori within the coastal marine area.</p>	<p>Agree in part</p> <p>The submitter is not seeking amendment to the Plan but seeks that all iwi (hapū, marae/pā) be notified as an affected party to any activities occurring within, adjacent to, or impacting directly on statutory acknowledgement areas and historic heritage sites and sites of significance to Māori within the coastal marine area.</p> <p>The matters raised by the submitter have a wider application than just the Coastal Plan. Notwithstanding that, the Hearing Panel notes that Council has already given partial relief to this request.</p> <p>In relation to sites of significance, the Council has worked closely with iwi authorities and, as part of the Plan review process, have provided written agreement that iwi will be notified of, as an affected party, any activities occurring within, adjacent to, or impacting directly on tangata whenua sites of significance in the coastal marine area.</p> <p>The 'trigger' for iwi involvement as an affected party is for any activities occurring within, adjacent to, or impacting directly on sites of significance in the coastal marine area. For such coastal permit applications the Council would advise the applicant that they would need affected party approval and suggest consultation be undertaken. If approval was not obtained from iwi the application would be notified.</p> <p>In relation to extending consenting notification requirements to hapū and marae, Mana Whakahono a Rohe provisions of the RMA represents an opportunity to discuss and formalise such arrangements.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	25	<p>Amend</p> <p>Submitter seeks amendment to the Plan by:</p> <ul style="list-style-type: none"> linking cultural areas of significance to both the past (historic) and present cultural areas and traditions 	<p>Accept in part</p> <p>No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel suggests that the Plan, in conjunction with recommended changes, does link Plan provisions with cultural areas of</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> integrating objectives and policies with mana/tangata whenua with the rules section of the Plan. 	significance, and that Plan objectives and policies have been integrated with the rules section of the Plan.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	<p>Together, all Plan objectives, policies and rules are part of a framework for addressing and managing adverse effects on tangata whenua values. However, specific objectives, policies, methods, standards, terms and conditions, and schedules also apply.</p> <p>The Hearing Panel notes that, in response to the submitter request (and that of others), a number of amendments have been made to specific Plan provisions, including amendments to Policy 15 [Historic heritage] and Policy 16 [Relationship of tangata whenua], other relevant policies, and the inclusion of a schedule of taonga species, to strengthen provisions protecting tangata whenua values in the coastal environment under the RMA.</p>
Scope of the Plan – ‘Coastal Marine Area’ and ‘Coastal Environment’			
26 – Transpower NZ Ltd	26	Other Confirmation is sought that the rules in the Plan only apply to the coastal marine area AND Submitter seeks clarification as to what Plan provisions apply to the coastal environment.	No relief necessary <p>The submitter is not seeking amendments to the Plan but seeks confirmation as to how the Plan provisions are applied.</p> <p>The Hearing Panel confirms that the rules only apply to the coastal marine area. However, as stated in sections 1.4.1, 4, 5.1 and 6 of the Plan, its objectives, general policies and methods (excluding rules) address the wider coastal environment for the purposes of effective integrated management.</p> <p>For the purposes of certainty and clarity, a minor amendment is proposed to Section 1.4 of the Plan to further highlight that the rules relate to the coastal marine area only. The amendment reads as follows:</p> <p><i>1.4 Application</i></p> <p><i>The provisions of the Plan have legal force under the RMA. Regional rules have the force and effect of a regulation under the RMA. <u>For the purposes of this Plan, the rules only apply to activities in the coastal marine area.</u></i></p>
Further submissions – Trans-Tasman Resources Ltd (6)		Support	
Coastal hazards			
39 – Maniapoto Māori Trust Board	27	Other Submitter seeks that Council ensure adequate resourcing to reduce vulnerability to property and people from coastal hazards.	No relief necessary <p>No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel notes that Council routinely considers and consults on</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			the adequacy of resourcing and levels of services addressing natural hazard management as part of its annual planning and reporting under the <i>Local Government Act 2002</i> .
Surf breaks			
1 - Tom P Waite	28	Support Submitter supports the protection of surf breaks but submits that commercial development should not occur near river mouths or unique reef breaks.	No relief necessary Support noted. With regards to opposition to commercial development, the Hearing Panel notes that the purpose of the Plan is to assist Council in giving effect to Section 5 of the RMA, which means managing the use, development and protection of natural and physical resources irrespective as to whether that use and development is 'commercial' or not. Of note, threats to coastal values are not confined to commercial activities.
18 – Surfing Taranaki	29	Support Submitter supports the ongoing and further protection of Taranaki surf breaks.	No relief necessary Support noted.
50 – Te Kāhui o Taranaki Trust	30	Amend Submitter seeks amendment of the Plan by going through a proper process of consultation on the inclusion of nationally and regionally significant surf breaks noting that the names of many surf breaks are offensive and inappropriate.	Accept in part The Hearing Panel notes that through the Coastal Plan review there has already been considerable consultation and engagement on the issue of surf break protection. An initial list of regionally significant surf breaks was adopted in the current Regional Policy Statement, which was adopted in 2010. However, through the Coastal Plan review additional investigations and engagement occurred. This included the commissioning of reports on <i>Taranaki Surf breaks of National Significance</i> , and <i>Regional Significance criteria for the Assessment of Surf Breaks</i> , consultation and seeking of feedback on draft Plan policies, a draft Plan and, more recently, the Proposed Plan. As part of the review, an innovative 'wave survey' was also carried out that allowed the community to inform the Council which surf breaks have values and why. This information was used to determine the appropriate level of protection for each surf break. Naming conventions for surf breaks have been a result of the community engagement to date. However, the Hearing Panel agrees that the names of some surf breaks are culturally offensive and recommend alternative more appropriate names for surf breaks also be identified in Schedule 7 and associated planning maps where possible.
Further submissions –Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Coastal water quality provisions			
39 – Maniapoto Māori Trust Board	31	Other	No relief necessary
		Submitter supports measures to ensure development pressures do not deteriorate coastal water quality.	Support noted.
Section 32 Evaluation Report			
41 – Te Korowai o Ngāruahine Trust	32	Amend	No relief necessary
		Submitter is seeking amendments to the Section 32 Evaluation Report, where relevant, to further highlight or reference cultural heritage values, principles and associations.	<p>The submitter is not seeking amendment to the Plan but is seeking amendment to the accompanying Section 32 Evaluation Report to further highlight or reference cultural heritage values, principles and associations.</p> <p>In accordance with the RMA, a Section 32AA Evaluation Report needs to be prepared to reflect the current state of the Coastal Plan Review. Where applicable, this report will further highlight or reference key changes from the Proposed Plan relating to cultural heritage values, principles and associations.</p>
Planning maps			
42 – Ngati Rahiri Hapū	33	Amend	Accept
		Submitter seeks amendment to Plan maps (and associated GIS layers) to include and delineate offshore reefs based on information supplied by the submitter.	<p>Through the pre-hearing engagement process, Council officers have worked with the submitter to identify and map sites of significance to Ngati Rahiri Hapū.</p> <p>The coastal sites of significance data supplied by the submitter to the Council has been assessed in terms of the Section 6(e) of the RMA and site dimensions established. The Hearing Panel recommends that these sites can be identified in Schedule 5B of the Plan.</p>
43 – Royal Forest and Bird Protection Society	34	Amend	Accept
		<p>Submitter seeks amendments to Plan maps (and associated GIS layers) to identify the extent of the coastal environment</p> <p>OR</p> <p>Alternatively amend the maps to identify an indicative extent of the coastal environment.</p>	Council has worked closely with New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes. Both district councils have commenced or about to commence their respective district plan reviews, which includes a coastal protection zone (or equivalent) that is indicative of where natural coastal processes or qualities are significant.
Further submissions – Fonterra (47)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			For the purposes of certainty and clarity for Plan readers, integrated management and to promote alignment between the respective regional and district plans, the Hearing Panel recommends that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans. Other consequential changes are recommended to Policy 4 [Extent and characteristics of the coastal environment] to refer the reader to areas identified in a district plan or a proposed coastal plan as being the coastal environment.

4.2 Plan introduction or background

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Vision and/or Māori guiding principles			
40 – Te Rūnanga o Ngāti Mutunga	35	<p>Amend</p> <p>Submitter seeks amendment to the Plan to reinstate (from Draft Coastal Plan) Māori cultural values or guiding principles at the forefront of the Plan</p> <p>AND</p> <p>Seek to see these Māori cultural values or guiding principles are better reflected throughout the Plan and, in particular, the rules.</p>	<p>Accept</p> <p>Based upon earlier iwi feedback on the Draft Coastal Plan, Māori cultural values or guiding principles at the forefront of that Plan were removed. It was suggested that the review of the Regional Policy Statement (scheduled to occur in 2020) represented a better opportunity for iwi to consider and confirm the guiding principles.</p> <p>Notwithstanding the above, and given the support by other iwi agencies expressed in their submissions or further submissions, the Hearing Panel recommends that the Plan be amended to re-insert and incorporate those principles.</p> <p>In addition, through other proposed Plan amendments (signalled in this report) sought by the submitter and others relating to tangata whenua values, the Hearing Panel further recommends that the Council seek to ensure that these principles be incorporated into other relevant Plan provisions (and as identified in the track change version of the revised Proposed Plan).</p>
58 – Te Atiawa	36	<p>Amend</p> <p>Submitter seeks amendment to the Plan to reinstate (from Draft Coastal Plan) Māori guiding principles at the forefront of the Plan and seek to see them better reflected throughout the Plan and, in particular, the rules.</p>	<p>Accept</p> <p>Based upon earlier iwi feedback on the Draft Coastal Plan, Māori cultural values or guiding principles at the forefront of that Plan were removed. It was suggested that the review of the Regional Policy Statement (scheduled to occur in 2020) represented a better opportunity for iwi to consider and confirm the guiding principles.</p> <p>Notwithstanding the above, and given the support by other iwi agencies expressed in their submissions or further submissions, the Hearing Panel recommends that the Plan be amended to re-insert and incorporate those principles.</p> <p>In addition, through other proposed Plan amendments (signalled in this report) sought by the submitter and others relating to tangata whenua values, the Hearing Panel further recommends that the Council seek to ensure that these principles be incorporated into other relevant Plan provisions (and as identified in the track change version of the revised Proposed Plan).</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		<p>Support</p>	<p>Based upon earlier iwi feedback on the Draft Coastal Plan, Māori cultural values or guiding principles at the forefront of that Plan were removed. It was suggested that the review of the Regional Policy Statement (scheduled to occur in 2020) represented a better opportunity for iwi to consider and confirm the guiding principles.</p> <p>Notwithstanding the above, and given the support by other iwi agencies expressed in their submissions or further submissions, the Hearing Panel recommends that the Plan be amended to re-insert and incorporate those principles.</p> <p>In addition, through other proposed Plan amendments (signalled in this report) sought by the submitter and others relating to tangata whenua values, the Hearing Panel further recommends that the Council seek to ensure that these principles be incorporated into other relevant Plan provisions (and as identified in the track change version of the revised Proposed Plan).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	37	Amend	Accept
		Submitter seeks amendment to the vision statement of the Plan to include the word “water” to adequately reflect Taranaki and the coverage of the Plan.	The Hearing Panel agrees and recommends amending last sentence of the vision statement to read:
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	<i>This vision recognises the roles and responsibilities shared by all people in Taranaki to ensure the sustainable and focused protection of air, land (soil), water and coastal environments for economic, social, cultural and recreational purposes.</i>
Section 1.2 – Purpose			
42 – Ngati Rahiri Hapū	38	Amend	Decline
		Submitter seeks amendment to the purpose statement of the Plan [Section 1.2] to state that the purpose of the Plan is to “direct” or “guide” the Taranaki Regional Council in coastal management under the RMA.	The Hearing Panel considers the purpose statement of the Plan to be consistent with the purpose statement for regional plans as set out in Section 63 of the RMA. Pursuant to Section 63 of the RMA, the purpose of regional plans is “... to assist a regional council to carry out its functions in order to achieve the purpose of the RMA.” The Hearing Panel does not recommend amending the purpose statement of the Plan as requested.
Section 1.4 – Plan application			
43 – Royal Forest and Bird Protection Society	39	Amend	Accept
		Submitter supports the scope of the Plan and Plan provisions for integrated management but seek that paragraph 2 of Section 1.4.2 be amended to clarify that the rules in this Plan apply to activities in the coastal marine area, including where those activities may have an adverse effect on outstanding values and significant indigenous biodiversity values outside of the coastal marine area.	The Hearing Panel recommends amendment to Section 1.4.1 to include a new sentence stating that while the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area.
Further submissions – Transpower New Zealand Ltd (26)		Oppose in part	
45 – Powerco	40	Support	Accept
		Retain sections 1.4.1 and 1.4.2 of the Plan as notified.	Support noted subject to the minor amendment in response to Submitter (43) above.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	41	Support	Accept
		Retain sections 1.4.1 and 1.4.2 of the Plan as notified.	Support noted subject to the minor amendment in response to Submitter (43) above.
Section 1.6 – Mana whenua			
21 – Climate Justice Taranaki	42	Amend	Decline
		Submitter seeks amendment to Section 1.6 of the Plan to note Ngāti Maru are negotiating with the Crown regarding their Treaty of Waitangi settlement.	The Hearing Panel recommends declining the relief sought noting that this information is not relevant within the context of the Coastal Plan. Ngāti Maru Treaty of Waitangi settlement claims are unlikely to extend to the Taranaki coastal marine area. In the event, that this assumption is wrong, appropriate changes will be made to the Plan.
60 – Te Kaahui o Rauru	43	Amend	Accept
		Submitter seeks amendment to Section 1.6 of the Plan to read: <i>The resources of</i> Tangaroa <i>has have</i> provided [...]	The submitter prefers to refer to the Atua itself instead of using the anthropogenic term “resources”. The Hearing Panel recommends granting the relief sought.
60 – Te Kaahui o Rauru	44	Amend	Grant in kind
		Submitter seeks amendment to Section 1.6 of the Plan to replace the word “management” with “relationship” to describe interactions with the natural environment, on line 3 of paragraph 5.	The Hearing Panel recommends granting the relief in part by deleting reference to “sustainable coastal management” and instead making consequential changes to focus on the relationship of iwi o Taranaki with the coastal environment. The revised paragraph would read as follows: <i>Kaitiakitanga and tikanga, is at the heart of the relationship between the iwi o Taranaki and the coastal environment. This Plan has integrated the values of Taranaki iwi throughout Plan provisions.</i>
60 – Te Kaahui o Rauru	45	Amend	Accept
		Submitter seeks that the Plan communicate, with potential Plan users, the likelihood of the need for consultation with hapū when engaging with non-permitted activities. Submitter seeks amendment to Section 1.6 of the Plan to include the importance of hapū, alongside iwi, as tangata whenua.	The Hearing Panel recommends granting the relief sought by amending Section 1.6 to include hapū alongside iwi.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	46	Amend <p>The submitter expresses that tangaroa is still currently a source of rongoa and disagrees with the use of the word “was” as the word indicates past tense. The submitter further notes that tangaroa is a current source of mahinga kai.</p> <p>Submitter seeks amendment to first paragraph of Section 1.6 of the Plan to read:</p> <p><i>[...] These resources are were integral to the lives of the people who occupyied the settlements adjoining the coastline. Tangaroa provided for these people materially, actsed as a highway for travel, is was a source of <u>mahinga kai (food and resource)</u>, rongoa (medicine), aidsed their well-being and provided spiritual sustenance. [...]</i></p>	Accept <p>The Hearing Panel agrees that tangata whenua relationships with Tangaroa are current and ongoing as well as historic and recommend granting the relief sought.</p>
Further submissions – Te Atiawa (58)		Support	
Section 1.7 – Coastal management areas			
32 – Port Taranaki	47	Support <p>Retain Section 1.7.4 of the Plan as notified.</p>	Accept <p>Support noted. Section 1.7 is retained subject to minor amendments as requested by other submitters.</p>
43 – Royal Forest and Bird Protection Society	48	Amend <p>Submitter opposes the coastal management area approach adopted in the Plan as it is unclear as to how it applies to the wider coastal environment.</p>	Decline <p>The Hearing Panel recommends declining the relief sought.</p> <p>The coastal management areas approach is specific to the coastal marine area. It is based upon a similar regime that has been successfully applied through the current Coastal Plan and effectively is a zonal approach identifying five ‘coastal management areas’ based upon shared values, characteristics, vulnerabilities or sensitivities, and management needs. The ‘zones’ bundle compatible activities or effects of those activities together and restricts activities which are incompatible. Of note, management responses may vary within the coastal management area (and at a finer spatial scale) according to the particular sites and values triggered within a particular locality.</p>
Further submissions – Port Taranaki Ltd (32)		Oppose	
43 – Royal Forest and Bird Protection Society	49	Amend <p>If the coastal management area approach is to be retained, submitter seeks amendment to Section 1.7.1 of the Plan to:</p>	Accept in part <p>The Hearing Panel recommends granting in part to the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> clarify how the coastal environment landward of the coastal marine area is considered under this approach clarify how this relates with the <i>New Zealand Coastal Policy Statement</i> and relevant policies in the Plan amend reference from Schedule 1 to Schedule 2. 	The Hearing Panel recommends some amendments to further clarify how coastal management areas apply to the wider coastal environment. However, the Hearing Panel notes that the introductory sentence to Section 1.7 explicitly states that the five coastal management areas apply to the coastal marine area and that part of Policy 1 setting out the coastal management area framework is specific to the coastal marine area.
Further submissions – Department of Conservation (29)		Support	<p>In relation to further amendments sought by the submitter to Section 1.7.1 of the Plan, the Hearing Panel does not consider that it is necessary or appropriate for the Plan to detail how the coastal management approach applies to the <i>New Zealand Coastal Policy Statement</i> or policies in the Plan. Such matters are not compulsory content requirements of the RMA or the <i>National Planning Standards</i> and any explanation is more appropriately addressed in the Section 32 Evaluation Report.</p> <p>In relation to amending reference in the Section to refer to Schedule 2 instead of Schedule 1, the relief sought is declined. Schedule 1 is specific to the coastal management areas and is deliberately confined to the coastal marine area. Schedule 2 relates only to coastal areas of outstanding value and, because of the need to identify significant values across the broader landscape, necessarily includes areas landward of the coastal marine area.</p>
43 – Royal Forest and Bird Protection Society	50	<p>Amend</p> <p>Submitter seeks clarification as to whether coastal management areas – Estuaries Unmodified and Estuaries Modified are determined on the basis of values and characteristics under Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i>, or on the basis of modification. If the later, submitter seeks amendment to the Plan to explain that the Plan will protect values and characteristics of these estuaries as set out in Policies 8, 9 and 14 of the Plan.</p>	<p>No relief necessary</p> <p>Estuaries Unmodified and Estuaries Modified are based on estuaries identified in the current Coastal Plan and their differing management needs taking into account the presence or otherwise of settlements adjacent to the estuaries. Of note Taranaki has few major estuaries.</p> <p>The Hearing Panel does not consider that it necessary or appropriate to amend the Plan to explain that the Plan will protect values and characteristics of these estuaries as set out in Policies 8, 9 and 14 of the Plan. As explicitly stated in Section 5 of the Plan and in the policy references for rules, all General Policies need to be considered together. Together these policies will protect the values and characteristics of these estuaries as set out in Policies 8, 9 and 14.</p>
43 – Royal Forest and Bird Protection Society	51	<p>Amend</p> <p>Submitter seeks amendment to Section 1.7.5 of the Plan to clarify whether the Open Coast coastal management area refers to the remaining area of the coastal marine area or the wider coastal environment</p>	<p>No relief necessary</p> <p>No relief is considered necessary. The Hearing Panel notes that the first sentence of Section 1.7.5 already states that the Open Coast coastal management area is that area of the coastal marine area not covered by the other management areas.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		AND Clarify how the values and characteristics to be protected under Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> will be provided for in these areas.	In relation to the submitter seeking clarification on how values and characteristics of the Open Coast are to be protected in accordance with Policies 11 [Indigenous biodiversity], 13 [Preservation of natural character] and 15 [Natural features and landscapes] of the <i>New Zealand Coastal Policy Statement</i> , the submitter is referred to Policies 8, 9, 10, 11, 12, 13 and 14 of the Plan and the relevant rules. All General Policies in the Plan (plus relevant Activity-specific Policies) need to be considered together.
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support	
45 – Powerco	52	Amend Submitter supports Section 1.7 of the Plan and the inclusion of the five coastal management areas but seeks amendment to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised by including the following sentence to paragraphs 1.7.1 to 1.7.3 as follows: <u><i>These areas may contain regionally important infrastructure.</i></u>	Grant in kind A number of submitters sought to have their uses, values or particular interests explicitly identified in the coastal management areas, despite such uses and values being common to most if not all coastal management areas. The Hearing Panel recommends minor and inconsequential changes to the first paragraph of Section 1.7 of the Plan to clarify that coastal management areas are areas or zones dividing the coastal marine area for management purposes and for which specific rules apply. This will avoid the need for unnecessary and potentially redundant commentary in the Plan that attempts to describe common attributes, characteristics and values that in all likelihood apply across all coastal management areas such as the presence of regionally important infrastructure (plus other uses and values). The proposed revised paragraph would read as follows: <i>The coastal marine area has been divided into five <u>coastal</u> management areas or zones. This division recognises that some areas have different management needs than other areas. These areas have been mapped in Schedule 1 <u>and specific rules apply</u> as follows: [...]</i>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	53	Amend Submitter supports Section 1.7 of the Plan and the inclusion of the five coastal management areas but seeks amendment to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised by including the following sentence to paragraphs 1.7.1 to 1.7.3 as follows: <u><i>These areas may contain regionally important infrastructure.</i></u>	Grant in kind A number of submitters sought to have their uses, values or particular interests explicitly identified in the coastal management areas, despite such uses and values being common to most if not all coastal management areas. The Hearing Panel recommends minor and inconsequential changes to the first paragraph of Section 1.7 of the Plan to clarify that coastal management areas are areas or zones dividing the coastal marine area for management purposes and for which specific rules apply. This will avoid the need for unnecessary and potentially redundant commentary in the Plan that attempts to describe common attributes,

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>characteristics and values that in all likelihood apply across all coastal management areas such as the presence of regionally important infrastructure (plus other uses and values).</p> <p>The proposed revised paragraph would read as follows:</p> <p><i>The coastal marine area has been divided into five <u>coastal</u> management areas or zones. This division recognises that some areas have different management needs than other areas. These areas have been mapped in Schedule 1 <u>and specific rules apply</u> as follows: [...]</i></p>
Section 2.1 – Statutory and planning framework			
19 – South Taranaki District Council	54	Amend	No relief necessary
		Submitter seeks amendment to Section 2.1 [Statutory and planning framework] of the Plan to reference a commitment to integrated management of resources, recognition of the role of district plans, and working with the territorial local authorities of the region.	The Hearing Panel believes that Section 2.1 is not the most appropriate place to detail commitments to integrated management and notes that such matters have been addressed elsewhere in the Plan, particularly Policy 2 [Integrated management] and in the methods of implementation.
26 – Transpower NZ Ltd	55	Support	Accept
		Retain reference to the <i>National Policy Statement on Electricity Transmission 2008</i> within Section 2.1 of the Plan.	Support noted. Reference is retained as notified.
40 – Te Rūnanga o Ngāti Mutunga	56	Amend	Accept
		Submitter seeks amendment to Section 2.1 [Statutory and planning framework] of the Plan to reference the <i>Ngāti Mutunga Claims Settlements Act 2006</i> and the <i>Ngāti Mutunga Iwi Environmental Management Plan</i> and other iwi settlement legislation and iwi environmental management plans.	<p>The Hearing Panel recommends granting the relief sought.</p> <p>The Hearing Panel recommends amending Section 2 to include a new sub section relating to iwi management plans and to expand the scope of Section 2.5 [Other legislation] to reference Treaty of Waitangi settlement legislation.</p>
42 – Ngāti Rahiri Hapū	57	Amend	Decline
		Submitter seeks amendment of Section 2.1 [Statutory and planning framework] of the Plan to state that the purpose of the Plan is to “direct” or “guide” the Council in coastal management under the RMA.	<p>The Hearing Panel recommends declining the relief sought.</p> <p>The Hearing Panel considers that the commentary in Section 2.1 is consistent with the purpose statement for regional plans as set out in Section 63 of the RMA. Pursuant to Section 63 of the RMA, the purpose of regional plans is “...to assist a regional council to carry out its functions in order to achieve the purpose of the RMA”.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
48 – Taranaki District Health Board	58	Amend Submitter seeks amendment of Section 2.1 [Statutory and planning framework] of the Plan to include a section on the principles of Te Tiriti o Waitangi and how these principles guide the work undertaken in this area.	Decline The Hearing Panel recommends declining the relief sought. The Hearing Panel notes that the <i>Regional Policy Statement for Taranaki</i> already includes a section and discussion on taking into account the principles of the Treaty of Waitangi and includes a declaration of understanding between iwi o Taranaki and the Taranaki Regional Council. The Hearing Panel does not believe it necessary for all subordinate planning documents to repeat such information. Furthermore, there are risks in doing so through unintended inconsistencies in wording etc. The Hearing Panel notes that the contents of the Proposed Plan are consistent with the matters set out in Section 67 [Content of regional plans] of the RMA. It is also not inconsistent with the <i>National Planning Standards</i> recently gazetted by the Ministry for the Environment, which seeks alignment in the format and structure of RMA plans across New Zealand. Some care must be necessarily had with adopting too much 'optional' content. In the drafting of the Plan, the Council has deliberately limited introductory and background content and detail so as to focus on the matters that must be included in a Plan (objectives, policies and rules).
Further submissions –Te Rūnanga o Ngāti (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Section 2.2 – New Zealand Coastal Policy Statement			
43 – Royal Forest and Bird Protection Society	59	Amend Submitter seeks amendment to Section 2.2 [New Zealand Coastal Policy Statement] of the Plan to read: <i>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 New Zealand Coastal Policy Statement in this Plan Council's responsibilities to provide for matters of national importance under section 6 of the RMA is also achieved for the coastal environment.</u></i> <i>Policies within the New Zealand Coastal Policy Statement address matters including:</i> <i>[...]</i> <u>protection of</u> indigenous biological diversity.	Accept in part The submitter believes the opening paragraph of Section 2.2 of the Plan to be misleading as the <i>New Zealand Coastal Policy Statement</i> is not limited to "key national matters" but is to achieve the purpose of the RMA in relation to the coastal environment. The submitter seeks an amendment to Section 2.2 to note that by giving effect to the <i>New Zealand Coastal Policy Statement</i> in this Plan Council's responsibilities to provide for matters of national importance under section 6 of the RMA are also achieved for the coastal environment. The Hearing Panel recommends declining this part of the relief noting that, at best, this statement and level of detail/discussion is unnecessary as Section 2 is only meant to be a high level overview of statutes and regulations relevant to the Coastal Plan. At worst the statement is misleading as while this Plan is likely to be the primary plan for giving effect to the <i>New Zealand Coastal Policy Statement</i> and coastal matters, it is not the only regulatory document. Other plans, including the <i>Regional Policy Statement for Taranaki</i> and the <i>Regional Freshwater Plan</i> , will

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>also assist to give effect to the <i>New Zealand Coastal Policy Statement</i> and national matters of importance under section 6 of the RMA.</p> <p>In relation to the list of matters covered by the <i>New Zealand Coastal Policy Statement</i> policies, the Hearing Panel recommends granting the relief sought by the submitter by amending reference to "<i>indigenous biological diversity</i>" to refer to "<i>protection of indigenous biological diversity</i>".</p>
45 – Powerco	60	Amend Submitter seeks amendment to Section 2.2 [New Zealand Coastal Policy Statement] of the Plan to specifically recognise and provide for infrastructure. This could be achieved by adding an additional bullet point: <u><i>Recognising and providing for infrastructure.</i></u>	Decline A number of submitters sought to have their areas of interests explicitly identified in the commentary on the <i>New Zealand Coastal Policy Statement</i> , in this case recognition and provision for infrastructure. The Hearing Panel notes the commentary is deliberately high level and that infrastructure is already adequately covered under references to development. The Hearing Panel suggests that the Plan objectives, policies and rules adequately recognise and provide for infrastructure.
Further submissions – Transpower (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	61	Amend Submitter seeks amendment to Section 2.2 [New Zealand Coastal Policy Statement] of the Plan to specifically recognise and provide for infrastructure. This could be achieved by adding an additional bullet point: <u><i>Recognising and providing for infrastructure.</i></u>	Decline The submitter wishes to extend the scope of Section 2.2 of the Plan to include infrastructure. A number of submitters sought to have their areas of interests explicitly identified in the commentary on the <i>New Zealand Coastal Policy Statement</i> , in this case recognition and provision for infrastructure. The Hearing Panel notes the commentary is deliberately high level that infrastructure is already adequately covered under references to 'development'. The Hearing Panel suggests that the Plan objectives, policies and rules adequately recognise and provide for infrastructure.
Section 2.3 – Marine and Coastal Area (Takutai Moana) Act 2011			
41 – Te Korowai o Ngāruahine Trust	62	Amend Submitter seeks amendment to Section 2.3 [Marine and Coastal Area (Takutai Moana) Act 2011] of the Plan to note that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right and explain to the community what these statutory acknowledgements will mean.	Accept The Hearing Panel agrees to the relief sought and recommend amending Section 2.3 of the Plan to insert a new sentence that notes that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right. Commentary preceding the insertion already explains to the community what these statutory acknowledgements will mean.
Further submissions – Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	63	Support	Accept in part
		Retain Section 2.3 of the Plan as notified.	The submitter's support is noted. However, the Hearing Panel notes that in response to relief sought by another submitter, minor amendments have been made to Section 2.3 [<i>Marine and Coastal Area (Takutai Moana) Act 2011</i>] to further explain that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary rights.
Section 2.5 – Other legislation			
43 – Royal Forest and Bird Protection Society	64	Amend	Decline
		Submitter considers it helpful to explain that other legislation applies in the coastal environment and to outline the relationship these have to the Plan. In particular, Submitter seeks amendment to Section 2.5 [Other legislation] of the Plan to: <ul style="list-style-type: none">consider the legislation and Acts under Policy 5 of the <i>New Zealand Coastal Policy Statement</i>recognise the relationship between the Plan and the Exclusive Economic Zone and how the Plan addresses, or not, the effects that extend beyond the coastal marine area or into the coastal marine areaexplain the relationship between this Plan and other Acts/legislation.	<p>The Hearing Panel recommends declining the relief sought.</p> <p>Section 2.5 of the Plan already highlights the need for activities to ensure they comply with other relevant legislation, regulations and bylaws. The Hearing Panel therefore does not believe it necessary to specify or detail the relationship these might have with the Plan. Such detail was not required for the <i>New Zealand Coastal Policy Statement</i> and nor is it required for regional plans.</p> <p>The Hearing Panel further notes that the contents of the Proposed Plan are consistent with the matters set out in Section 67 [Content of regional plans] of the RMA. Given that the Government has just released the <i>National Planning Standards</i> which set out the structure, content and form for councils across New Zealand to adopt – some care must be necessarily had with adopting too much 'optional' content to avoid plans becoming verbose. In the drafting of the Plan, Council has deliberately limited introductory and background content and detail so as to focus on the matters that must be included in a Plan (objectives, policies and rules).</p> <p>The Hearing Panel notes that, in the development of the Plan, full consideration has been given to other relevant statutes and regulations. However, the Hearing Panel does not believe that it is necessary for the Plan to detail/explain the relationship between the Plan and other statutes. The list of legislation in Section 2.5 is not an exhaustive list. However, it is intended to contain the most relevant statutes that may apply to the coastal marine area and already identifies the <i>Conservation Act</i> which is identified in Policy 5 of the <i>New Zealand Coastal Policy Statement</i>.</p>
Further submissions– Trans-Tasman Resources Ltd (6)		Oppose in part/neutral in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	65	Amend	Accept
		Submitter seeks amendment to Section 2.5 [Other legislation] of the Plan to include iwi settlement legislation – specifically, the <i>Te Atiawa Iwi Claims Settlement Act 2016</i> .	The submitter believes that it may be useful for Plan users to know that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right. The Hearing Panel recommends amending Section 2 of the Plan to include a new sub section relating to iwi management plans and to expand the scope of Section 2.5 [Other legislation] to reference Treaty of Waitangi settlement legislation, including the <i>Te Atiawa Iwi Claims Settlement Act</i> as requested by the submitter.
60 – Te Kaahui o Rauru	66	Amend	Accept
		Submitter seeks amendment to Section 2.5 [Other legislation] of the Plan to include iwi settlement legislation – specifically, the <i>Ngaā Rauru Kīitahi Claims Settlement Act 2005</i> .	The submitter believes that it may be useful for Plan users to know that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right. The Hearing Panel recommends amending Section 2 of the Plan to include a new sub section relating to iwi management plans and to expand the scope of Section 2.5 [Other legislation] to reference Treaty of Waitangi settlement legislation, including the <i>Ngaā Rauru Kīitahi Claims Settlement Act</i> as requested by the submitter.
NEW Section 2.6 – Iwi environmental management plans			
50 – Te Kāhui o Taranaki Trust	67	Amend	Accept
		Submitter seeks amendment of the Plan to include a new Section addressing iwi environmental management plans.	The Hearing Panel recommends granting the relief sought by the submitter by including a new section addressing iwi environmental management plans.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Section 3.1 – Taranaki coastal environment			
6 – Trans-Tasman Resources Ltd	68	Support Submitter supports Plan overview of the Taranaki coastal environment as it appropriately recognises that some activities require a coastal location and recognises that Taranaki is a mineral producing region to New Zealand.	Accept Support noted.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
7 – Waikato Regional Council	69	Amend The submitter notes that a source of sediment along the Waikato – Taranaki coastline is Mount Taranaki. While the exact quantity of sediment that travels along this coast is unknown, both activities inside and outside of the coastal marine area may affect the supply of the sediment and have a corresponding effect on coastal erosion and seeks amendment to Section 3.1 (or Policy 2 or similar relief) of the Plan to acknowledge that activities outside of the coastal marine area can have an effect on the coastal marine area.	No relief necessary The Hearing Panel does not believe it is necessary to make any amendments to Section 3.1 of the Plan to further highlight that activities outside of the coastal marine area can have effects on the coastal marine area. Such matters are already acknowledged in the commentary in Section 3.1 relating to integrated management and coastal water quality. The Hearing Panel also notes that this issue is further addressed within Policy 2(aa) of the Plan.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
21 – Climate Justice Taranaki	70	Amend Submitter seeks amendment to text on page 13 [Appropriate use and development] of the Plan to note central government's recent announcement that there will be no new offshore oil and gas exploration permits and it will be restricting new permits to only onshore Taranaki over the next three years.	Decline The Hearing Panel acknowledges that the current Government has recently changed its stance on offshore oil and gas permits. However, the Hearing Panel considers that amending the Plan to follow suit is an unnecessary level of detail and could potentially become out dated and/or inaccurate should this Government or successive government's change their position.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
21 – Climate Justice Taranaki	71	<p>Amend</p> <p>Submitter seeks amendment to page 15 [Coastal hazards] of the Plan to read: <i>[...] The risk of, or vulnerability to, coastal hazards may increase over time due to climate change and sea level rise.</i></p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought by the submitter and amending the commentary to note that climate change and sea level rise are heightening the risk of coastal hazards.</p> <p>This relief and other reliefs sought by submitters reads as follows: <i>The risk of, <u>and</u> vulnerability to, coastal hazards <u>will</u> increase over time, <u>for instance</u> due to climate change and sea level rise.</i></p>
26 – Transpower NZ Ltd	72	<p>Amend</p> <p>Submitter seeks amendment to text in Section 3.1 of the Plan on appropriate use and development to read: <i>Some activities rely upon a location in or near the coastal marine area, are dependent on the use of coastal resources, <u>or have technical, operational or locational constraints that mean they require a coastal marine area location.</u> Taranaki's coastal resources and developments play a crucial role in both the regional and national economy [...]</i></p>	<p>Accept in part</p> <p>The submitter seeks amendments to the commentary to make it clear within the Plan that there are also technical, locational and/or operational reasons why an activity requires a coastal location which are not based solely on the use of the coastal resource itself.</p> <p>The Hearing Panel agrees that there are a number of instances where the location of infrastructure or activities in the coastal marine area is appropriate taking into account technical, operational or locational requirements. The Hearing Panel recommends amending the relevant paragraph to refer to “functional need” and “operational need” and note that these terms are defined in the <i>National Planning Standards</i> and include locational considerations.</p>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
Further submissions – Fonterra (47)		Support	
40 – Te Rūnanga o Ngāti Mutunga	73	<p>Support</p> <p>Submitter supports the discussions on the coastal environment in Section 3.1 of the Plan and the aim to achieve integrated management of the coastal marine area (but are not convinced integrated management is reflected in the rules of the Plan).</p>	<p>No relief necessary</p> <p>Hearing Panel notes the submitter's support.</p> <p>In relation to the submitter's concerns that integrated management is not reflected in the rules, the Hearing Panel notes that while the rules pertain only to the coastal marine area (as intended), all rules are subject to the General Policies which cover the wider coastal environment and standards, terms and conditions and/or matters of discretion seek to address integrated management issues where relevant.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	74	<p>Amend</p> <p>Submitter seeks amendment to Section 3.1 of the Plan to broaden the information, including reference the tauranga waka landing sites and the statutory acknowledgements that iwi have over a number of rivers and tributaries and land</p>	<p>Accept</p> <p>The Hearing Panel recommends minor changes to Section 3.1 of the Plan as requested by the submitter to include tauranga waka landing sites and also to</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		areas within the coastal marine area environment, to promote readers' awareness and knowledge about the depth of relationship that Māori have with the coast.	recognise rivers and tributaries and land areas identified in Appendix 2 [Statutory acknowledgements].
Further submissions – Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>The amended section would read as follows:</p> <p><i>Wāhi tapu, sites, or places of cultural significance, <u>including tauranga waka landing sites</u>, taonga, and customary resources, are integral to the identity, well-being and cultural integrity of tangata whenua [...]</i></p> <p><i>It is important that the relationship of tangata whenua with the coastal environment is recognised and provided for (refer 5 below). <u>That includes rivers and tributaries and land areas identified in Appendix 2 [Statutory acknowledgements] that lie landward of the coastal marine area boundary.</u></i></p>
43 – Royal Forest and Bird Protection Society	75	<p>Amend</p> <p>Submitter seeks amendment to Section 3.1 of the Plan by:</p> <ul style="list-style-type: none"> amending the third paragraph to recognise existing pressures on the coastal environment, including from beyond the coastal marine area, and that low current demand does not mean management of effects can be relaxed amending the text under "Integrated management" to recognise: the effects of subdivision, use and development on land in the coastal environment on the coastal marine area; 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>Accept in part</p> <p>Of note, proposals in this Plan represent an overall increase in the level of protection for coastal uses and values. As noted in previous requests for added commentary or background information, the Hearing Panel recommends that background information, including Section 3.1 which provides an overview of the Taranaki coastal environment, be kept at a high level.</p> <p>Notwithstanding the above, the Hearing Panel recommends minor amendments to Section 3.1 that partially address the reliefs sought by the submitter. It is proposed that the third paragraph of Section 3.1 be amended to include a new sentence that reads as follows:</p> <p><u><i>Notwithstanding generally low use and development, it remains important that adverse effects of use and development continue to be avoided, remedied or mitigated and that, as far as is practicable, take into account the wider coastal environment.</i></u></p>
Further submissions – Trans-Tasman Resources Ltd		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>Other consequential changes are proposed in the commentary under integrated management to also recognise that demand for activities and the effects of subdivision, use and development on land in the coastal environment can be high. However, the Hearing Panel does not recommend commentary being expanded to discuss the specifics of providing for the migration of coastal habitats landward due to climate change.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	76	Amend Submitter seeks further amendment to Section 3.1 of the Plan by deleting the text under “ <i>Appropriate use and development</i> ”. Alternatively amend to address as per submitters previous comments made on this matter.	Accept in part The submitter suggests that it is not appropriate to consider activities as “ <i>appropriate use and development</i> ” on the basis of the benefits of the activities. The Hearing Panel agrees noting that the commentary does not get into the specifics of what is appropriate or not. Such determinations can only be made in reference to the Plan policies. Accordingly, the Hearing Panel recommends amending the heading to “ <i>Use and development</i> ” to more accurately reflect this section’s content. However, the Hearing Panel does not recommend deleting the text itself.
Further submissions – Transpower (26)		Oppose	
43 – Royal Forest and Bird Protection Society	77	Amend Submitter seeks further amendment to Section 3.1 of the Plan by amending the text under “ <i>Natural and historic heritage</i> ” to include “intrinsic” in the list of values (in the first paragraph) and to specify that natural heritage captures the characteristics and values in Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> (or use wording consistent with those policies).	Accept in part The Hearing Panel recommends amending Section 3.1 of the Plan to include “intrinsic” in the list of values (in the first paragraph) under “ <i>Natural and historic heritage</i> ”. However, the Hearing Panel does not believe it is necessary to specify that natural heritage captures the characteristics and values in Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> .

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	78	<p>Amend</p> <p>Submitter seeks amendment to the coastal hazards commentary in Section 3.1 of the Plan to read:</p> <p><i>The coastal environment is at high risk of coastal hazards area. Risks include tornados, coastal erosion, tsunami, storm surges, and cliff rock falls and slumps. The risk of, or and vulnerability to, coastal hazards may increase over time, <u>for instance</u> due to climate change and sea level rise.</i></p> <p><i>Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. <u>It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.</u></i></p> <p><i>Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that <u>these activities do not use and development of the coastal marine area does not increase coastal hazard risk or</u> pose a threat to the health and safety of people or property (refer 7 below).</i></p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought in addition to the reliefs sought by other submitters. The amended section reads as follows:</p> <p><i>The coastal environment is at high risk of coastal hazards. Risks include tornados, coastal erosion, tsunami, storm surges, and cliff rock falls and slumps. The risk of, <u>and</u> vulnerability to, coastal hazards <u>will</u> increase over time, <u>for instance</u> due to climate change and sea level rise.</i></p> <p><i>Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with the soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. <u>It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.</u></i></p> <p><i>Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that <u>these activities do not</u> pose a threat to the health and safety of people or property (refer 7 below).</i></p>
Further submissions – Taranaki Energy Watch (51)		Oppose in part	
58 – Te Atiawa	79	<p>Support</p> <p>Submitter notes support for the discussion on the coastal environment which includes integrated management, coastal water quality, appropriate use and development, natural and historic heritage, tangata whenua values and relationships, public amenity and enjoyment and coastal hazards.</p>	<p>Accept</p> <p>Support noted.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Section 3.2 – Managing the Taranaki coastal environment			
6 – Trans-Tasman Resources Ltd	80	Support Retain objectives, policies, rules and methods that recognise and provide for appropriate use and development of natural resources (which under the RMA includes minerals) within the coastal environment.	Accept Support noted.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ	81	Support Retain matters identified in Section 3.2 of the Plan to be addressed by Plan objectives, policies, rules and methods.	Accept Support noted.
40 – Te Rūnanga o Ngāti Mutunga	82	Amend Submitter notes concerns that public access is not always appropriate, in this case, for cultural and ecological reasons. Submitter seeks amendment to point 6 in Section 3.2 [Matters to be addressed] of the Plan to read: <i>6. Ensuring people can continue to access, use and enjoy the Taranaki coast where cultural and ecological values are not adversely impacted upon.</i>	Accept kind The Hearing Panel agrees that there are instances where coastal public access is not appropriate in addition to those mentioned by the submitter (e.g. ecological or public health and safety). Instances where coastal public access is not appropriate are detailed later in Policy 17. The Hearing Panel therefore recommends minor amendments to bullet point 6 to read: <i>6. Ensuring people can continue to access, use and enjoy the Taranaki coast, where and when it is appropriate to do so.</i>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	83	Amend Submitter supports Section 3.2 [Matters to be addressed] of the Plan subject to amending bullet point 7 to read: <i>7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk to unacceptable levels or pose a threat to the health and safety of people and property.</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
57 – Heritage New Zealand	84	<p>Amend</p> <p>The submitter requests that Section 3.2 [Matters to be addressed] bullet point 5 be amended to refer to all “Māori” in place of “tangata whenua” to follow similar wording within the RMA. The submitter suggests that iwi/hapū that no longer hold mana whenua can still have important relationships with an area, although they no longer have mana whenua, and such situations need to be provided for within this objective.</p> <p>Submitter seeks amendment to bullet point 5 in Section 3.2 [Matters to be addressed] of the Plan to read:</p> <p><i>5. Ensuring the relationship of Māori tangata whenua, including their traditions and cultural values and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for in the management of Taranaki's coastal environment.</i></p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought by the submitter to refer more generically to Māori, in place of tangata whenua. The Hearing Panel notes support from iwi in further submissions. The amended provision reads as follows:</p> <p><i>5 Ensuring the relationship of <u>Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</u> are recognised and provided for in the management of Taranaki's coastal environment.</i></p>
Further submissions - Te Korowai o Ngāruahine Trust (41), Te Kotahitanga o Te Atiawa Trust (58)		Support	
58 - Te Atiawa	85	<p>Amend</p> <p>Submitter supports how the Council intends to manage the Taranaki coastal environment as outlined in Section 3.2 of the Plan, however, the submitter's concerns are that public access will not always appropriate, in this case, for cultural reasons and requests amending bullet point 6 to read:</p> <p><i>6. Ensuring people can continue to access, use and enjoy the Taranaki Coast <u>where cultural values are not adversely impacted upon.</u></i></p>	<p>Grant in kind</p> <p>There are other circumstances, where coastal public access is not appropriate (e.g. ecological or public health and safety). Instances where coastal public access is not appropriate are detailed later in Policy 17. The Hearing Panel therefore recommends minor amendments to bullet point 6 to read:</p> <p><i>6. Ensuring people can continue to access, use and enjoy the Taranaki coast, <u>where and when it is appropriate to do so.</u></i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

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4.3 Objectives

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Objective 1 – Integrated management			
2 – Federated Farmers	86	Support	Accept
		Submitter supports Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) below.
6 – Trans-Tasman Resources Ltd	87	Support	Accept
		Submitter supports Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) below.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
19 – South Taranaki District Council	88	Amend	Decline
		Submitter seeks amendment of Objective 1 of the Plan to add reference to working cooperatively with the territorial local authorities and iwi of the region.	The relief sought by the submitter introduces an unnecessary level of specificity to the Plan objectives and risks excluding other elements of integrated management that are addressed later on in the policies and methods. The Hearing Panel suggests it is more appropriate to provide this level of detail in the policies and methods that follow. Of particular note, the detail sought by the submitter is already included in Policy 2(g) of the Plan, which refers to working cooperatively with territorial authorities and tangata whenua (and others) and supporting methods of implementation.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
20 – Meridian Energy Limited	89	Amend	Accept
		Submitter seeks amendment of Objective 1 of the Plan to read: <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>	The Hearing Panel notes that subdivision falls outside the statutory functions of regional councils and is instead the responsibility of district and unitary councils pursuant to Section 31 of the RMA. However, in this instance the objective relates to integrated management which may include activities regulated by other parties. The Hearing Panel therefore recommends that subdivision be referenced in the objective. In addition to the relief suggested above, the Hearing Panel also recommends making consequential amendments to Policy 2 [Integrated management] clause (g)

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			to recognise subdivision alongside use and development in areas beyond the coastal marine area. A new definition for "subdivision" is also recommended.
35 – Radio New Zealand Ltd	90	Support	Accept
		Retain Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) above.
43 – Royal Forest and Bird Protection Society	91	Amend	Accept in part
		Submitter seeks amendment of Objective 1 of the Plan to read: <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, <u>including between regional and district council functions</u>.</i>	The Hearing Panel notes that subdivision falls outside the statutory functions of regional councils and is instead the responsibility of district and unitary councils pursuant to Section 31 of the RMA. However, in this instance the objective relates to integrated management which may include activities regulated by other parties. The Hearing Panel therefore recommends that subdivision be referenced in the objective. In addition to the relief suggested above, the Hearing Panel also recommends making consequential amendments to Policy 2 [Integrated management] clause (g) to recognise subdivision alongside use and development in areas beyond the coastal marine area. A new definition for "subdivision" is also recommended. In terms of suggested amendments to highlight integrated management between regional and district functions, the Hearing Panel suggest it would be more appropriate to provide this level of detail in the policies and methods that follow. Of note, the detail sought by the submitter is already included in Policy 2(g) of the Plan, which refers to working cooperatively with territorial authorities (and others) and supporting methods of implementation. However, the Department of Conservation and many other agencies also have an important statutory role to play.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
45 – Powerco	92	Support	Accept
		Retain Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) above.
Further submissions – Port Taranaki Ltd (32)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	93	Support	Accept
		Retain Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) above.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
47 – Fonterra	94	Support	Accept
		Retain Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to Submitter (20) above.
Objective 2 – Appropriate use and development			
2 – Federated Farmers	95	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
6 – Trans-Tasman Resources Ltd	96	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
12 – Chorus New Zealand Limited	97	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
13 – Spark New Zealand Trading Limited	98	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
14 – Vodafone New Zealand Limited	99	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
25 – New Zealand Petroleum and Minerals	100	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
26 – Transpower NZ Ltd	101	Amend	Grant in kind
		Submitter seeks amendment of Objective 2 of the Plan to read:	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources, <u>or have technical, operational and/or locational requirements</u>, are provided for in appropriate locations.</i>	The Hearing Panel recommends amending Objective 2, and granting the relief sought in kind, by adopting slightly different language to that suggested by the submitter in order to maintain consistency with other areas of the Plan referring to functional need and operational need. The Hearing Panel considers all matters requested by the submitter (technical and locational requirements) to be provided within the definitions of these terms. The amended Objective would read as follows: <i>Natural and physical resources of the coastal environment are used efficiently, and activities <u>that have a functional need or an operational need</u>, that depend on the use and development of these resources, are provided for in appropriate locations.</i>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
Further submissions – Fonterra (47)		Support	
27 – Taranaki Chamber of Commerce	102	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
32 – Port Taranaki	103	Amend	Accept
		Submitter seeks amendment of Objective 2 of the Plan (or add new objective) to specifically address provision for ongoing development of strategically significant regional and national infrastructure, including Port Taranaki.	The Hearing Panel recommends amending Objective 2 to grant this and other related reliefs sought by the submitter. The amended Objective would read as follows: <i>Natural and physical resources of the coastal environment are used efficiently, and activities <u>that have a functional need or an operational need</u>, that depend on the use and development of these resources, are provided for in appropriate locations.</i>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
33 - New Zealand Defence Force	104	Support	Accept
		Retain Objective 2 of the Plan as notified.	Objective 2 is retained subject to minor amendments as requested by other submitters.
43 – Royal Forest and Bird Protection Society	105	Amend	Grant in kind
		Submitter seeks amendment to Objective 2 of the Plan to read: <i>Objective 2: <u>Appropriate Efficient</u> use and development</i> <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>	The Hearing Panel notes that relief sought by the submitter confines the focus of the objective to “efficient” use and development. As a result many activities that might otherwise have been considered appropriate would no longer be recognised and provided for if the efficiency criterion only is applied. In so doing this might

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources Ltd (6), Transpower (26), Te Korowai o Ngāruahine Trust (41)		Oppose	mean that many activities that contribute to the social, economic and cultural well-being of people and communities could be unnecessarily restricted. The Hearing Panel further suggests that the proposed relief would derogate from the <i>New Zealand Coastal Policy Statement</i> – particularly Objective 6 [Use and development] and Policies 6 [Activities in the coastal environment] and 9 [Ports], which generally recognise and provide for activities in the coastal environment. The Hearing Panel recommends an alternative relief by amending the title of the objective to refer only to “Use and development”.
45 – Powerco	106	Support	Accept
		Retain Objective 2 of the Plan as notified.	Support noted. Objective 2 is retained subject to minor amendments as requested by other submitters.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	107	Support	Accept
		Retain Objective 2 of the Plan as notified.	Support noted. Objective 2 is retained subject to minor amendments as requested by other submitters.
47 – Fonterra	108	Amend	Decline
		Submitter seeks amendment of Objective 2 of the Plan to read: <i>Natural and physical resources of the coastal environment are used efficiently, and activities, including regionally important industry and infrastructure, that depend on the use and development of these resources are provided for in appropriate locations.</i>	The Hearing Panel recommends declining the relief requested by the submitter and notes that regionally important infrastructure and industry is already adequately provided for within the Objective. The Hearing Panel notes that objectives are intentionally high level and considers that the amendment is unnecessarily specific and verbose. The Hearing Panel notes that explicit recognition and provision for regionally important infrastructure and industries are provided for in the Plan policies.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41)		Oppose	
59 - KiwiRail	109	Support	Accept
		Retain Objective 2 of the Plan as notified.	Support noted. Objective 2 is retained subject to minor amendments as requested by other submitters.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Objective 3 – Reverse sensitivity			
2 – Federated Farmers	110	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
12 – Chorus New Zealand Limited	111	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
13 – Spark New Zealand Trading Limited	112	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
14 – Vodafone New Zealand Limited	113	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
20 – Meridian Energy Limited	114	Amend	Accept
		Submitter seeks amendment to Objective 3 of the Plan to read: <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>	The Hearing Panel notes that subdivision falls outside the statutory functions of regional councils and is instead the responsibility of district and unitary councils pursuant to Section 31 of the RMA. However, activities occurring within the CMA and regulated by the Council may be adversely impacted by subdivision, use and development outside the CMA and regulated by other parties. The Hearing Panel therefore agrees with the submitter that subdivision should be referenced in the objective. A new definition for “ <i>subdivision</i> ” is also recommended.
23 – New Plymouth District Council	115	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
26 – Transpower NZ Ltd	116	Amend	Accept
		Submitter supports Objective 3 of the Plan but seeks amendment of the title to read:	The Hearing Panel recommends granting the relief sought by amending the title of Objective 3 to read:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		Objective 3 Reverse sensitivity <i>Impacts on established operations and activities</i> The submitter contends that the relief sought would help to clarify the intent of the objective and is a more user friendly variant providing more direction for Plan users.	<i>Impacts on established operations and activities.</i>
32 – Port Taranaki	117	Support Retain Objective 3 of the Plan as notified	Accept Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
33 - New Zealand Defence Force	118	Support Retain Objective 3 of the Plan as notified.	Accept Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
35 – Radio New Zealand Ltd	119	Support Retain Objective 3 of the Plan as notified.	Accept Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
43 – Royal Forest and Bird Protection Society	120	Amend The submitter believes that Objective 3 is in conflict with Policy 6(1)(e) of the <i>New Zealand Coastal Policy Statement</i> as it prioritises the protection of lawfully established activities over subsequent development, including new regionally significant infrastructure. Submitter seeks amendment of the Plan by deleting Objective 3: <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>	Decline The Hearing Panel does not believe it is necessary or appropriate to delete Objective 3 noting that provision for new operations and activities in the coastal environment is already addressed in Objective 2 of the Plan. Objective 3 is viewed as upholding Policy 6(1) of the <i>New Zealand Coastal Policy Statement</i> as it provides protection for nationally and regionally important infrastructure. The objective also supports Policy 10 of the <i>National Policy Statement for Electricity Transmission</i> and the <i>National Environmental Standard for Telecommunication Facilities</i> which require the management of activities to avoid reverse sensitivity on the transmission and telecommunication networks. The Hearing Panel further believes that it is appropriate and equitable that the Objective/Plan address the management of adverse effects on other lawfully established activities. The Hearing Panel notes the wide level of support that has been indicated by other submitters for this Objective.
Further submissions – Meridian Energy Ltd (20), Transpower NZ Ltd (26), New Zealand Defence Force (33), Radio New Zealand (35), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
45 – Powerco	121	Amend Submitter seeks amendment to Objective 3 of the Plan to read: <i>The use and ongoing operation, <u>maintenance, and upgrading</u> 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>	No relief required The Hearing Panel considers maintenance and upgrading to be already captured in the phrase “the use and ongoing operation” of nationally and regionally important infrastructure. The introduction of added terms is not only unnecessary but potentially confusing in that it terms such as upgrading are not used in Plan policies or rules relating to structures.
Further submissions – Meridian Energy Ltd (20)		Support in part	
Further submissions – Transpower (26)		Support	
Further submissions – Taranaki Energy Watch (51)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	122	Amend Submitter seeks amendment to Objective 3 of the Plan to read: <i>The use and ongoing operation, <u>maintenance, and upgrading</u> 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>	No relief required The Hearing Panel considers maintenance and upgrading to be already captured in the phrase “the use and ongoing operation” of nationally and regionally important infrastructure. The introduction of added terms is not only unnecessary but potentially confusing in that the use of other terms such as “upgrading” are not used in Plan policies or rules.
Further submissions – Meridian Energy Ltd (20)		Support in part	
Further submissions – Department of Conservation (29), Taranaki Energy Watch (51)		Oppose	
47 – Fonterra	123	Support Retain Objective 3 of the Plan as notified.	Accept Support noted. At the hearing of submissions the submitter presented further on Objective 3 and noted that although amendments to Objective 3 are not opposed, a slight wording change is recommended to refer to the “proximity” to the infrastructure or activity. The Hearing Panel consider this amendment adds clarity

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			and captures the intent of the objective and recommend amending Objective 3 to read: <i>The use and ongoing operation of regionally important infrastructure and other existing lawfully established activities is protected from new <u>incompatible subdivision</u>, use and development <u>occurring in proximity to the infrastructure or activity</u> in the coastal environment.</i>
59 - KiwiRail	124	Support	Accept
		Retain Objective 3 of the Plan as notified.	Support noted. Objective 3 is retained subject to minor amendments as requested by other submitters.
Objective 4 – Life-supporting capacity and mouri			
43 – Royal Forest and Bird Protection Society	125	Support	Accept
		Retain Objective 4 of the Plan as notified.	Support noted. Objective 4 is retained.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	126	Support	Accept
		Retain Objective 4 of the Plan as notified.	Support noted. Objective 4 is retained.
Objective 5 – Coastal water quality			
29 – Department of Conservation	127	Amend	Grant in kind
		To give effect to Policy 21 [Enhancement of water quality] of the <i>New Zealand Coastal Policy Statement</i> , the submitter seeks amendment to Objective 5 of the Plan to include provision for the restoration of water quality where appropriate. Submitter seeks amendment to Objective 5 of the Plan to read: <i>Water quality in the coastal environment is maintained and enhanced <u>and where quality of water in the coastal environment has deteriorated, restore where practicable</u>.</i>	For the purposes of increased certainty and clarity, the Hearing Panel recommends granting the relief sought in kind by amending the Objective in line with relief sought by other submitters. The revised Objective would reads as follows: <i>Water quality in the coastal environment is maintained <u>where it is good</u>, and enhanced <u>where it is degraded</u>.</i>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	128	Amend Submitter supports Objective 5 of the Plan but seeks new Plan provisions to align with the <i>National Policy Statement for Freshwater Management</i> , including establishing numeric and descriptive water quality objectives/targets and setting standards for water bodies, and estuaries and sites at sea, in this Plan.	Decline While a number of small consequential amendments are proposed to Plan provisions that may give effect to better alignment with the <i>National Policy Statement for Freshwater Management</i> , the Hearing Panel believes the establishment and setting of numeric and descriptive water quality objectives/targets and setting standards for water bodies, and estuaries and sites at sea in the Plan unnecessary. Of note, Taranaki generally has good quality coastal water. This is primarily due to the relatively small number of major point source discharges to the coastal marine area but is also attributable to the nature of our very small and few estuaries, and the very turbulent, wild and open Tasman Sea. The setting of robust, scientifically validated nutrient and other limits for Taranaki coastal waters would be technically difficult and costly to link and justify with the maintenance and enhancement of specific coastal values and can be more effectively imposed through the consenting process associated with point source discharges.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	129	Support Retain Objective 5 of the Plan as notified.	Accept Support noted. Objective 5 is retained subject to minor amendments as requested by other submitters.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	130	Amend The submitter does not consider it technically possible to both maintain and enhance water quality at the same time and seek amendments to direct the circumstances in which coastal water quality should be maintained or enhanced. Submitter seeks amendment to Objective 5 of the Plan to read:	Accept For the purposes of increased certainty and clarity, the Hearing Panel recommends granting the relief sought. The revised Objective would read as follows:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		Water quality in the coastal environment is maintained <i>where it is good</i> , and enhanced <i>where it is degraded</i> .	Water quality in the coastal environment is maintained <i>where it is good</i> , and enhanced <i>where it is degraded</i> .
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
48 – Taranaki District Health Board	131	Support Retain Objective 5 of the Plan as notified.	Accept Support noted. Objective 5 is retained subject to minor amendments as requested by other submitters.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	132	Amend Submitter seeks amendment to Objective 5 of the Plan to read: <i>Objective 5: Coastal water quality</i> Water quality <i>and mauri values</i> in the coastal environment is maintained and enhanced.	Grant in kind The Hearing Panel does not recommend granting the relief sought. The Hearing Panel notes that māuri has already been addressed in Objective 4, which relates to the life supporting capacity of coastal water, land and air. This is considered a more appropriate fit for māuri than Objective 5, which relates only to water quality (māuri is defined in the Regional Policy Statement as meaning essential life force or principle, a metaphysical quality inherent in all things, both animate and inanimate). Water quality is likely to be only one component of māuri and excludes considerations such as the ecological functioning and health of the environment overall. Following pre-hearing engagement, an alternative relief was recommended. The Hearing Panel recommends amending the introduction to section 4 to highlight that objectives need to be read together, including the need to safeguard māuri values (as identified in Objective 5).
Further submissions – Te Rūnanga o Ngāti Mutunga (40)		Support	
Objective 6 – Natural character			
20 – Meridian Energy Limited	133	Amend Submitter seeks amendment to Objective 6 of the Plan to read: <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>	Accept in part The Hearing Panel recommends amending Objective 6 so that it refers to subdivision. In addition to the relief suggested above, the Hearing Panel also recommends making consequential amendments to Policy 8 [Areas of outstanding

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			value] and including a new definition for "subdivision" in the definitions section of the Plan. In relation to removing reference to "and is restored where appropriate", the Hearing Panel notes that restoration of natural character may be appropriate in some locations and that this approach is consistent with Policy 14 (a) [Restoration of natural character] of the <i>New Zealand Coastal Policy Statement</i> which requires the identification of areas and opportunities for restoration or rehabilitation of natural character.
23 – New Plymouth District Council	134	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
Further submissions – Meridian Energy Ltd (20)		Support in part	
Further submissions – Port Taranaki Ltd (32)		Support	
29 – Department of Conservation	135	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
26 – Transpower NZ Ltd	136	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
43 – Royal Forest and Bird Protection Society	137	Amend	Accept in part
		Submitter seeks amendment to Objective 6 of the Plan to read: <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 degraded.</i>	The Hearing Panel recommends amending Objective 6 so that it refers to subdivision as requested by the submitter. A new definition for "subdivision" is also recommended.
Further submissions – Federated Farmers (2)		Oppose	In relation to replacing reference to "appropriate" with "degraded" the Hearing Panel recommend declining the relief sought noting that restoration of natural character may be appropriate in some locations where natural character has become degraded but not necessarily all locations. The Hearing Panel notes that this approach is consistent with Policy 14 (a) [Restoration of natural character] of
Further submissions – Meridian Energy Ltd (20)		Support in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Transpower NZ Ltd (26)		Oppose in part	the <i>New Zealand Coastal Policy Statement</i> which requires the identification of areas and opportunities for restoration or rehabilitation of natural character.
45 – Powerco	138	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	139	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
47 – Fonterra	140	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
59 - KiwiRail	141	Support	Accept
		Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.
Objective 7 – Natural features and landscapes			
20 – Meridian Energy Limited	142	Amend	Accept
		Submitter seeks amendment to Objective 7 of the Plan to read: <i>The natural features and landscapes of the coastal environment are protected from inappropriate <u>subdivision</u>, use and development.</i>	The Hearing Panel recommends amending Objective 7 so that it refers to subdivision alongside use and development. A new definition for “subdivision” is also recommended.
23 – New Plymouth District Council	143	Support	Accept
		Retain Objective 7 of the Plan as notified.	Support noted. Objective 7 is retained subject to minor amendments as requested by other submitters.
26 – Transpower NZ Ltd	144	Support	Accept
		Retain Objective 7 of the Plan as notified.	Support noted. Objective 7 is retained subject to minor amendments as requested by other submitters.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	145	Amend	Accept
		Submitter seeks amendment to Objective 7 of the Plan to read: <i>The natural features and landscapes of the coastal environment is preserved and protected from inappropriate <u>subdivision</u>, use and development and is restored where appropriate <u>degraded</u>.</i>	The Hearing Panel recommends amending Objective 7 so that it refers to subdivision alongside use and development. A new definition for “subdivision” is also recommended.
45 – Powerco	146	Support	Accept
		Retain Objective 7 of the Plan as notified.	Support noted. Objective 7 is retained subject to minor amendments as requested by other submitters.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	147	Support	Accept
		Retain Objective 7 of the Plan as notified.	Support noted. Objective 7 is retained subject to minor amendments as requested by other submitters.
47 – Fonterra	148	Support	Accept
		Retain Objective 7 of the Plan as notified.	Support noted. Objective 7 is retained subject to minor amendments as requested by other submitters.
Objective 8 – Indigenous biodiversity			
23 – New Plymouth District Council	149	Support	Accept
		Retain Objective 8 of the Plan as notified.	Support noted. Objective 8 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
43 – Royal Forest and Bird Protection Society	150	Amend	Decline
		Submitter seeks amendment to Objective 8 of the Plan to read: <i>[...] <u>protect indigenous biodiversity in the coastal environment</u>.</i>	Objective 8 has two aspects. The first part of the Objective relates to all indigenous biodiversity in the coastal environment being “maintained and enhanced”, while the second part of the Objective relates to the protection of some aspects of biodiversity, i.e. significant indigenous biodiversity. The Hearing Panel does not believe it appropriate or necessary to ‘protect’ all aspects of indigenous biodiversity from the adverse effects of activities. The Section 5 purpose [Sustainable management] of the RMA involves use and
Further submissions – Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			development as well as protection. Not all aspects of indigenous biodiversity necessarily must be protected. 'Protecting' all indigenous biodiversity rather than " <i>maintaining and enhancing</i> " would be overly prescriptive. Of note the Objective already seeks to protect "significant indigenous biodiversity", which is directly aligned with Policy 11 of the <i>New Zealand Coastal Policy Statement</i> .
45 – Powerco	151	Amend Submitter seeks that Objective 8 of the Plan (and corresponding policies and rules) provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.	No relief necessary No precise details of amendments sought to Objective 8 have been provided. However, the Hearing Panel notes that Section 4 of the Plan provides a suite of objectives that together provide for a broad range of values and uses, including nationally and regionally important infrastructure. Objectives relating to regionally important infrastructure are separately addressed in Objectives 2 and 3 of the Plan. In determining the weighing or priority given to particular values the Plan policies also apply. The Hearing Panel does not believe any amendments to Objective 8 are therefore necessary. Notwithstanding the above, in response to reliefs sought elsewhere by the submitter (and others), consequential amendments have been made in other Plan provisions that further recognise and provide for the operation, maintenance and alteration (upgrade) of existing regionally important infrastructure.
Further submissions – Transpower NZ (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	153	Amend Seek that Objective 8 (and corresponding policies and rules) provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.	No relief necessary No precise details of amendments sought to Objective 8 have been provided. However, the Hearing Panel notes that Section 4 of the Plan provides a suite of objectives that together provide for a broad range of values and uses, including nationally and regionally important infrastructure. Objectives relating to regionally important infrastructure are separately addressed in Objectives 2 and 3 of the Plan. In determining the weighing or priority given to particular values the Plan policies also apply. The Hearing Panel do not believe any amendments to Objective 8 are therefore necessary. Notwithstanding the above, in response to reliefs sought elsewhere by the submitter (and others), consequential amendments have been made in other Plan provisions that further recognise and provide for the operation, maintenance and alteration (upgrade) of existing regionally important infrastructure.
Further submissions – Federated Farmers (2)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Objective 9 – Relationship of tangata whenua with the coastal environment			
48 – Taranaki District Health Board	154	Support Retain Objective 9 of the Plan as notified.	Accept Support noted. Objective 9 is retained subject to minor amendments as requested by other submitters.
Further submissions – Port Taranaki Ltd (32)		Support	
57 – Heritage New Zealand	155	Amend The submitter requests that Objective 9 be amended to refer to all “Māori” in place of “tangata whenua” to follow similar wording within the RMA. The submitter suggests that iwi/hapū that no longer hold mana whenua can still have important relationships with an area, although they no longer have mana whenua, and such situations need to be provided for within this objective. Submitter seeks amendment to the title and content of Objective 9 of the Plan to read: <i>Objective 9: Relationship of Māori tangata whenua with the coastal environment</i> <i>Traditional and continuing relationships of Māori tangata whenua and their cultures and traditions with the coastal environment and their ancestral lands, water, sites, waahi tapu and other taonga, including the role of tangata whenua as kaitiaki, are recognised and provided for and protected from inappropriate use and development of the coastal marine area.</i>	Accept in part The Hearing Panel notes that iwi, hapū and whanau themselves have not commented on this submission point nor sought any similar changes. Nor has relief of this type been sought from the wider Māori community or others. Tangata whenua is considered more appropriate in the Taranaki context whereby the Council seeks to explicitly recognise tangata whenua relationships with the coast in the Plan objectives and policies. Unless iwi authorities themselves seek a change (which they have not done to date), the Hearing Panel recommends retaining reference to tangata whenua (rather than all Māori) in the Objective. However, other amendments sought by the submitter to better align language with the RMA are recommended. The revised Objective would read as follows: <i>Traditional and continuing relationships of tangata whenua and their cultures and traditions with their ancestral lands, water, sites, waahi tapu and other taonga in the coastal environment, including the role of tangata whenua as kaitiaki, are recognised and provided for.</i>
Objective 10 – Treaty of Waitangi			
41 – Te Korowai o Ngāruahine Trust	156	Amend The submitter supports the introduction of Te Tiriti o Waitangi because, through the Plan, it embeds the Treaty into the heart of decision making considerations. Submitter seeks amendment to Objective 10 of the Plan to: <ul style="list-style-type: none">read “...Give effect to The principles of the Treaty of Waitangi including the principles of ... in the management of the coastal environment”	Accept in part The Hearing Panel notes the support from the submitter for the introduction of the Treaty of Waitangi into the objectives section of the Plan. However, the Hearing Panel does not recommend amending the Objective to “give effect” to the Treaty of Waitangi as the current wording of the Objective is already consistent with Objective 3 and Policy 2 of the New Zealand Coastal Policy Statement, which

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> reference the following guiding principles: mai te maunga, Taranaki kit e tai a Kupe, whakapapa, kaitiakitanga, manaakitanga, whanaungatanga, kawanatanga, and rangatiratanga. 	<p>requires persons exercising functions and powers under the RMA to "take into account", rather than "give effect to", the principles of the Treaty of Waitangi.</p> <p>The submitter further seeks that the Council reinstate (from the draft Plan) five values that encapsulate the relationship between iwi o Taranaki and the coastal environment. The Hearing Panel recommends granting this part of the relief sought and amending the Objective to refer to the guiding principles to improve the integration of Māori principles throughout the Plan.</p> <p>The amended Objective 10 would read as follows:</p> <p><i>The principles of the Treaty of Waitangi, including the principles of <u>mai te maunga Taranaki kite tai a Kupe, whakapapa, kaitiakitanga, manaakitanga, whanaungatanga, kawanatanga, and rangatiratanga</u>, are taken into account in the management of the coastal environment.</i></p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
48 – Taranaki District Health Board	157	Support	Accept
		Retain Objective 10 of the Plan as notified.	Support noted. Objective 10 is retained subject to minor amendments as requested by other submitters.
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	158	Amend	Decline
		<p>Submitter seeks amendment to Objective 10 of the Plan to read:</p> <p><i><u>Give effect to</u> the principles of the Treaty of Waitangi, including the principles of kawanatanga, rangatiratanga, partnership, active participation, resource development and spiritual recognition, are taken into account in the management of the coastal environment.</i></p>	<p>The Hearing Panel does not recommend amending the Objective to "give effect" to the Treaty of Waitangi as the current wording of the Objective is already consistent with Objective 3 and Policy 2 of the <i>New Zealand Coastal Policy Statement</i>, which requires persons exercising functions and powers under the RMA to "take into account", rather than "give effect to", the principles of the Treaty of Waitangi.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Objective 11 – Historic heritage			
20 – Meridian Energy Limited	159	Amend	Accept
		<p>Submitter seeks amendment to Objective 11 of the Plan to read:</p> <p><i>Historic heritage in the coastal environment is protected from inappropriate <u>subdivision</u>, use and development.</i></p>	<p>The Hearing Panel notes that the control of subdivision is not one of the Council's functions under section 30 of the RMA, however, it is permissible for regional plans to included reference to subdivision in relevant objectives and policies if it serves one of the Council's other functions, for example, integrated management.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel therefore recommends amending the provision as sought by the submitter so that it refers to subdivision alongside use and development for the purpose of assisting the Council in integrated management matters. A new definition for "subdivision" is also recommended.
43 – Royal Forest and Bird Protection Society	160	Support Retain Objective 11 of the Plan as notified.	Accept Support noted. Objective 11 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
57 – Heritage New Zealand	161	Amend Submitter seeks amendment to Objective 11 of the Plan to read: <i><u>Significant historic heritage in the coastal environment is protected from inappropriate use and development of the coastal marine area, and the extensive but limited knowledge of historic heritage in the coastal environment is recognised.</u></i>	Grant in kind The Hearing Panel note that the Plan already gives partial relief to the submitter in that Objective 11 refers to historic heritage generally rather than "significant historic heritage". The submitter seeks further amendments to Objective 11 – similar in kind to Objective 6 of the <i>New Zealand Coastal Policy Statement</i> – to recognise the extensive but limited knowledge of historic heritage in the coastal environment. The Hearing Panel notes that the issue of extensive, but limited knowledge of historic heritage in the coastal environment, has already been highlighted in the Section 32 Evaluation Report and the Panel does not believe it is necessary to restate such matters in Plan objectives. The Hearing Panel are also unclear as to how 'recognition' in a Plan objective would be monitored meaningfully. Accordingly, changes are not recommended to the Objective itself. Instead the Hearing Panel recommends an alternative relief involving consequential amendments in the background information of the Plan [Natural and historic heritage] to further highlight this issue.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	162	Amend Submitter seeks amendment to Objective 11 of the Plan to read: Objective 11: <i><u>Cultural and</u> Historic Heritage</i> <i><u>Cultural and</u> Historic heritage in the coastal environment is protected from inappropriate use and development.</i>	Accept The Hearing Panel recommends amending the Plan to grant the relief. The relief broadens the scope of the objective to address aspects of cultural heritage values that are not necessarily captured within the RMA definition of historic heritage. For

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	example, cultural heritage may include values such as taonga species for which a new policy has been recommended.
Objective 12 – Public use and enjoyment			
2 – Federated Farmers	163	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment <u>marine area</u>, is maintained and enhanced.</i>	Decline The Hearing Panel recommends declining the relief sought. Objective 12 applies to the coastal environment to promote integrated management of the coast across environmental domains and across local authority jurisdictional boundaries in a manner consistent with Policy 4 of the <i>New Zealand Coastal Policy Statement</i> . Confining Objective 12 to only the coastal marine area would derogate from that intent.
29 – Department of Conservation	164	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>The public's people's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced.</i>	Accept The submitter suggests that to improve alignment and consistency between Policy 18 [Public open spaces] of the <i>New Zealand Coastal Policy Statement</i> and Policy 17 of the Plan, the use of the term “public” should be used. It is noted that the word “people” can include private use. The Hearing Panel agrees and recommends granting the relief sought.
40 – Te Rūnanga o Ngāti Mutunga	165	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment is maintained and enhanced <u>without adversely impacting on cultural and environmental values</u>.</i>	Grant in kind The submitter's concerns are that people's use and development of the coastal environment should be subject to the appropriate management of adverse effects on cultural and environmental values. The Hearing Panel recommends granting the relief sought in kind by amending Objective 12 to recognise that people's use and enjoyment of the coast should not be to the detriment of other uses and values. However, the Hearing Panel does not believe it appropriate to specify or confine the Objective to the consideration of only those values specified in the submission. First, the suggested amendments by the submitter introduce a strict avoidance threshold with no regard to the significance of the effects. Second, the suggested amendments do not recognise other circumstances, where coastal public access should be subject to avoiding, remedying or mitigating adverse impacts on other uses and values (e.g. public health and safety). These are outlined later in Policy 17. The Hearing Panel recommend that Objective 12 be amended to read:
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>The public's use and enjoyment of the coastal environment, including amenity values, traditional practices and <u>appropriate</u> public access to and within the coastal environment, is maintained and enhanced.</i>
41 – Te Korowai o Ngāruahine Trust	166	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment is maintained and enhanced <u>without adversely impacting on cultural and environmental values.</u></i>	Grant in kind The submitter's concerns are that people's use and development of the coastal environment should be subject to the appropriate management of adverse effects on cultural and environmental values. The Hearing Panel recommends granting the relief sought in kind by amending Objective 12 to recognise that people's use and enjoyment of the coast should not be to the detriment of other uses and values. However, the Hearing Panel does not believe it appropriate to specify or confine the Objective to the consideration of only those values specified in the submission. First, the suggested amendments by the submitter introduce a strict avoidance threshold with no regard to the significance of the effects. Second, the suggested amendments do not recognise other circumstances, where coastal public access should be subject to avoiding, remedying or mitigating adverse impacts on other uses and values (e.g. public health and safety). These are outlined later in Policy 17. The Hearing Panel recommends that Objective 12 be amended to read: <i>The public's use and enjoyment of the coastal environment, including amenity values, traditional practices and <u>appropriate</u> public access to and within the coastal environment, is maintained and enhanced.</i>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	167	Amend Submitter seeks amendment to Objective 12 of the Plan to recognise additional matters set out in Policy 16(a), Policy 18(a), (b), (d) and (e), Policy 19(1), (3) and (4), and Policy 20 of the <i>New Zealand Coastal Policy Statement</i> .	No relief necessary No precise details of amendments sought to Objective 12 have been provided and the amendments sought by the submitter are considered unnecessary. The Hearing Panel notes the Plan comprises of a suite of objectives, policies and methods, including rules that collectively give effect to the <i>New Zealand Coastal Policy Statement</i> . Plan provisions need to be read together (while also acknowledging the different statutory responsibilities and powers of territorial authorities and district plans for giving effect to specific elements of the <i>New Zealand Coastal Policy Statement</i>). The Hearing Panel refers the submitter to Policies 17 [Public access], 18 [Amenity values], 19 [Surf breaks], of the Plan, and Implementation Methods 32 to 36 and 39, which specifically address Policy 16(a), Policy 18(a), (b), (d) and (e), Policy
Further submissions – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			19(1), (3) and (4), and Policy 20 of the <i>New Zealand Coastal Policy Statement</i> . Other Plan provisions also apply.
47 – Fonterra	168	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and or enhanced <u>where appropriate</u>.</i>	Accept in part There are two parts to the relief sought by the submitter. First, the submitter considers that it is not possible to maintain <u>and</u> enhance public access at the same time and requests that this be recognised by using an 'or' instead of an 'and'. The Hearing Panel notes that this objective is not site specific and instead applies to the entire coastal environment and so is appropriate to maintain and enhance use and enjoyment across the coastal environment. In addition, the wording follows the wording used in the <i>New Zealand Coastal Policy Statement</i> policies 18 [Public open space] and Policy 19 [Walking access] which is considered appropriate to follow. The Hearing Panel therefore recommends declining this part of the relief. Second, the submitter suggests there may be occasions where it is necessary to limit public access, even if only temporarily. The Hearing Panel agrees that Objective 12 should be amended to recognise that people's use and enjoyment of the coast should not be to the detriment of other uses and values. Accordingly, the Hearing Panel recommends that Objective 12 be amended to read: <i><u>The public's</u> use and enjoyment of the coastal environment, including amenity values, traditional practices and <u>appropriate</u> public access to and within the coastal environment, is maintained and enhanced.</i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Oppose	
48 – Taranaki District Health Board	169	Support Retain Objective 12 of the Plan as notified.	Accept Support noted. Objective 12 is retained subject to minor amendments as requested by other submitters.
58 – Te Atiawa	170	Amend Submitter seeks amendment to Objective 12 of the Plan to read: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment is maintained and enhanced <u>without adversely impacting on cultural and environmental values</u>.</i>	Grant in kind The submitter's concerns are that people's use and development of the coastal environment should be subject to the appropriate management of adverse effects on cultural and environmental values. The Hearing Panel recommends granting the relief sought in kind by amending Objective 12 to recognise that people's use and enjoyment of the coast should not be to the detriment of other uses and values. However, the Hearing Panel do not consider it appropriate to specify or confine the Objective to the consideration of specific values. First, the suggested amendments by the submitter introduce a

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>strict avoidance threshold with no regard to the significance of the effects. Second, the suggested amendments do not recognise other circumstances, where coastal public access should be subject to avoiding, remedying or mitigating adverse impacts on other uses and values (e.g. public health and safety). These are outlined later in Policy 17.</p> <p>The Hearing Panel recommends that Objective 12 be amended to read:</p> <p><i>The public's use and enjoyment of the coastal environment, including amenity values, traditional practices and <u>appropriate</u> public access to and within the coastal environment, is maintained and enhanced.</i></p>
59 – KiwiRail	171	<p>Amend</p> <p>Submitter seeks amendment to Objective 12 of the Plan to read:</p> <p><i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced <u>where appropriate</u>.</i></p>	<p>Grant in kind</p> <p>The Hearing Panel recommends that Objective 12 be amended to give effect to the submitter's request subject to minor amendment that also gives effect to relief sought by other submitters.</p> <p>The revised Objective would read as follows:</p> <p><i>The public's use and enjoyment of the coastal environment, including amenity values, traditional practices and <u>appropriate</u> public access to and within the coastal environment, is maintained and enhanced.</i></p>
Further submissions – Te Atiawa (58)		Oppose	
Objective 13 – Coastal hazards risk and public health and safety			
2 – Federated Farmers	172	<p>Support</p> <p>Retain Objective 13 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Objective 13 is retained subject to minor amendments as requested by other submitters.</p>
20 – Meridian Energy Limited	173	<p>Amend</p> <p>Submitter seeks amendment to Objective 13 of the Plan to read:</p> <p><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></p>	<p>Accept in part</p> <p>The relief sought by the submitter has two parts. First, it seeks to expand the scope of the Objective to address subdivision and, second, it seeks to expand its scope so that it applies to the coastal environment (rather than just the coastal marine area).</p> <p>In relation to expanding the scope of Objective 13 so that it applies to the coastal environment (rather than just the coastal marine area), the Hearing Panel agrees that the objective should address the wider coastal environment. Accordingly, the Hearing Panel recommends amending the Objective to refer to the coastal environment but note that reference to the coastal marine area at the end of the</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>objective will be retained to reflect that the rules only addresses use and development within the coastal marine area.</p> <p>The Hearing Panel further recommends that the objective reference subdivision as sought by the submitter. The Hearing Panel recommends amending Objective 13 (in line with reliefs sought by other submitters) to read as follows:</p> <p><i>The risk of social, cultural, environmental, and economic harm <u>in the coastal environment</u> from coastal hazards is not increased and public health, safety and property is not compromised by use and development of the coastal marine area.</i></p>
43 – Royal Forest and Bird Protection Society	174	<p>Amend</p> <p>Submitter seeks amendment to Objective 13 of the Plan to address the wider coastal environment and to reflect the matters set out in Policy 24, Policy 25, Policy 26, and Policy 27 of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Accept in part</p> <p>No precise details of amendments sought to Objective 13 have been provided.</p> <p>The Hearing Panel recommends minor amendment to make clear that Objective 13 applies to the wider coastal environment and that only the second part of the objective that relates to use and development is specific to the coastal marine area.</p> <p>However, as previously noted in submission point 165, the Hearing Panel does not believe it necessary or appropriate to make further amendments to reflect the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel notes the Plan comprises a suite of objectives, policies and methods, including rules that collectively give effect to the <i>New Zealand Coastal Policy Statement</i>. Plan provisions need to be read together (while also acknowledging the different statutory responsibilities and powers of territorial authorities and district plans for giving effect to specific elements of the <i>New Zealand Coastal Policy Statement</i>).</p> <p>The Hearing Panel refers the submitter to Policies 20 [Coastal hazards], 21 [Natural hazard defences] and Implementation Methods 37 to 42, which specifically address matters set out in Policy 24, Policy 25, Policy 26, and Policy 27 of the <i>New Zealand Coastal Policy Statement</i>. Other Plan provisions may also apply.</p> <p>The Hearing Panel recommends amending Objective 13 (in line with reliefs sought by other submitters) to read as follows:</p> <p><i>The risk of social, cultural, environmental, and economic harm <u>in the coastal environment</u> from coastal hazards is not increased and public health, safety and property is not compromised by use and development of the coastal marine area.</i></p>
Further submissions – Port Taranaki Ltd (32)		Oppose	
	175	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd		Submitter seeks amendment to Objective 13 of the Plan to read: <i>The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased to unacceptable levels and public health, safety and property is not compromised by use and development of the coastal marine area.</i>	The Hearing Panel recommends declining the relief sought by the submitter. An objective should clearly identify the resource management outcome sought and it is unusual for an objective to allow any increase in environmental risk. The Hearing Panel is also concerned that reference to “unacceptable level” infers that some increase is allowed, which is contrary to Policy 25(a) of the <i>New Zealand Coastal Policy Statement</i> , which refers to “avoid increasing the risk of social, environmental and economic harm from coastal hazards”.
Further submissions – Transpower (26), Petroleum Exploration and Production Association of New Zealand (37)		Support	
Further submissions – Department of Conservation (29), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
48 – Taranaki District Health Board	176	Support	Accept
		Retain Objective 13 of the Plan as notified	Support noted. Objective 13 is retained subject to minor amendments as requested by other submitters.
Objectives 1 – 14			
41 – Te Korowai o Ngāruahine Trust	177	Amend	Decline
		Submitter seeks amendment to objectives section of the Plan to include commentary from the Section 32 Evaluation Report to explain the focus and intent of Plan objectives.	<p>The Council has deliberately chosen to make its Plan concise and focus its content matters on the mandatory content matters set out in Section 67 of the RMA to guide the setting of rules and consenting processes. As such, it contains very little or minimal optional content such as issues, explanations, and methods (other than rules).</p> <p>Notwithstanding that, the Hearing Panel appreciates the submitter's comments on the usefulness of the explanation of Plan provisions provided in the Section 32 Explanation Report and recommends that Council finalise that report with the intention that it be a companion document to the Plan to assist readers in the interpretation and application of Plan provisions. The Hearing Panel further recommend that Council investigate the preparation of practice notes based on the Section 32 Evaluation Report to explain the intent of Plan provisions once adopted.</p>

4.4 Policies

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Section 5 – Preamble			
43 – Royal Forest and Bird Protection Society	178	Support	Decline
		<p>Submitter seeks amendment to the introduction of Section 5 of the Plan, on page 19, to read:</p> <p><i>Section 5.1 contains [...] which relate to:</i></p> <p>1. [...]</p> <p><i>1A. protection of significant and outstanding values and characteristics of the coastal environment [...]</i></p>	<p>The Hearing Panel notes that the bullet points relate to the third order headings adopted for the Policies section of the Plan for the reader's ease of reference. The headings bundle similar policies by shared themes. Policies relating to the protection of significant and outstanding values and characteristics of the coastal environment are already addressed under the heading of "Natural form and functioning".</p>
43 – Royal Forest and Bird Protection Society	179	Amend	Accept in part
		<p>Submitter seeks amendment to the introduction of Section 5.1 of the Plan, on page 20, to read:</p> <p><i>This section provides the overall direction for achieving integrated management for the protection of significant and outstanding values and matters in the coastal environment (i.e. both the coastal marine area and areas landward where coastal processes, influences or qualities are significant) in order to achieve the objectives of this Plan.</i></p> <p><i>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).</i></p>	<p>The Hearing Panel recommends amending the introduction of Section 5.1 but notes that the Plan policies cover use, development and protection of all coastal values not just "the protection of significant and outstanding values." The Hearing Panel therefore recommends an alternative relief that takes into account reliefs sought in other submissions. The amended introduction would read as follows:</p> <p><i>This section provides the overall direction for achieving integrated management in the coastal environment (i.e. both the coastal marine area and areas landward where coastal processes, influences or qualities are significant and as indicatively shown on the planning maps) in order to achieve the objectives of this Plan.</i></p> <p><i>The policies apply to all activities in the coastal environment. The policies set out a coastal management framework, provide for use and development, protect, maintain and enhance significant and outstanding values, and manage coastal hazards and risks to public health and safety.</i></p>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
43 – Royal Forest and Bird Protection Society	180	Amend	Accept
		<p>Submitter seeks amendment to the introduction of Section 5.1 of the Plan, on page 20, to clarify the extent of the coastal management areas set out in the planning maps.</p>	<p>Both South Taranaki and New Plymouth district councils have commenced or are about to commence their respective district plan reviews, which includes a coastal protection zone. For the purposes of integrated management and to promote</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29)		Support	<p>alignment between the respective regional and district plans, the Hearing Panel recommends that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or there equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>Consequential amendments throughout the Plan, including Section 5.1, are further recommended to ensure appropriate linkages between Plan provisions, the schedules, and the planning maps.</p>
43 – Royal Forest and Bird Protection Society	181	<p>Amend</p> <p>Submitter seeks amendment to the introduction of Section 5.1 of the Plan, on page 20, to clarify that the extent of the coastal management areas lists Policy 1(a), (b), (c) and (e) areas and that the Open Coast is not identified.</p>	<p>Decline</p> <p>The Hearing Panel notes that the Open Coast is identified in the Plan and it is not unreasonable to expect Plan readers to understand that the Open Coast coastal management area pertains to that part of the coastal marine area not already identified as being Outstanding, Estuary Unmodified, Estuary Modified and Port coastal management areas. Of note, this Policy is a continuation of an existing policy in the current Coastal Plan and for which there have been no issues previously identified by Plan users in relation to its interpretation and application.</p> <p>Notwithstanding the above, consequential amendments are recommended to Policy 1 to clarify that coastal management areas relate to the coastal marine area only.</p>
57 – Heritage New Zealand	182	<p>Amend</p> <p>Submitter seeks amendment to the introduction of Section 5 of the Plan, on page 19, to include an additional bullet point and read:</p> <p>Section 5.1 contains [...] which relate to:</p> <p><u>Relationship of Māori and their culture and traditions with the coastal environment.</u></p>	<p>Grant in kind</p> <p>The Hearing Panel notes that the bullet points relate to the third order headings adopted for the Policies section of the Plan for the reader's ease of reference. The headings bundle similar policies by shared themes. Policies relating to the relationship of Māori and their culture and traditions with the coastal environment are currently addressed under the heading of "Natural and historic heritage and values". However, recognition and provision for the relationship of Māori contains cultural elements specific to tangata whenua and additional to those covered by the natural heritage, the environment, and historic heritage policies.</p> <p>The Hearing Panel recommends granting the relief and identifying tangata whenua culture, values and traditions with the coastal environment as a separate stand-alone heading. This heading will also be adopted within the policies section for the relationship of tangata whenua (Policy 16).</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	183	Other Submitter notes that Plan policies do not cover the Exclusive Economic Zone and, for the purposes of integrated management, seeks that the Council 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.	No relief necessary Comments noted.
Further submissions – Trans-Tasman Resources Ltd (6)		Neutral	
Further submissions – Te Atiawa (58)		Support	
Policy 1 – Coastal management areas			
5 – Point Board Riders	184	Support Submitter supports the inclusion of Policy 1(d)(iii) of the Plan. Retain as notified.	Accept Support noted. Policy 1(d)(iii) is retained as notified.
6 – Trans-Tasman Resources Ltd	185	Support Submitter supports Policy 1(d)(i) of the Plan acknowledging the existing high energy wave environment and current coastal erosion in the open coast.	Accept Support noted. Policy 1(d)(i) is retained as notified.
15 – Surfbreak Protection Society	186	Support Submitter supports the inclusion of Policy 1 (d)(iii) of the Plan. Retain as notified.	Accept Support noted. Policy 1(d)(iii) is retained as notified.
20 – Meridian Energy Limited	187	Amend Submitter seeks amendment to the first paragraph of Policy 1 of the Plan to read: <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>	Accept Policy 1 has two parts. The first part, to which the relief applies to the whole coastal environment and recognises that some areas have different values, characteristics, uses, vulnerabilities, sensitivities or management needs to other areas. The second part relates to the coastal management areas, which are of relevance to the rules in and relate to the coastal marine area only. The Hearing Panel recommends granting the relief sought by the submitter as the concept of some areas having different values, characteristics, uses, vulnerabilities, sensitivities or management needs to other areas applies to the wider coastal environment and not just the coastal marine area. However, the second part of the Policy clearly relates to identifying the five coastal management areas to which rules

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>will specifically apply. The Hearing Panel further recommends other consequential amendments to Policy 1 to clarify that the coastal management areas apply only to the coastal marine area.</p> <p>The proposed amendments would read as follows:</p> <p><i>Manage the coastal environment in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.</i></p> <p><i>In managing the use, development and protection of resources in the coastal marine area under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses: [...]</i></p>
23 – New Plymouth District Council	188	Support	Accept
		Retain Policy 1 of the Plan as notified.	Policy 1 is retained subject to minor amendments as requested by other submitters.
26 – Transpower NZ Ltd	189	Support	Accept
		Retain Policy 1 of the Plan as notified.	Policy 1 is retained subject to minor amendments as requested by other submitters.
28 – Grant Knuckey	190	Amend	Decline
		Submitter seeks amendment to Policy 1 of the Plan by incorporating mana whenua values from Policy 16 [Relationship of tangata whenua] into Policy 1.	The Hearing Panel notes the introductory sentence to Section 5 of the Plan on page 19 that “... when assessing an activity, all relevant general and activity-based policies are to be considered and no individual policy viewed in isolation. ” It is therefore unnecessary to cross reference Policy 16 (and other policies) in Policy 1 for it to be considered. Both Policy 1 and 16 will be considered together (plus the other General Policies and relevant Activity-specific Policies) in the assessment of any resource consent applications.
28 – Grant Knuckey	191	Amend	Decline
		Submitter seeks amendment to Policy 1 of the Plan by identifying two new marine spatial coastal management areas – wahi tapu areas and wahi taonga areas.	The Hearing Panel recommends declining the relief sought in that the relief is unnecessary and has already been given effect to in the Plan, albeit in a different manner than that sought by the submitter.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five coastal management areas

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enables some activities, and restricts other activities.</p> <p>The Hearing Panel notes that Policy 1 is based upon the current coastal management regime, which included similar coastal management areas and has largely been effective in managing adverse effects in the coastal marine area.</p> <p>Notwithstanding the above, across all the coastal management areas and at a finer spatial scale, there will be specific sites and places with regionally significant values located within the coastal management area. They include sites, places and attributes identified as significant for their natural character, indigenous biodiversity, historic heritage and amenity values. Through this Coastal Plan review considerable effort has been made to identify and/or map sites of significance to tangata whenua in Schedule 5B of the Plan and associated planning maps. These sites include wahi tapu areas and wahi taonga areas to ensure that any adverse effects on these sites and places are properly considered and adverse effects avoided, remedied or mitigated. The Hearing Panel notes that supporting policies and rules in the Plan apply relating to the protection of wahi tapu, wahi taonga and other significant sites of significance to Māori.</p>
29 – Department of Conservation	192	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(d) [Open Coast] of the Plan to include a new characteristic to read:</p> <p><i>v) provide important habitats for marine species.</i></p>	<p>Grant in kind</p> <p>The submitter refers to the Section 32 Evaluation Report which recognizes that within the open coast there is a range of marine habitats that none of the other management areas have.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	<p>The Hearing Panel recommends granting the relief sought in kind by amending Policy 1(d)(ii) to refer to marine systems (which encompass, amongst other things, reef systems that provide habitats for marine life), and migration paths, breeding areas and nursery areas for marine mammals and seabirds. The Hearing Panel further recommends that, as a consequential amendment, Policy 1(d)(ii) is split into two clauses and that the values of mahinga kai are identified separately.</p> <p>The revised Policy 1(d) would read as follows:</p> <p>[...]</p> <p>(ii) include marine systems <i>and</i> habitat, <i>including migratory paths, breeding areas for marine mammals and seabirds;</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>(iiA) include marine systems and marine life valued by Māori for mahinga kai; [...]</i>
32 – Port Taranaki	193	Amend Submitter generally supports Policy 1 but questions the relevance or significance of Clause (e)(v) and recommends deleting it: <i>(v) can have significant effects on areas outside of the Port, including contributing to coastal erosion along the New Plymouth foreshore</i>	Accept The Hearing Panel agrees that activities able to have significant effects outside the area of operation and able to have an impact on coastal erosion are not confined to the Port and recommend deleting the clause.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose	
40 – Te Rūnanga o Ngāti Mutunga	194	Amend Submitter seeks amendment to Policy 1(b) and (c) of the Plan to re-instate (from the Draft Coastal Plan) the following characteristics for Estuaries Unmodified and Estuaries Modified: <i>[...] valued by Māori for Mahinga Kai.</i>	Accept The Hearing Panel recommends amending Policy 1(b) and (c) as through the exercise of mapping sites of significance to Māori, inevitably estuaries have been identified as important for a variety of reasons including mahinga kai. However, the Hearing Panel recommends broadening the relief to 'capture' not just mahinga kai values but other potential cultural, spiritual, historical and traditional associations. The amended Policy 1(b) and (c) will include a clause that will read as follows: <i>[...] are valued by Māori for taonga species, and cultural, spiritual, historical and traditional associations.</i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	195	Amend Submitter seeks amendment of Policy 1 of the Plan to recognise the place of marine spatial planning and ecosystem based management and other associated environmental and kaitiaki plans and recognise Māori values within each of the coastal management areas.	No relief necessary No precise details of amendments sought to Policy 1 have been provided but the Hearing Panel believes that Plan provisions, when read as a whole, give effect to the relief sought by the submitter and no further change is necessary. Policy 1 already includes an element of marine spatial planning. It sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enables some activities, and restricts other activities. Notwithstanding the above, across all the coastal management areas and at a finer spatial scale, there will be specific sites and places with regionally significant values. Through this Coastal Plan review considerable effort has been made to identify and/or map these values in the Plan schedules and associated planning maps, which
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			include wahi tapu areas and wahi taonga areas to ensure that any adverse effects on these sites and places are properly considered and adverse effects avoided, remedied or mitigated.
43 – Royal Forest and Bird Protection Society	196	Other	No relief necessary
		Submitter seeks discussion around Policy 1 to determine whether the characteristics listed under Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast and Port require all characteristics to apply together as indicated by the use of “and” within the listings.	Comments noted. The Hearing Panel notes that the matters listed are but a general description of distinguishing values, characteristics and uses that underpin the identification of the five very broad coastal management areas. The Hearing Panel has been advised that Council officers have discussed this matter further with the submitter as part of the pre-hearing engagement process. It was noted that all these characteristics <u>broadly</u> apply in the specified coastal management area but it is not necessary for all these characteristics to apply in every locality within the coastal management area
Further submissions – Port Taranaki Ltd (32)		Support in part	
43 – Royal Forest and Bird Protection Society	197	Other	No relief necessary
		Submitter questions whether the current wording of Policy 1 of the Plan, and its subheadings, account for the protection of biodiversity and associated values or merely define large management areas, which then have their values protected or uses provided through other policies. If this is the case it is unclear where these protective provisions are.	No relief is sought. However, as previously noted, Policy 1 is a general description of distinguishing values, characteristics and uses that underpin the identification of the five coastal management areas. In relation to the “protective provisions” the Hearing Panel refers the submitter to the rest of the Plan. The Hearing Panel notes the introductory sentence to Section 5 on page 19 that “... when assessing an activity, regard will be had to all relevant general and activity-based policies are to be considered and no individual policy viewed in isolation. ”
Further submissions – Port Taranaki Ltd (32)		Support in part	The Hearing Panel believes the ‘suite’ of General Policies plus relevant Activity Policies triggered by use and development activities in the coastal marine area address, amongst other things, the use and development and protection of natural and physical coastal resources.
43 – Royal Forest and Bird Protection Society	198	Amend	Accept in part
		Submitter seeks amendment to the Plan by deleting Policy 1 of the Plan OR Amend Policy 1 by: <ul style="list-style-type: none"> setting 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 	The Hearing Panel recommends amendments to Policy 1 that give partial effect to the relief sought by the submitter but which also addresses issues/matters raised by other submitters. The submitter's concerns with the coastal management area approach are noted. However, the Hearing Panel notes that the approach has been in place since 1997 and to date no issues have been identified in relation to its application. The current

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>a schedule AND move the amended policy to section 5.2 so that it clearly sets out a management approach only within the coastal marine area and applies only to the activities which are controlled under rules in the plan</p> <ul style="list-style-type: none"> amending the description of the management approach as per the submitter's suggestions relating to Section 1.7 above and Policies 1(a), (b), (c), (d) and (e) below including a statement that explains that Policy 1 does not provide direction for subdivision, use or development activities within the management areas. 	<p>Coastal Plan, which includes the same zonal approach and has an equivalent policy, has been demonstrated to be efficient and effective in managing adverse effects in the coastal marine area through interim reviews and state of the environment monitoring. The Hearing Panel therefore does not believe it necessary nor appropriate to delete Policy 1.</p> <p>Notwithstanding the above, the Hearing Panel notes recommendations that give partial relief to other reliefs sought by the submitter. These include amendments to the Policy 1 plus other inconsequential changes in Section 1.7 of the Plan to clarify that the application of the coastal management areas (i.e. spatial extent) applies only to the coastal marine area.</p>
Further submissions – Port Taranaki Ltd (32)		Oppose	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support/Oppose in part	
43 – Royal Forest and Bird Protection Society	199	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(a) of the Plan to read:</p> <p><i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i></p> <p>(a) Outstanding Value: Coastal areas of outstanding value (identified in Schedule 2) that characteristically:</p> <p>(i) are areas of outstanding natural character and/or outstanding natural features or landscapes;</p> <p>(ii) contain values and attributes that are exceptional, including in relation to landforms, land cover, biodiversity, cultural and heritage associations, and visual qualities identified in Schedule 2 (refer corresponding Policy 7);</p> <p>(iii) contain marine areas with legal protection, including Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve (identified in Schedule 1); and</p> <p>(iv) are iconic to the region's identity and sense of place. These coastal management areas represent those areas that have been identified to meet the criteria under Policy 8: Outstanding Natural Character and Policy 9: Outstanding</p>	<p>Accept in part</p> <p>The Hearing Panel does not consider it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>The Hearing Panel also does not consider it necessary to amend Policy 1(a) to delete references to the distinguishing values, characteristics and uses set out in Clauses (ii), (iii) and (iv). The Hearing Panel notes that Policy 1(a) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. The Hearing Panel notes requests by other submitters seeking to have additional values identified.</p> <p>Notwithstanding the above, the Hearing Panel recommends granting relief in part. The Hearing Panel recommends amendments to Policy 1(a) based upon the relief sought by the submitter (and others) that reads as follows:</p> <p>(a) Outstanding Value: <u>refers to those areas listed in Schedule 1(a) and are identified as having outstanding natural character and/or outstanding natural features or landscapes values. These areas</u> characteristically:</p> <p>(i) contain values and attributes that are exceptional [...]</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>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>	
Further submissions – Port Taranaki (32)		Oppose	
43 – Royal Forest and Bird Protection Society	200	Amend Submitter seeks amendment to Policy 1(a) of the Plan to include specific provisions for marine reserves and protected marine areas under relevant policies.	Decline The Hearing Panel does not consider it is necessary in Taranaki to include specific provisions for marine reserves and protected marine areas. In Taranaki, all marine reserves already have a high level of protection via the Plan as they have been identified an assessed as Outstanding Value coastal management areas and as 'significant indigenous biodiversity'. Separate stand-alone policies would be unnecessary and redundant. The Hearing Panel further highlights that constraints on use and development also apply under other legislation, including the <i>Marine Reserves Act 1971</i> and the <i>Fisheries Act 1996</i> .
Further submissions – Port Taranaki (32)		Oppose	
43 – Royal Forest and Bird Protection Society	201	Amend Submitter seeks amendment to Policy 1(b) of the Plan to read: <i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i> [...] (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. <u>These coastal management areas are those estuaries that are permanently open to tidal movements. These areas do not include estuaries identified as</u>	Accept in part The Hearing Panel does not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan. The Hearing Panel also does not believe it necessary to amend Policy 1(b) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii) and (iii). The Hearing Panel notes that Policy 1(b) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. The Hearing Panel further notes requests by other submitters seeking to have additional values identified in this Policy. Notwithstanding the above, the Hearing Panel recommends amendments to Policy 1(b) that partially give effect to the changes sought by the submitter that reads as follows: (b) Estuaries Unmodified: <u>refers to those</u> estuaries that are permanently open to tidal movements <u>and listed in Schedule 1(b). These areas do not include estuaries identified in (a) or (c) of this policy</u> and characteristically: (i) <u>have high natural character.</u> [...]

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>Outstanding value areas. They are listed in schedule 1(b) and shown on the Planning maps. 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.</u>	
Further submissions – Port Taranaki Ltd (32)		Oppose	
43 – Royal Forest and Bird Protection Society	202	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(c) of the Plan to read: <i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i> [...]</p> <p>(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.</p> <p><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. 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 other natural features and landscapes and Policy XX water quality.</u></p>	<p>Accept in part</p> <p>The Hearing Panel does not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>The Hearing Panel also does not believe it necessary to amend Policy 1(c) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii) and (iv). The Hearing Panel notes that Policy 1(c) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. The Hearing Panel further notes requests by other submitters seeking to have additional values identified in this Policy.</p> <p>Notwithstanding the above, the Hearing Panel recommends amending Policy 1(c) to give partial effect to some of the changes sought by the submitter.</p> <p>The amended Policy 1(c) reads as follows:</p> <p><i>(c) Estuaries Modified: <u>refers to the</u> Pātea, Waiwhakaiho and Waitara estuaries that are permanently open to tidal movements <u>and listed in Schedule 1(c). These areas characteristically:</u></i> [...]</p>
Further submissions – Port Taranaki (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	203	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(d) of the Plan to read:</p> <p><i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i></p> <p>[...]</p> <p>(d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy that characteristically:</p> <p>(i) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally naturally eroding;</p> <p>(ii) include reef systems that provide habitat to marine life, and are valued by Māori for mahinga kai;</p> <p>(iii) include nationally and regionally important surf breaks identified in Schedule 7 (refer corresponding Policy 19); and</p> <p>(iv) contain fisheries that are recreationally, culturally and commercially valuable. This coastal management area represents the remaining areas of 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.</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>	<p>Accept in part</p> <p>The Hearing Panel does not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>The Hearing Panel also do not believe it necessary to amend Policy 1(d) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii) and (iv). The Hearing Panel notes that Policy 1(d) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. The Hearing Panel further notes requests by other submitters seeking to have additional values identified in this Policy.</p> <p>Notwithstanding the above, the Hearing Panel recommends amending Policy 1(d) to give partial effect to some of the changes sought by the submitter.</p> <p>The amended Policy 1(d) reads as follows:</p> <p>(d) Open Coast: <u>refers to remaining areas of the coastal marine area</u> not identified in (a), (b), (c) and (e) of this Policy that characteristically: [...]</p>
Further submissions – Port Taranaki (32)		Oppose	
43 – Royal Forest and Bird Protection Society	204	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(e) of the Plan to read:</p> <p><i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i></p> <p>[...]</p> <p>(e) Port: Port Taranaki, which is a highly modified environment that characteristically:</p> <p>(i) enables people and communities to provide for their economic wellbeing;</p>	<p>Accept in part</p> <p>The Hearing Panel does not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>The Hearing Panel also do not believe it necessary to amend Policy 1(e) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii), (iv) and (v). The Hearing Panel notes that Policy 1(e) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. The Hearing Panel further notes requests by other submitters seeking to have additional values identified in this Policy.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(ii) contains nationally and regionally important infrastructure;</p> <p>(iii) contains port related activities that are accepted as appropriate uses of this coastal management area;</p> <p>(iv) has low levels of natural character, although is located adjacent to an area of outstanding value; and</p> <p>(v) can have significant effects on areas outside of the Port, including contributing to coastal erosion along the New Plymouth foreshore.</p> <p><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>	<p>Notwithstanding the above, the Hearing Panel recommends amending Policy 1(e) to give partial effect to some of the changes sought by the submitter.</p> <p>The amended Policy 1(e) reads as follows:</p> <p>(e) Port: <u>refers to the operational management area of</u> Port Taranaki. <u>The area</u> is a highly modified environment that characteristically:</p> <p>[...]</p>
Further submissions – Port Taranaki (32)		Oppose	
43 – Royal Forest and Bird Protection Society	205	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include a new Policy specific to the Port of Taranaki and consistent with Policy 9 [Port] of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Decline</p> <p>The Hearing Panel do not believe it is appropriate or necessary to include a new policy specific to the Port to give effect to Policy 9 of the <i>New Zealand Coastal Policy Statement</i>.</p>
Further submissions– Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	<p>The Hearing Panel notes the introductory sentence to Section 5 on page 19 that “...when assessing an activity, regard will be had to all relevant general and activity-based policies are to be considered and no individual policy viewed in isolation.” It is therefore unnecessary to include a new policy specific to the Port when matters outlined in Policy 9 of the <i>New Zealand Coastal Policy Statement</i> have been more fully covered and addressed via Policy 1 [Coastal management areas], Policy 5 [Use and development], Policy 6 [Regionally important infrastructure] and Policy 7 [Reverse sensitivity]. These and the other General Policies and relevant Activity Policies will contribute to the efficient and safe operation of Port Taranaki.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	206	Amend Submitter supports Policy 1 of the Plan subject to an amendment that recognises 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. Seek amendment to policies 1(a), 1(b) and 1(c) to read: <u>these areas may contain regionally important infrastructure.</u>	Decline The Hearing Panel recommends declining the relief sought by the submitter in that the suggested amendments are for a value or attribute that is not a distinguishing feature of the coastal management area (i.e. regionally important infrastructure could be located anywhere in Taranaki). Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five broad coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enable some activities, and restrict other activities. As noted in Policy 1(a), (b) and (c) the listed matters refer to attributes and values characteristic of the area. There is no value in identifying values and attributes (already recognised and provided for by policies elsewhere) and which can occur anywhere in the coastal marine area.
Further submissions – Transpower (26)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	207	Amend Submitter supports Policy 1 of the Plan subject to an amendment that recognises 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. Seek amendment to policies 1(a), 1(b) and 1(c) to read: <u>these areas may contain regionally important infrastructure.</u>	Decline The Hearing Panel recommends declining the relief sought by the submitter in that the suggested amendments are for a value or attribute that is not a distinguishing feature of the coastal management area. Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five broad coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enable some activities, and restrict other activities. As noted in Policy 1(a), (b) and (c) the listed matters refer to attributes and values characteristic of the area. There is no value in identifying values and attributes (already recognised and provided for by policies elsewhere) and which can occur anywhere in the coastal marine area.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
47 – Fonterra	208	Amend Submitter seeks amendment to Policy 1 of the Plan to include a new clause (d)(v) that reads: <i>(d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy characteristically:</i> [...] <i>(v) may contain infrastructure, structures and activities that enable people and communities to provide for their economic and social wellbeing.</i>	Decline The Hearing Panel recommends declining the relief sought in that the suggested amendments are for a value or attribute that is not a distinguishing feature of the coastal management area. Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five broad coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enable some activities, and restrict other activities. As noted in Policy 1(a), (b) and (c) the listed matters refer to attributes and values characteristic of the area. There is no value in identifying values and attributes (already recognised and provided for by policies elsewhere) and which can occur anywhere in the coastal marine area.
Further submissions – Transpower (26), Powerco (45)		Support	
58 – Te Atiawa	209	Amend Submitter seeks amendment to Policy 1(b) and (c) of the Plan to re-instate (from the Draft Coastal Plan) the following characteristics for Estuaries Unmodified and Estuaries Modified: [...] <i>valued by Māori for Mahinga Kai.</i>	Accept The Hearing Panel agrees to amend Policy 1(b) and (c) as through the exercise of mapping sites of significance to Māori, inevitably estuaries have been identified as important for a variety of reasons, including mahinga kai. The Hearing Panel recommends granting the relief, alongside other potential cultural, spiritual, historical and traditional associations to include an additional clause that will read as follows: [...] <i>are valued by Māori for taonga species, and cultural, spiritual, historical and traditional associations.</i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
59 – KiwiRail	210	Support Retain Policy 1 of the Plan as notified.	Accept Policy 1 is retained subject to minor amendments as requested by other submitters that does not change the policy intent.
61 – Te Rūnanga o Ngāti Ruanui Trust	211	Amend Submitter seeks amendment to Policy 1(a) of the Plan (and associated schedules) to include: <ul style="list-style-type: none"> • Tangahoe – Hawera – Manutahi Reef system • Patea Beach and the Patea River Estuary 	Decline Policy 1(a) identifies coastal management areas of outstanding (exceptional) natural character and/or outstanding natural features and landscapes across the Taranaki region. Outstanding Value coastal management areas were based upon the current Coastal Plan. However, through the Coastal Plan review additional investigations

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> Ohawe – Manawapou – Waihi Beaches. 	<p>were carried out, which resulted in a few additional sites being identified. However, that assessment did not identify the aforementioned areas as being exceptional for their natural character and/or for their natural features and landscapes. This finding is consistent with South Taranaki District Council conclusions as encapsulated in their Proposed District Plan.</p> <p>The Hearing Panel notes that the submitter has not introduced any new information in support of these sites being outstanding natural character, features or landscapes.</p> <p>Notwithstanding the above, the Hearing Panel suggests granting the relief may not be necessary as the Plan already recognises the aforementioned sites as being 'regionally significant' for a variety of reasons, including for the cultural and historical heritage values. The Tangahoe - Hawera – Manutahi reef system is identified in Schedule 3, the Patea Beach and the Patea River Estuary are identified in Schedule 5B, while the Ohawe – Manawapou – Waihi beaches are identified in Schedule 6. The aforementioned places are also identified in Appendix 2 [Statutory acknowledgement] of the Plan (and associated planning maps).</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	212	Amend	Accept in part
		<p>Submitter seeks amendment to Policy 1(b) of the Plan (and associated schedules) to include:</p> <ul style="list-style-type: none"> Hauroto Stream Waihi Stream Katewheta Stream Waikaikai Stream Mangaroa Stream Kaikura Stream Whenuakura River Manawapou River. 	<p>The Hearing Panel recommends granting the relief in part.</p> <p>Policy 1(b) identifies larger estuaries based upon those identified in the current Plan. They are generally described as having high/unmodified natural character unmodified.</p> <p>With the exception of the Whenuakura River, which is already identified as an Estuary Unmodified, the streams identified by the submitter are relatively small and for spatial mapping and coastal management purposes there is little to differentiate these streams from other streams recognising that, when mapping the stream mouths, the RMA definition of the coastal marine area, where the line crosses these rivers, is "...the point upstream that is calculated by multiplying the width of the river mouth by 5."</p> <p>Notwithstanding the above, of note the aforementioned stream mouths are recognised and have been mapped at a finer spatial scale to recognise that they are regionally significant for their cultural and historic heritage (and other) values. The aforementioned places are identified in Schedule 5B and Appendix 2 [Statutory acknowledgement] of the Plan (and associated planning maps).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	213	Amend Submitter seeks amendment to Policy 1(b), (c) and (d) of the Plan to include the following characteristics for coastal management areas Estuaries Unmodified, Estuaries Modified and Open Coast: <u>[...] provide for taonga species, cultural and traditional associations and cultural heritage.</u>	Accept in part The Hearing Panel agrees to amend Policy 1(b) and (c) as through the exercise of mapping sites of significance to Māori, inevitably estuaries have been identified as important for a variety of reasons. The Hearing Panel recommends granting the relief, alongside other potential cultural, spiritual, historical and traditional associations: <u>[...] are valued by Māori for mahinga kai, taonga species, cultural, spiritual, historical and traditional associations.</u>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	However, the Hearing Panel recommends Policy 1(d) is retained as currently notified. The Hearing Panel note that Policy 1(d)(ii) and (iv) already contain a cultural component and therefore no changes to that part of the policy are considered necessary.
NEW Policy 1A – Coastal management areas (Port)			
43 – Royal Forest and Bird Protection Society	214	Amend Submitter seeks amendment to the Plan to include a new Policy specific to the Port of Taranaki and consistent with Policy 9 [Port] of the <i>New Zealand Coastal Policy Statement</i> .	Decline The Hearing Panel does not believe it is appropriate or necessary to include a new policy specific to the Port to give effect to Policy 9 of the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Port Taranaki Ltd (32)		Oppose	The Hearing Panel notes the introductory sentence to Section 5 on page 19 that “... when assessing an activity, regard will be had to all relevant general and activity-based policies are to be considered and no individual policy viewed in isolation. ” It is therefore unnecessary to include a new policy specific to the Port when matters outlined in Policy 9 of the <i>New Zealand Coastal Policy Statement</i> have been more fully covered and addressed via Policy 1 [Coastal management areas], Policy 5 [Use and development], Policy 6 [Regionally important infrastructure] and Policy 7 [Reverse sensitivity]. These and the other General Policies and relevant Activity-specific Policies will contribute to the efficient and safe operation of Port Taranaki.
Policy 2 – Integrated management			
2 – Federated Farmers	215	Support Submitter notes support of Policy 2 of the Plan as notified	Accept Support noted. Policy 2 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
7 – Waikato Regional Council	216	Other Submitter seeks that the Council consider, in its Coastal Plan, provisions related to integrated management, cross-boundary issues and the need to work collaboratively with the Waikato Regional Council, which may include incorporating a new section with cross boundary related provisions, or expanding Policy 2 to more explicitly state how cross-boundary matters will be managed through collaboration.	No relief necessary Submitter's comments are noted. The Hearing Panel notes that as part of the development of the Proposed Coastal Plan the Council considered all matters relating to the structure, format and content of a revised Plan including a stand-alone section setting out integrated management/cross boundary provisions and determined on the approach as adopted in the proposal, which includes a stand-alone Policy but also includes other Plan provisions that contribute to more effective integrated management including Plan objectives, General Policies and Implementation Methods that apply across the coastal environment.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
7 – Waikato Regional Council	217	Other Notes the Waikato Regional Council will be working collaboratively with other agencies on a long-term strategy on coastal erosion and flooding for the Mokau area.	No relief necessary Comments noted.
Further submissions – Te Atiawa (58)		Support	
12 – Chorus New Zealand Limited	218	Support Retain Policy 2 of the Plan as notified.	Accept Support noted. Policy 2 is retained subject to amendments sought by other submitters.
13 – Spark New Zealand Trading Limited	219	Support Retain Policy 2 of the Plan as notified.	Accept Support noted. Policy 2 is retained subject to amendments sought by other submitters.
Further submissions – Port Taranaki Ltd (32)		Support	
14 – Vodafone New Zealand Limited	220	Support Retain Policy 2 of the Plan as notified.	Accept Support noted. Policy 2 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
19 – South Taranaki District Council	221	Amend Submitter notes support for this policy but requests amendment to Policy 2(e) and (g) of the Plan to add reference to working cooperatively with the territorial local authorities of the region and iwi.	No relief necessary In relation to amending Policy 2(e) and (g) to add reference to working cooperatively with the territorial local authorities of the region and iwi, the Hearing Panel note that clause (g) already references this and no further amendments are considered necessary except to correct the Policy reference in (g) to refer to Policy 16 [Relationship of tangata whenua].
19 – South Taranaki District Council	222	Amend Submitter seeks amendment to Policy 2(g) of the Plan noting that reference to Policy 15 is in error and should be corrected to Policy 16.	Accept The Hearing Panel recommends granting the relief sought.
20 – Meridian Energy Limited	223	Amend Submitter seeks minor amendments to Policy 2(b) and (e) of the Plan to clarify that they apply only to the Taranaki region: <i>Provide for the integrated management of the coastal environment by:</i> [...] <i>(b) implementing policies, methods and rules in other regional plans <u>for Taranaki</u> in relation to managing adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance;</i> [...] <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 <u>for the Taranaki Region</u>.</i>	Accept The Hearing Panel recommends amending Policy 2 to clarify in clauses 2(b) and (e) that the Taranaki region is the area being managed.
Further submissions – Te Atiawa (58)		Oppose	
20 – Meridian Energy Limited	224	Amend Amend Clause (c) of Policy 2 of the Plan to clarify what is meant by “cross-media effects”.	Accept Cross-media effects refer to effects that may traverse environmental domains, e.g. activities that occur on land such as a discharge that have an impact on water quality. The Hearing Panel recommends amending Policy 2 to clarify the concept of cross-media effects by deleting clause (c) and inserting a new clause (aa) that reads as follows:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>(aa) recognising ki uta ki tai by taking into account the interconnected nature of resources and natural processes in the management of adverse effects across air, land, fresh water bodies and the coastal environment; [...]</i>
21 – Climate Justice Taranaki	225	Amend Submitter notes support for this policy but suggests amendment to Policy 2(g) of the Plan to add reference to working cooperatively with government departments and authorities (e.g. Environmental Protection Authority) to avoid, mitigate and manage any potential impacts from activities proposed/conducted in the Exclusive Economic Zone (e.g. seabed and petroleum mining), on Taranaki's coastal environment.	No relief necessary Support noted. In relation to amending Policy 2(g) to add reference to working cooperatively with the government departments and authorities, the Hearing Panel notes that clause (g) already references this and further amendment to specify which departments under what scenarios is not considered necessary.
26 – Transpower NZ Ltd	226	Amend Submitter seeks amendment to Policy 2(f) of the Plan to read: <i>Provide for the integrated management of the coastal environment by: [...]</i> <i>(f) managing natural and physical coastal resources in a manner that <u>recognises and provides for</u> has regard to the social, economic and cultural objectives and well-being of the community, and the functional, <u>technical, operational</u> and/or locational constraints of nationally or regionally important infrastructure [...]</i>	Accept The submitter requests this policy is amended to provide a stronger directive approach. The submitter suggests that the amendment would give better effect to Policy 1 and Policy 3 of the <i>National Policy Statement for Electricity Transmission</i> . The Hearing Panel recommends granting the relief sought by the submitter with minor word changes to maintain consistent wording with other areas of the Plan. The amended Policy 2(f) would read as follows: [...] <i>(f) managing natural and physical resources in a manner that <u>recognises and provides for</u> the social, economic and cultural objectives and well-being of the community and the functional <u>needs and/or operational needs</u> of regionally important infrastructure <u>and industry</u>; and [...]</i>
29 – Department of Conservation	227	Amend Submitter seeks amendment to Policy 2(c) of the Plan to clarify how taking into account the potential for cross media effects and the connections between freshwater bodies and coastal water will provide for integrated management.	Accept in part The submitter suggests that Policy 2(c) is unclear and would like to know how Clause (c) of Policy 2 will provide for integrated management of the coastal area. Integrated management, for the purposes of the Plan, means managing use, development and protection of natural and physical resources as a whole. It recognises that natural and physical resources exist as parts of complex and interconnected social and biophysical systems, where effects on one part of the system may affect other parts of the system. Integrated management also recognises that the management of systems involves a number of agencies with different roles and

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>responsibilities. Clause (c) – management of cross-media effects – is therefore an essential part of integrated coastal management.</p> <p>Cross-media effects refer to effects that may traverse environmental domains, e.g. activities that occur on land such as a discharge that have an impact on water quality. In the case of the coastal marine area, activities inside the coastal marine area may have an adverse effect on the wider coastal environment, or vice versa. Therefore, such effects need to be recognised and taken into account when implementing the Plan.</p> <p>No precise details of amendments sought to Policy 2(a) have been provided. However, the Hearing Panel recommends, in response to this and other submissions, amending Policy 2 to clarify the concept of cross-media effects by deleting clause (c) and inserting a new clause (aa) that reads as follows:</p> <p><i><u>(aa) recognising ki uta ki tai by taking into account the interconnected nature of resources and natural processes in the management of adverse effects across air, land, fresh water bodies and the coastal environment: [...]</u></i></p>
35 – Radio New Zealand Ltd	228	Support	Accept
		Retain Policy 2 of the Plan as notified	Support noted. Policy 2 is retained subject to amendments sought by other submitters.
40 – Te Rūnanga o Ngāti Mutunga	229	Support	Accept
		<p>Submitter seeks amendment to Policy 2(a) of the Plan to read:</p> <p><i>Provide for the integrated management of the coastal environment by: [...]</i></p> <p><i>(a) implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and negative adverse) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment [...]</i></p>	The Hearing Panel recommends granting the relief sought. The Hearing Panel agrees that the use of “adverse” provide a clearer meaning of Policy 2 and makes it consistent with wording elsewhere in the Proposed Plan and the RMA.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
43 – Royal Forest and Bird Protection Society	230	Amend	Decline
		Submitter suggests that the current wording of Policy 2 of the Plan does not give effect to Policy 4 [Integration] and Policy 5 [Land or waters managed of held under other acts] of the <i>New Zealand Coastal Policy Statement</i> and is not consistent with the purpose of the RMA set out in Section 5.	No precise details of amendments sought to Policy 2 have been provided but the Hearing Panel believes that Plan provisions, when read as a whole, give effect to the relief sought by the submitter and no further change is necessary.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>The Hearing Panel notes that there is no <i>New Zealand Coastal Policy Statement</i> requirement for a single agency, and/or a single planning document, to give effect to all its policies. The Proposed Coastal Plan is one of a number of planning instruments necessary to give effect to the <i>New Zealand Coastal Policy Statement</i>. Other agencies and other planning instruments also have a role to play.</p> <p>The Hearing Panel further notes the introductory sentence to Section 5 on page 19 that “...when assessing an activity, regard will be had to all relevant general and activity-based policies are to be considered and no individual policy viewed in isolation.” The Hearing Panel believes the ‘suite’ of General Policies plus relevant Activity Policies triggered by use and development activities in the coastal marine area address, amongst other things, the matters set out in Policy 4 [Integration] and Policy 5 [Land or waters managed or held under other acts] of the <i>New Zealand Coastal Policy Statement</i> and is consistent with the purpose of the RMA as set out in Section 5 of the Act.</p>
43 – Royal Forest and Bird Protection Society	231	<p>Amend</p> <p>Submitter seeks amendment to Policy 2(a) of the Plan to read: <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 <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 significant values and characteristics of the wider coastal environment; [...]</i></p>	<p>Accept in part</p> <p>Aspects of the relief sought to Policy 2(a) seem to be district plan oriented and unnecessary confines the scope of the Policy to the protection and preservation of indigenous biodiversity, natural character, and natural feature and landscapes. Other matters addressed within Section 5.1 [General Policies] of the Plan are excluded. The relief sought further confines the scope of the Policy to focus only on the “protection” of specific natural and physical resources to the exclusion of recognising and providing for use and development.</p>
Further submissions – Radio New Zealand (35)		<p>Oppose</p>	<p>The Hearing Panel notes that the matters/values that the submitter wishes to protect are adequately provided for in other Policies within the Plan, for example Policy 9 [Natural character and natural features and landscapes] and Policy 14 [Indigenous Biodiversity]. The Hearing Panel encourages users to read the Policies section as a whole, as intended, and recognise that all policies apply.</p> <p>Notwithstanding the above, the Hearing Panel recommends making some of the changes to Policy 2(g) that give partial relief to the changes sought by the submitter. It is recommended that Policy 2(g) be amended to read:</p> <p><i>Provide for the integrated management of the coastal environment by:</i> <i>(a) implementing Plan provisions in managing the effects of activities (positive and <u>adverse</u>) by <u>having regard to the location, form and limits of the activity</u> undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment; [...]</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	232	<p>Amend</p> <p>Submitter seeks amendment to Policy 2(b) of the Plan to read:</p> <p><i>Provide for the integrated management of the coastal environment by: [...]</i></p> <p><i>(b) implementing policies, methods and rules in other regional plans in relation to <u>managing</u> adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance; [...]</i></p>	<p>Decline</p> <p>The submitter considers the term “manage” to be uncertain and points out that “avoidance” is required by the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel is unclear as to what the concerns are. It is the Hearing Panel’s view that managing adverse effects is an accurate description of what the Plan is attempting to do. It is not the Hearing Panel’s view that the <i>New Zealand Coastal Policy Statement</i> adopts a strictly “avoidance” regime. As previously noted in other submission points. The Policies must be read together. In addition to the General Policies, Activity-specific Policies 22 to 30 provide additional guidance and direction that, when read together, give effect to the <i>New Zealand Coastal Policy Statement</i>.</p>
43 – Royal Forest and Bird Protection Society	233	<p>Amend</p> <p>Submitter seeks amendment to Policy 2(e) of the Plan to read:</p> <p><i>Provide for the integrated management of the coastal environment by:</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 <u>or significant indigenous biodiversity</u> identified in other regional or district plans; [...]</i></p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought noting that activities in the coastal marine area can quite clearly have adverse effects on significant indigenous biodiversity as identified in other regional or district plans. It is recommended that Policy 2(e) be amended to read:</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 <u>or significant indigenous biodiversity</u> identified in other regional or district plans <u>for the Taranaki region</u>; [...]</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
43 – Royal Forest and Bird Protection Society	234	<p>Amend</p> <p>Submitter expresses concern regarding Policy 2(c) of the Plan, which contains terminology that does not have a common meaning.</p>	<p>Accept</p> <p>The submitter has not expanded upon this comment and Hearing Panel assume they refer to “cross media effects”. In response to this and other submissions, the Hearing Panel recommends amending Policy 2 by deleting Clause (c) and inserting a new Clause (aa) that adopts a more plain English reading but also includes the principle of ki uta ki tai or interconnectedness.</p> <p>The new Clause (aa) would reads as follows:</p> <p><i><u>(aa) recognising ki uta ki tai by taking into account the interconnected nature of resources and natural processes in the management of adverse effects across air, land, fresh water bodies and the coastal environment; [...]</u></i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	235	Amend Submitter seeks amendment Policy 2(d) or Schedule 1 of the Plan to specify which areas have legal protection.	No relief necessary The Hearing Panel notes that all policies must be read together. Policy 1(a)(iii) already identifies marine areas with legal protection, these being Parinihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve. Furthermore, the associated planning maps also specify which marine areas have legal protection. Further Plan changes as requested by the submitter to Policy 2(d) or Schedule 1 are not considered necessary.
43 – Royal Forest and Bird Protection Society	236	Amend Submitter seeks amendment to Policy 2(g) of the Plan to provide for collaboration consistent with Policies 4 and 5 of the <i>New Zealand Coastal Policy Statement</i> .	Accept in part The submitter suggests that Policy 2(g) is uncertain as it appears to limit collaboration to Policy 15 matters [Historic heritage] of the Plan and seek that the Policy align with Policies 4 [Integration] and 5 [Land or water managed or held under other acts] of the <i>New Zealand Coastal Policy Statement</i> . The submitter has identified a drafting error in the Policy whereby reference to working collaboratively with tangata whenua in accordance with Policy 15 [Historic heritage] is meant to be a reference to Policy 16 [Relationship with tangata whenua]. The Hearing Panel recommends that the drafting error be corrected while noting that Policy 2 (and other relevant policies in the Plan), when read as a whole, already give effect to Policies 4 [Integration] and 5 [Land or water managed or held under other acts] of the <i>New Zealand Coastal Policy Statement</i> .
45 – Powerco	237	Amend Submitter supports Policy 2 of the Plan subject to the amendment of Policy 2(f) to read: <i>Provide for the integrated management of the coastal environment by: [...]</i> <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 need and/or location constraints of nationally or regionally important infrastructure; and [...]</i>	Accept The Hearing Panel agrees with the submitter that reference to “functional need” provides more clarity to Plan users noting that this has been defined in the Plan. Further to this, the Plan also defines “operational needs” which encompasses locational constraints which is recommended to be included following functional needs in Policy 2(f). The amended Policy 2(f) would read as follows: <i>(f) managing natural and physical resources in a manner that <u>recognises and provides for</u> the social, economic and cultural objectives and well-being of the community and the functional <u>needs and/or operational needs</u>, of regionally important infrastructure; <u>and industry</u> [...]</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	238	Amend Submitter seeks amendment to Policy 2(f) of the Plan to read: <i>Provide for the integrated management of the coastal environment by: [...]</i> <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 <u>need</u> and/or location constraints of nationally or regionally important infrastructure; and[...]</i>	Accept As per Hearing Panel's response in submission point 237 above.
Further submissions – Transpower (26)		Support	
47 – Fonterra	239	Amend Submitter generally supports Policy 2 of the Plan subject to an amendment to Policy 2(f) to read: <i>Provide for the integrated management of the coastal environment by: [...]</i> <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 <u>and industry</u>; [...]</i>	Accept The submitter supports Policy 2 but believes the provisions should be extended to include regionally significant industry alongside regionally significant infrastructure. This request is made as the submitter considers that it is appropriate to recognise nationally and regionally important industry to the same extent as infrastructure, given the contribution of significant industry to the social and economic wellbeing of the region. The Hearing Panel notes that the Policy relates to integrated management and that it may be appropriate to consider regionally important industry, the Hearing Panel agrees with the submitter and recommend granting the relief sought.
Further submissions – Federated Farmers (2)		Support	
Further submissions –Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Oppose	
48 – Taranaki District Health Board	240	Amend Submitter seeks amendment to Policy 2(g) of the Plan to read: <i>Provide for the integrated management of the coastal environment by: [...]</i> <i>(g) working collaboratively with government departments, territorial authorities, <u>district health boards</u>, other agencies, and tangata whenua in accordance with Policy 15 [...]</i>	Accept The submitter requests specific reference to “district health boards” in Policy 2(g). the Hearing Panel believes that the suggested amendment to explicitly recognise the close working relationship between the Council and the Taranaki District Health Board, particularly in relation to coastal water quality, is appropriate and recommend that Policy 2(g) be amended accordingly.
	241	Amend	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
50 – Te Kāhui o Taranaki Trust		Submitter seeks amendment to Policy 2(a) of the Plan to read: <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 negative adverse) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment [...]</i>	The Hearing Panel recommends granting the relief sought by the submitter and agrees that the use of “adverse” provides Plan users with a clearer meaning of Policy 2 and makes it consistent with wording elsewhere in the Proposed Plan and the RMA.
51 – Taranaki Energy Watch	242	Support	Accept
		Submitter supports the integrated management principles of Policy 2 of the Plan, in particular integrated activities to oil and gas activities that cross jurisdictional boundaries as well as being managed under multiple regimes.	Support noted. Policy 2 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	243	Support	Accept
		Submitter supports the integrated management principles of Policy 2 of the Plan, in particular integrated activities to oil and gas activities that cross jurisdictional boundaries as well as being managed under multiple regimes.	Support noted. Policy 2 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	244	Support	Accept
		Submitter seeks amendment to Policy 2 of the Plan to read: <i>Provide for 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 negative adverse) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment [...]</i>	The Hearing Panel recommends granting the relief sought by the submitter.
59 - KiwiRail	245	Support	Accept
		Retain Policy 2(f) of the Plan as notified.	Support noted. Policy 2(f) is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Policy 3 – Precautionary approach			
5 – Point Board Riders	246	Support	Accept
		Retain Policy 3 of the Plan as notified.	Policy 3 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
20 – Meridian Energy Limited	247	Support Retain Policy 3 of the Plan as notified.	Accept in part Policy 3 is retained subject to minor amendments as requested by other submitters that do not change the policy intent. The submitter presented a hearing statement for the Hearing Panel's consideration and requested that " <i>adaptive management</i> " be returned to the Plan as per the notified version (as opposed to the Section 42A report) and considers that the reference would be useful for Plan users. The Hearing Panel recommends declining this relief noting that adaptive management is not precluded from consideration during consent applications. Further, the Hearing Panel are concerned that if it is referenced within the policy that Plan users may assume that adaptive management approaches are inherently precautionary. The Hearing Panel considers that the inclusion provides more uncertainty for Plan users than being silent on the matter.
Further submissions 32 – Port Taranaki Ltd (32), Fonterra (47)		Support	
29 – Department of Conservation	248	Support Retain Policy 3 of the Plan as notified.	Accept Policy 3 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
37 – Petroleum Exploration and Production Association of NZ	249	Support Retain Policy 3 of the Plan as notified.	Accept Policy 3 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
43 – Royal Forest and Bird Protection Society	250	Amend The submitter references Policy 3 [Precautionary approach] of the <i>New Zealand Coastal Policy Statement</i> and notes that "adaptive management" is not included within the parameters of the precautionary approach. The submitter suggests that because it is not referenced within the <i>New Zealand Coastal Policy Statement</i> it should not be included within Policy 3 as it is not inherently precautionary but is, instead, a trial and error approach. Submitter seeks amendment to Policy 3 of the Plan to remove reference to " <i>adaptive management</i> ".	Accept The Hearing Panel does not agree that adaptive management equates to a "trial and error approach". Adaptive management requires that decisions, following the granting of a resource consent, be periodically reviewed and adjusted depending on monitoring and established trigger points. Thus, adaptive management may be useful for the management of some, but not all activities, in particular activities that are protracted and involve a number of decisions to be made throughout the life of the activity. Case law has determined that adaptive management can correctly be applied in relation to the requirements of the <i>New Zealand Coastal Policy Statement</i> even though it is not explicitly provided for within the Policy Statement itself.
Further submissions – Trans-Tasman Resources Ltd (6), Meridian Energy Ltd (20), Petroleum Exploration and		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Production Association of New Zealand (37)			Notwithstanding the above, the Hearing Panel agrees with the submitter that it is not necessary to explicitly reference "adaptive management" within Policy 3.
Further submissions – Taranaki Energy Watch (51)		Support	The Hearing Panel recommends deleting reference to "adaptive management" in Policy 3. The reference is unnecessary and could be viewed as encouraging its application in circumstances where it might not be appropriate. However, the Hearing Panel notes that deleting the term from the Policy would not preclude a resource consent application from considering adaptive management under the appropriate circumstances.
43 – Royal Forest and Bird Protection Society	251	Amend The submitter requests that Policy 3 include reference to the effects of climate change in order to provide for Policy 3(2) of the <i>New Zealand Coastal Policy Statement</i> which requires a precautionary approach to be adopted to use and management of coastal resources potentially vulnerable to the effects of climate change. Submitter seeks rewording of Policy 3 of the Plan to include reference to the effects of climate change and give effect to Policy 3 of the <i>New Zealand Coastal Policy Statement</i> .	No relief necessary The Hearing Panel agrees the precautionary approach is necessary for resources that may be vulnerable to the effects of climate change. However, explicit reference to climate change within Policy 3 is not considered necessary as it has been provided for elsewhere in the Plan. The Hearing Panel notes that all Policies must be read together and there are additional Policies that incorporate a precautionary approach to climate change. In particular, Policies 20 [Coastal hazards] and 46 [Reclamation] require structures, reclamations and works to be assessed over at least 100 year time frame to take into account the expected effects of climate change and sea level rise. The Hearing Panel recommends that Policy 3 be kept high level to promote its broad application to all coastal related issues rather than just climate change.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	252	Support Retain Policy 3 of the Plan as notified.	Accept Policy 3 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
50 – Te Kāhui o Taranaki Trust	253	Amend Submitter seeks amendment to Policy 3 of the Plan to read: <i>Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</i>	Decline The Hearing Panel notes that Policy 3 and the adoption of the precautionary approach contributes to giving effect to Policy 3 [Precautionary approach] of the <i>New Zealand Coastal Policy Statement</i> . The <i>New Zealand Coastal Policy Statement</i> requires coastal plans to adopt a precautionary approach toward proposed activities where the effects to the coastal environment are uncertain, unknown, or little understood.
Further submissions – Taranaki Energy Watch (51)		Oppose	Given the coastal environment is a dynamic environment, the effects of activities may often be uncertain, unknown or little understood. Accordingly, it is considered

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			appropriate that Policy 3 adopt a cautious approach when uncertain about the effects of use and development activities in the coastal management area.
55 –Kiwis Against Seabed Mining	254	Other Submitter states that the precautionary approach should be applied to objectives, policies and rules in the plan that relate to oil and gas, fishing and seabed mining activities.	No relief necessary The Hearing Panel notes that all General Policies and relevant Activity-specific Policies need to be read together. Policy 3 is a General Policy that applies when considering all use and development activities in the coastal marine area, including oil and gas, fishing and sea bed mining activities regulated under this Plan.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Taranaki Energy Watch (51), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
56 – Greenpeace	255	Other Submitter states that the precautionary approach should be applied to objectives, policies and rules in the Plan that relate to oil and gas, fishing and seabed mining activities.	No relief necessary The Hearing Panel notes that all General Policies and relevant Activity-specific Policies need to be read together. Policy 3 is a General Policy that applies when considering all use and development activities in the coastal marine area, including oil and gas, fishing and sea bed mining activities regulated under this Plan.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Taranaki Energy Watch (51), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	256	Amend Submitter seeks amendment to Policy 3 of the Plan to read: <i>Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</i>	Decline The Hearing Panel notes that Policy 3 and the adoption of the precautionary approach contributes to giving effect to Policy 3 [Precautionary approach] of the <i>New Zealand Coastal Policy Statement</i> . The <i>New Zealand Coastal Policy Statement</i> requires coastal plans to adopt a precautionary approach toward proposed activities where the effects to the coastal environment are uncertain, unknown or little understood.
Further submissions – Taranaki Energy Watch (51)		Oppose	Given the coastal environment is a dynamic environment, the effects of activities may often be uncertain, unknown or little understood. Accordingly, it is considered

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			appropriate that Policy 3 adopt a cautious approach when uncertain about the effects of use and development activities in the coastal management area.
Policy 4 – Extent and characteristics of the coastal environment			
2 – Federated Farmers	257	Amend Submitter generally supports Policy 4 of the Plan but would like the Plan to be amended to map the coastal environment.	Accept Support noted. The Council has worked closely with New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes. Both district councils have commenced or about to commence their respective district plan reviews, which includes a coastal protection zone. For the purposes of integrated management and to promote alignment between the respective regional and district plans the Hearing Panel recommendeds that the Plan (and associated GIS layers and planning maps) be amended include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans. Of note Policy 4 is still retained and aligns with Policy 1 of the <i>New Zealand Coastal Policy Statement</i> . Through the consenting process there will be opportunities for Council to further consider the indicative line and to confirm the extent and characteristics of the coastal environment on a case-by-case basis.
19 – South Taranaki District Council	258	Support Retain Policy 4 of the Plan as notified.	Accept Support noted. Policy 4 is retained subject to amendments to include a coastal environment line.
Further submissions – Port Taranaki Ltd (32)		Support	
29 – Department of Conservation	259	Amend Submitter seeks amendment to or deletion of Policy 4 of the Plan to instead identify and map the landward extent of the coastal environment.	Grant in kind Policy 4 gives effect to Policy 1 of the <i>New Zealand Coastal Policy Statement</i> in that it identifies the characteristics of the coastal environment line. The Council has worked closely with New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes. Both district councils have commenced or about to commence their respective district plan reviews, which includes a coastal protection/environment zone.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>For the purposes of integrated management and to promote alignment between the respective regional and district plans, the Hearing Panel recommends that Policy 4 and associated GIS layers and planning maps be amended to identify an indicative landward extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>However, the Hearing Panel considers that it is important for Policy 4 to continue to recognise and provide for opportunities, through the consenting process, to further consider the extent and characteristics of the coastal environment on a case-by-case basis.</p> <p>The reader is referred to the Department of Conservation's guidance on the <i>New Zealand Coastal Policy Statement</i>. The guidance simply describes 'coastal environment' as that part of the environment in which the coast is a significant part or element. However, the guidance also notes the difficulties in setting out an abstract definition which is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed.</p> <p>The Hearing Panel does not recommend deleting Policy 4. However, in the interests of certainty and clarity, the Hearing Panel recommends that the Plan (and associated GIS layers and planning maps) be amended to identify the indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans. Such a line would make it easier for the submitter (and others) to assess whether activities are likely to fall within or outside 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 by:</i></p> <p><i><u>(a) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and</u></i></p> <p><i><u>(b) on a case-by-case basis, recognising:</u></i></p> <p><i><u>(i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities, coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</u></i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			(ii) 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.
35 – Radio New Zealand Ltd	260	<p>Amend</p> <p>The submitter considers the current wording of Policy 4 to be too broad and may be difficult to implement in practice. They would also like clarification as to whether the Radio New Zealand Ltd 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>Submitter seeks amendment to Policy 4 of the Plan to read:</p> <p><i>Determine the inland extent of the coastal environment for the purpose of policies under Section 5.1 of the Plan on a case-by-case basis by having regard to:</i></p> <p><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>, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas [...]</i></p>	<p>Grant in kind</p> <p>The reader is referred to the Department of Conservation’s guidance on the <i>New Zealand Coastal Policy Statement</i>. The guidance simply describes ‘coastal environment’ as that part of the environment in which the coast is a significant part or element. However, the guidance also notes the difficulties in setting out an abstract definition which is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed.</p> <p>The Hearing Panel does not recommend amending Policy 4(a) in the manner suggested by the submitter but do agree with amending the Plan to provide greater certainty in relation to where the coastal environment lies. It is recommended that the Plan (and associated GIS layers and planning maps) be amended to identify the indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans. Such a line would make it easier for the submitter to assess whether their facilities fall within or outside the coastal environment.</p> <p>The revised Policy would read as follows:</p> <p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</i></p> <p><i>(a) <u>having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link)</u>;</i></p> <p><i>(b) on a case-by-case basis, recognising:</i></p> <p><i>(i) areas</i> <u><i>landward of the coastal environment line</i></u> <i>where coastal processes, influences or qualities are significant, including <u>areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities</u></i>, coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>(ii) 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>
43 – Royal Forest and Bird Protection Society	261	Amend Submitter seeks amendment to Policy 4 of the Plan to remove "case-by-case".	Decline The Hearing Panel does not recommend granting the relief sought by the submitter but does propose an alternative relief that may address some of their concerns. For the purposes of integrated management and to promote alignment between the respective regional and district plans, the Hearing Panel recommends that Policy 4 and associated GIS layers and planning maps be amended to identify an indicative landward extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans. However, the Hearing Panel considers that it is important for Policy 4 to continue to recognise and provide for opportunities, through the consenting process, to further consider the extent and characteristics of the coastal environment on a case-by-case basis. The reader is referred to the Department of Conservation's guidance on the <i>New Zealand Coastal Policy Statement</i> . The guidance notes that the term 'coastal environment' is an environment in which the coast is a significant part or element. However, the guidance notes the difficulties in setting out an abstract definition which is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed and potential changes to that environment over time.
Further submissions – Meridian Energy Ltd (20)		Support in part	
43 – Royal Forest and Bird Protection Society	262	Amend Submitter seeks amendment to Policy 4 of the Plan to capture the extent and characteristics in Policy 1 of the <i>New Zealand Coastal Policy Statement</i> OR Alternatively amend Policy 4 to refer to the extent of the coastal environment set out on the planning maps and that the maps identify the landward extent as per Policy 1 of the <i>New Zealand Coastal Policy Statement</i> .	Accept The submitter (and others) are seeking certainty in terms of delineating the landward extent of the coastal environment. Policy 4 gives effect to Policy 1 of the <i>New Zealand Coastal Policy Statement</i> in that it identifies the characteristics of the coastal environment line. Council has worked closely with New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes. Both district councils have commenced or about to commence their respective district plan reviews, which includes a coastal protection/environment zone. For the purposes of integrated management and to promote alignment between the respective regional and district plans it is recommended that Policy 4 (and associated
Meridian Energy Ltd (20)		Support in part	
Further submissions – Radio New Zealand (35)		Support in part/Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>At the hearing, the submitter spoke further to the issue of alignment between the Policy 4 of the Plan and Policy 1 of the <i>New Zealand Coastal Policy Statement</i>. Specific amendments to the Policy were suggested that provided for case-by-case considerations by restating the matters set out in Policy 1(d) to (i) of the <i>New Zealand Coastal Policy Statement</i> into Policy 4 of the Plan.</p> <p>In response to this, the Hearing Panel agrees in part to the relief sought by the submitter and recommends further changes to Policy 4(b) that closer align with Policy 1 of the <i>New Zealand Coastal Policy Statement</i>. The revised Policy would read as follows:</p> <p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</i></p> <p><i>(a) <u>having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and</u></i></p> <p><i>(b) on a case-by-case basis, recognising:</i></p> <p><i>(i) areas <u>landward of the coastal environment line</u> where coastal processes, influences or qualities are significant, including <u>areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities, coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</u></i></p> <p><i>(ii) 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>
45 – Powerco	263	<p>Amend</p> <p>The submitter notes that Policy 4 sets out a case-by-case approach to defining the coastal environment. The submitter believes that such an approach is neither efficient nor effective and would lead to significant costs and uncertainties, including potential disputes as to whether the Coastal Plan for Taranaki is relevant to a particular activity. The submitter suggests deleting the Policy as</p>	<p>Grant in kind</p> <p>The reader is referred to the Department of Conservation's guidance on the <i>New Zealand Coastal Policy Statement</i>. The guidance notes that the term 'coastal environment' is an environment in which the coast is a significant part or element. However, the guidance notes the difficulties in setting out an abstract definition which is capable of simple and ready application to any given situation. What constitutes the</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>currently worded and replacing it with comprehensive mapping of the coastal environment (not just the coastal marine area).</p> <p>Submitter seeks amendment to the Plan by deleting Policy 4 and referring to a comprehensive map of the coastal environment in its place:</p> <p>Policy 4: Extent and characteristics of the coastal environment to 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:</p> <p>(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</p> <p>(b) the geographic extent to which activities within the coastal</p>	<p>coastal environment will vary from place to place and according to the position from which a place is viewed.</p> <p>The Hearing Panel does not recommend amending Policy 4(a) in the manner suggested by the submitter but does agree with amending the Plan to provide more certainty in relation to where the coastal environment lies. It is recommended that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>In addition, the Hearing Panel recommends amending Policy 4 to have particular regard to the coastal environment line while also providing for case-by-case considerations based upon matters set out in Policy 1 of the <i>New Zealand Coastal Policy Statement</i>. The revised policy would read as follows:</p> <p>The revised Policy would read as follows:</p> <p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</i></p> <p><i>(a) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link);</i></p> <p><i>(b) on a case-by-case basis, recognising:</i></p> <p>(i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities, coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</p> <p>(ii) 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.</p>
Further submissions – Meridian Energy Ltd (20), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Transpower NZ Ltd (26)		Support	
Further submissions – Fonterra (47)		Support in part	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	264	<p>Amend</p> <p>The submitter notes that Policy 4 sets out a case-by-case approach to defining the coastal environment. The submitter believes that such an approach is neither efficient nor effective and would lead to significant costs and uncertainties, including potential disputes as to whether the Coastal Plan is relevant to a</p>	<p>Grant in kind</p> <p>The reader is referred to the Department of Conservation's guidance on the <i>New Zealand Coastal Policy Statement</i>. The guidance notes that the term 'coastal environment' is an environment in which the coast is a significant part or element, However, the guidance notes the difficulties in setting out an abstract definition which</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>particular activity. The submitter is unclear on whether the Council considers the existing terminals of oil companies to be within the coastal environment. The submitter suggests deleting the Policy as currently worded and replacing it with comprehensive mapping of the coastal environment (not just the coastal marine area).</p> <p>Submitter seeks amendment to the Plan by deleting Policy 4:</p> <p><i>Policy 4: Extent and characteristics of the coastal environment to 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> <p><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></p> <p><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>	<p>is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed.</p> <p>The Hearing Panel does not recommend amending Policy 4(a) in the manner suggested by the submitter but does agree with amending the Plan to provide more certainty in relation to where the coastal environment lies. It is recommended that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>In addition, the Hearing Panel recommends amending Policy 4 to have particular regard to the coastal environment line while also providing for case-by-case considerations based upon matters set out in Policy 1 of the <i>New Zealand Coastal Policy Statement</i>. The revised policy would read as follows:</p> <p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</i></p> <p><i>(a) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link);</i></p> <p><i>(b) on a case-by-case basis, recognising:</i></p> <p><i>(i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities; coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</i></p> <p><i>(ii) 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>
47 – Fonterra	265	<p>Support</p> <p>Retain Policy 4 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 4 is retained subject to amendments to include a coastal environment line. It is further noted that the Policy has been amended to closer align with Policy 1 of the <i>New Zealand Coastal Policy Statement</i>.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 5 – Appropriate use and development of the coastal environment			
2 – Federated Farmers	266	Support Retain Policy 5 of the Plan as notified.	Accept Support noted. Policy 5 is retained subject to amendments made to offer relief to other submitters concerns where appropriate.
6 – Trans-Tasman Resources Ltd	267	Amend Submitter seeks amendments to Policy 5(b), (e), (f) and (g) of the Plan to recognise benefits from non-renewable resources and for the purposes of certainty and clarity in their interpretation and to read as follows: <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> <i>(a) the functional need for [...]</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 or <u>mineral</u> resources;</i> <i>[...]</i> <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 <u>risks</u> with particular reference to Policy 20;</i> <i>(f) the degree to which the activity contributes to the <u>maintenance</u>, enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;</i> <i>(g) the degree to which the activity contributes to the <u>maintenance</u>, enhancement or restoration of public access or public use of the coast including for recreation;</i> <i>[...]</i>	Accept in part The Hearing Panel considers the inclusion of “ <i>renewable energy</i> ” within Policy 5(b) to be in line with the requirements of Policy 6(1)(g) [Activities in the coastal environment] of the <i>New Zealand Coastal Policy Statement</i> to take into account the potential for renewable resources. However, the Hearing Panel considers the addition of mineral resources within the Policy to also be in line with Policy 6(2)(a) of the <i>New Zealand Coastal Policy Statement</i> whereby contributions to social, economic and cultural wellbeing of people and communities from use and development, including (but not limited to) the potential for renewable marine energy are recognised. Therefore, the Hearing Panel recommends granting the relief in part whereby the scope of Policy 5(b) is broadened to explicitly recognise mineral resources alongside aquaculture, renewable energy and other marine based energy plus other consequential changes to the Policy as requested by other submitters to read: [...] <i>(b) the benefits to be derived from the <u>other activities</u> at a local, regional and national level, including <u>the existing and potential contribution of petroleum and mineral resources, and</u> the potential contribution of <u>agriculture</u>, aquaculture, and renewable energy resources; [...]</i> The Hearing Panel also recommends recognising “maintenance” in (f) and (g).
Further submissions – Karen Pratt (9), Department of Conservation (29), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37),		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46), Taranaki Energy Watch (51)			
6 – Trans-Tasman Resources Ltd	268	Amend Submitter seeks amendment to Policy 5(c) of the Plan to recognise that an alternative assessment, and the need for an activity to be the best practicable option is not always required, particularly where there are no significant adverse effects.	Accept The Hearing Panel recommends amending Policy 5(c) to state that having regard to possible alternative may include consideration of best practicable options for preventing or minimising adverse effects on the environment. The amended clause would read as follows: <i>(c) the appropriateness of the proposed design, methodology, location or route of the activity in the context of the receiving environment and any possible alternatives, including best practicable options for preventing or minimising adverse effects on the environment [...]</i>
Further submissions – Karen Pratt (9), Taranaki Energy Watch (51), Te Atiawa (58)		Oppose	
Further submissions –Powerco (45)		Support	
12 – Chorus New Zealand Limited	269	Support Retain Policy 5 of the Plan as notified.	Accept Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
13 – Spark New Zealand Trading Limited	270	Support Retain Policy 5 of the Plan as notified.	Accept Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
14 – Vodafone New Zealand Limited	271	Support Retain Policy 5 of the Plan as notified.	Accept Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
19 – South Taranaki District Council	272	Support Retain Policy 5 of the Plan as notified.	Accept Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
20 – Meridian Energy Limited	273	Amend Submitter seeks amendment to Policy 5 of the Plan to read: <i>Policy 5: Appropriate <u>subdivision</u>, use and development in the coastal environment</i>	Accept Submitter suggests that Policy 5 would better reflect Policy 25 [Subdivision, use, and development in areas of coastal hazard risk] of the <i>New Zealand Coastal Policy Statement</i> by including references to “subdivision”.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<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>	The Hearing Panel agrees that the Policy applies to the coastal environment and therefore may apply to activities such as subdivision for which other parties (i.e. territorial authorities) have statutory responsibilities. The Hearing Panel therefore recommends amending Policy 5 to include reference to subdivision alongside other use and development. A new definition for "subdivision" is also recommended.
25 – New Zealand Petroleum and Minerals	274	Amend Submitter seeks amendment to Policy 5(b) of the Plan to recognise benefits from petroleum and mineral resources to read: <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> <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 energy resources, <u>and the existing and potential contribution of petroleum and mineral resources</u>; [...]</i>	Accept Submitter believes that there should be explicit recognition of the economic and social benefits that petroleum and mineral resources provide the region and requests amending Policy 5 to achieve this. The Hearing Panel agrees and recommends amending Policy 5(b) to read: <i>(b) the benefits to be derived from <u>other activities</u> at a local, regional and national level, including <u>the existing and potential contribution of agricultural, petroleum and mineral resources</u>, and the potential contribution of aquaculture and renewable energy resources; [...]</i>
Further submissions – Trans-Tasman Resources Ltd (6), Petroleum Exploration and Production Association of New Zealand (37)		Support	
Further submissions – Taranaki Energy Watch (51)		Support in part	
Further submissions – Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ Ltd	275	Amend Submitter seeks an amendment to Policy 5 of the Plan to read: <i>Determine whether Provide for use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:</i> <i>(a) the functional need <u>or technical, operational and/or locational need</u> for the activity to be located in the coastal marine area; <u>conversely, activities that do not have a functional need to be located in the coastal marine area should not be</u></i>	Accept in part The suggested amendments have two parts. The Hearing Panel recommends granting part of the relief sought by the submitter. The Hearing Panel notes that Policy 5 provides direction and guidance on the 'appropriateness' of use and development. The Hearing Panel does not believe it appropriate that the Policy be amended to provide for <u>all</u> use and development, as some use and development is clearly not appropriate having regard to other policies in the Plan. Notwithstanding that, the Hearing Panel recommends amending Policy

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		located there (unless the non-marine related activity complements the intended use and function of the area) [...]	5(a) to refer to operational requirements (as well as functional needs) for activities located in the coastal marine area.
Further submissions – Trans-Tasman Resources Ltd (6)		Support in part/Neutral in part	The revised Policy would read as follows: <u>Consider</u> whether <u>subdivision and</u> use and development of the coastal environment is in an appropriate <u>location</u> and form, and within appropriate limits, by having regard to <u>(but not limited to) the following:</u>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	(a) the functional need <u>or operational need</u> for the activity to be located in the coastal marine area. <u>Activities that do not have a functional need or operational 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); [...]</u>
32 – Port Taranaki	276	Amend The submitter suggests that Policy 5 does not adequately recognise important security and public safety issues facing ports and seeks amendments to Clause (g) that qualifies the enhancement or restoration of public access to exclude the Port and other area where public safety and security needs would be jeopardised. Submitter seeks an amendment to Policy 5(g) to read as follows: <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> <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, <u>unless the type of activity, and the need to maintain public safety, makes enhancement or restoration of public access inappropriate; [...]</u></i>	Grant in kind The Hearing Panel notes that Policy 5 contains a suite of considerations and must be read in conjunction with the other General Policies and relevant Activity-specific Policies. Policy 5(e) already addresses public health and safety risks while Policy 17 [Public access] sets out circumstances where public access would not be appropriate. Accordingly, the Hearing Panel does not believe it necessary or appropriate to paraphrase other Plan provisions. Indeed there are risks in creating legal uncertainty and ambiguity in doing so. The Hearing Panel recommends an alternative relief whereby Policy 5(g) is amended to refer to 'appropriate' public access or use. Policy 17 would then apply and provides the guidance and direction on what constitutes appropriate public access and use in the coastal environment.
Further submissions – Trans-Tasman Resources Ltd (6), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support	
Further submissions – Taranaki Energy Watch (51)		Oppose	
35 – Radio New Zealand Ltd	277	Amend Submitter seeks amendment to Policy 5(a) of the Plan to read:	Decline The Hearing Panel recommends declining the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<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> <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>	The Hearing Panel notes that Policy 5(a) is deliberately confined to activities being located in the coastal marine area because they have a functional need or operational need. This reflects the coastal marine area being a public space. The Hearing Panel does not believe that such restrictions are necessary or appropriate on the landward part of the coastal environment.
Further submissions – Powerco (45)		Support	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
40 – Te Rūnanga o Ngāti Mutunga	278	Amend Submitter seeks amendment to Policy 5 of the Plan to include a new clause to read (based on Policy 4(d) from the Draft Coastal Plan): <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> <i><u>(dd) avoiding, remedying or mitigating adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity and significant historic heritage and significant amenity values in accordance with policies 8, 11, 12 and 15.</u></i>	No relief necessary The Hearing Panel notes the concerns of the submitter with regards to managing activities to avoid, remedy or mitigate adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity, historic heritage and amenity values but believe that the relief is not necessary on the basis that these concerns are addressed separately and in more detail within Policy 8 [Areas of outstanding value], Policy 14 [Indigenous biodiversity], Policy 15 [Historic heritage] and Policy 18 [Amenity values]. It is important to note that the General Policies (and relevant Activity-specific Policies) must be read as a whole and it is not necessary or useful to repeat or paraphrase the provisions of other policies.
40 – Te Rūnanga o Ngāti Mutunga	279	Amend Submitter seeks amendment to Policy 5(j)(iii) of the Plan to read: <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> <i>(j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of: [...]</i> <i>(iii) the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be <u>avoided</u>, remedied or mitigated [...]</i>	Decline The Hearing Panel notes that effects can always be avoided (e.g. cease operations) but that there is an expectation that in circumstances that adverse effects cannot be avoided then, at the very least, effects should be remedied or mitigated. Policy 5(j)(iii) deliberately targets those circumstances where residual effects remain despite measures to avoid, remedy or mitigate various adverse effects. In that situation environmental compensation could be considered. However, it should not be an option in lieu of an avoidance policy.
Further submissions – Taranaki Energy Watch (51)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	280	Amend Submitter supports Policy 5 of the Plan with the recognition that has been given to the extent to which an activity may be commensurate to Māori values, culture, practices and traditions but seek amendment to Policy 5 to reinstate references (from the Draft Coastal Plan) to the protection of indigenous biodiversity, historic heritage and amenity values of the coastal environment.	No relief necessary The Hearing Panel notes the concerns of the submitter with regards to managing activities to avoid, remedy or mitigate adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity, historic heritage and amenity values, but believes that the relief is not necessary on the basis that these concerns are already adequately addressed within Policy 8 [Areas of outstanding value], Policy 14 [Indigenous biodiversity], Policy 15 [Historic heritage] and Policy 18 [Amenity values]. It is important to note that the Policies must be read as a whole and it is not necessary or useful to repeat or paraphrase the provisions of other policies in this Policy.
43 – Royal Forest and Bird Protection Society	281	Amend The submitter expresses concern regarding the application of Policy 5 and seeks an amendment to the Plan to better provide for Policies 11, 13, 15, 17 and 20 of the <i>New Zealand Coastal Policy Statement</i> and achieve Plan objectives by identifying: <ul style="list-style-type: none"> • appropriate places or specify appropriate forms or limits • any areas where particular activities are inappropriate • appropriate places for aquaculture. 	Decline The submitter is seeking a level of specificity not considered appropriate or necessary in the Plan. As previously discussed all Policies must be read as a whole and it is not necessary or useful to repeat or paraphrase the provisions of the <i>New Zealand Coastal Policy Statement</i> . Nor is it considered necessary or appropriate to identify/specify/map appropriate places, forms or limits and conversely identify/specify/map where particular activities are inappropriate. Such matters would generally require a more nuanced consideration having regard to the various policies through the consenting process. The Hearing Panel further notes that there is no aquaculture in Taranaki and nor is there likely to be given the wild and rugged nature of the Taranaki coastal marine area. However, in the event that there was a proposal, the appropriateness of and location would be easily determined in accordance with the General Policies.
Further submissions – Transpower NZ Ltd (26)		Oppose	
43 – Royal Forest and Bird Protection Society	282	Amend Submitter seeks amendment to Policy 5 of the Plan to <ul style="list-style-type: none"> • insert “location” instead of “place” • amend Policy 5(b) to remove reference to “aquaculture” from Clause (b) due to the uncertainty of which locations this activity would be allowed and to recognise the potential for renewable energy consistent with Policy 6(2)(a) of the <i>New Zealand Coastal Policy Statement</i> and if necessary to provide for Policy 8(c) of the <i>New Zealand Coastal Policy Statement</i>. 	Accept in part At the hearing, the submitter presented some alternative relief to address their concerns that Policy 5 could be used independently of and derogate from the policy intent of other General Policies when determining what use and development might be “appropriate” within the coastal environment. The Hearing Panel recommends that for the purposes of certainty and clarity, Policy 5 be amended to refer to ‘consider’ instead of ‘determine’ at the onset of the policy and also to clarify that clauses (a) to (j) are not the only considerations to determine the appropriateness of use and development within the coastal environment. The

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> remove reference in Clause (j)(ii) to Policy 1 given it does not set out the values and characteristics which require protection under the <i>New Zealand Coastal Policy Statement</i> and is therefore maybe misleading and ambiguous. <p>The changes sought to Policy 5 are as follows:</p> <p><i>Determine whether use and development of the coastal environment is in an appropriate place <u>location</u> and form and within appropriate limits by having regard to:</i></p> <p><i>(a) the functional need for [...]</i></p> <p><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 energy resources</i></p> <p><i>[...]</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 4; [...]</i></p>	<p>Hearing Panel also agrees that the amendment sought to “<i>appropriate locations</i>”, which provides consistency with wording adopted in other Plan provisions.</p> <p>The beginning of Policy 5 would read as follows:</p> <p><i><u>Consider</u> whether <u>subdivision and</u> use and development of the coastal environment is in an appropriate <u>location</u> and form, and within appropriate limits, by having regard to <u>(but not limited to) the following:</u> [...]</i></p> <p>The Hearing Panel further agrees to amending Clause (j)(ii) to delete reference to Policy 1. Policy 1 only refers to the coastal management areas while other policies in the Plan (recognising that all General Policies must be read together) are at a finer spatial scale and are likely to be more applicable when determining the sensitivity of the environment.</p> <p>In relation to deleting reference to aquaculture, the Hearing Panel does not recommend granting the relief sought. Policy 8 [Aquaculture] of the <i>New Zealand Coastal Policy Statement</i> requires those exercising functions and powers under the RMA to recognise the potential contribution of aquaculture by, amongst other things, including provisions for such activities in Coastal Plan. However, unlike other regions, the nature of the Taranaki coast is such that it is not suited to traditional aquaculture activities due to the very rough seas and high turbidity offshore and nil demand for space for aquaculture. Taranaki has no aquaculture and so far has not had to identify Aquaculture Management Areas. Notwithstanding that, some explicit but limited policy recognition in the Plan for potential aquaculture activities is considered appropriate should changes in technology or in potential species for marine farming occur over the life of the Plan.</p> <p>In relation to amending the Policy to recognise the importance of renewable energy, the Hearing Panel believes this has already been provided for within the current drafting of Policy 5(b) of the Plan, which reads “...<i>the benefits would be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based <u>renewable</u> energy resources [...]</i>”.</p> <p>However, the Hearing Panel notes that other requested amendments have also been made to broaden the scope of Clause (b) to read:</p> <p><i>(b) the benefits to be derived from <u>other activities</u> at a local, regional and national level, including <u>the existing and potential contribution of agricultural, petroleum and mineral resources, and</u> the potential contribution of aquaculture and renewable energy resources; [...]</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	283	<p>Amend</p> <p>Submitter seeks amendment to Policy 5(a) and (c) of the Plan to more clearly convey the intent of the Policy and to read as follows:</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> <p><i>(a) the functional need for the activity to be located in the coastal marine area.</i> Conversely, aActivities 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);</p> <p>[...]</p> <p><i>(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; [...]</i></p>	<p>Accept in part</p> <p>The Hearing Panel recommends amending Policy 5(a) as sought by the submitter but notes consequential changes made to Clause (c) in response to other submitters that reads as follows:</p> <p><u>Consider whether subdivision and use and development of the coastal environment is in an appropriate location and form, and within appropriate limits, by having regard to (but not limited to) the following:</u></p> <p><i>(a) the functional need or operational need for the activity to be located in the coastal marine area. Activities that do not have a functional need or operational 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); [...]</i></p> <p><i>(c) the appropriateness of the proposed design, methodology, location or route of the activity in the context of the receiving environment and any possible alternatives, including best practicable options for preventing or minimising adverse effects on the environment; [...]</i></p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	284	<p>Amend</p> <p>Submitter seeks amendment to Policy 5(a), (c) and (e) of the Plan to read:</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> <p><i>(a) the functional need for the activity to be located in the coastal marine area.</i> Conversely, aActivities 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);</p> <p>[...]</p> <p><i>(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;</i></p> <p>[...]</p> <p><i>(e) The degree to which the activity will be threatened by, or contribute to, subject to unacceptable risks or exacerbate adverse effects arising from coastal hazards</i></p>	<p>Accept in part</p> <p>The Hearing Panel recommends amending Policy 5(a) as sought by the submitter but recommend alternative reliefs to that proposed with additional changes made to Clauses (c) and (e) in response to other submitters and to reflect that often little can be done to control the coastal hazard risk. The amended Clauses (c) and (e) would read as follows:</p> <p><i>(c) the appropriateness of the proposed design, methodology, location or route of the activity in the context of the receiving environment and any possible alternatives, including best practicable options for preventing or minimising adverse effects on the environment; [...]</i></p> <p><i>(e) the degree to which the activity will be subject to unacceptable risks or exacerbated coastal hazards, or public health and safety with particular reference to Policy 20; [...]</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>risk, or pose a threat to public health and safety with particular reference to Policy 20; [...]</i>	
47 – Fonterra	285	<p>Amend</p> <p>Submitter believes that it is appropriate to provide for structures in the coastal marine area that have an operational requirement to be located in the coastal environment and not limit Policy 5(a) to those activities that have a functional need only.</p> <p>Submitter seeks amendment to Policy 5(a) of the Plan to read:</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> <p><i>(a) the functional need <u>or operational requirement</u> of the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need <u>or operational requirement</u> to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area); [...]</i></p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought by the submitter. The amendment of Policy 5(a) would provide for activities that might not have "functional need" to be located within the coastal marine area but nevertheless their operational needs or constraints justify their presence there.</p>
Further submissions – Transpower NZ Ltd (26)		Support in part	
47 – Fonterra	286	<p>Amend</p> <p>Submitter requests specific recognition of the contribution that industries, such as dairy processing, make to the economic and social well-being of the region</p> <p>Submitter seeks amendment to Policy 5(b) of the Plan to read:</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> <p><i>(b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of <u>dairy manufacturing</u>, aquaculture and marine based renewable resources. [...]</i></p>	<p>Grant in kind</p> <p>At the hearing of submissions, the submitter noted that Policy 5 already refers to specific industries with reference to petroleum and mineral resources, aquaculture and renewable energy resources and considers that reference to 'dairy manufacturing' should also be made.</p> <p>The Hearing Panel note that reference to petroleum and mineral resources, aquaculture and renewable energy resources are consistent with those activities identified in Policy 6 (1)(a), Policy 6 (2)(a) and Policy 8 of the <i>New Zealand Coastal Policy Statement</i>. Notwithstanding that, the Hearing Panel acknowledges that agriculture is the largest industry in the region and therefore agrees with the submitter that the importance of agriculture to this region is a point of difference from many other regions and it should be acknowledged in the Policy.</p> <p>The Hearing Panel recommends an alternative relief whereby Policy 5(b) is amended to refer to "agriculture", which encompasses, but is not limited to dairy manufacturing.</p>
	287	Support	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
48 – Taranaki District Health Board		Retain Policy 5 of the Plan as notified.	Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
50 – Te Kāhui o Taranaki Trust	288	Amend Submitter seeks amendment to Policy 5(j)(iii) of the Plan to read: <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> [...] <i>(j)(iii) the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be <u>avoided</u>, remedied or mitigated [...]</i>	Decline The Hearing Panel notes that effects can always be avoided (e.g. cease operations) but that there is an expectation that in circumstances that adverse effects cannot be avoided then, at the very least, effects should be remedied or mitigated. Policy 5(j)(iii) deliberately targets those circumstances where residual effects remain despite measures to avoid, remedy or mitigate various adverse effects. In that situation environmental compensation could be considered. However, it should not be an option in lieu of an avoidance policy.
51 – Taranaki Energy Watch	289	Amend Submitter seeks amendment to Policy 5(j) of the Plan to incorporate the precautionary approach.	Decline The Hearing Panel recommends declining the relief sought as this matter is already addressed in a separately stand-alone policy (Policy 3) that also applies alongside other relevant policies when considering use and development in the coastal marine area.
58 – Te Atiawa	290	Amend Submitter seeks amendment to Policy 5 of the Plan to include a new clause and read (based on Policy 4(d) from the Draft Coastal Plan): [...] <u>avoiding, remedying or mitigating adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity and significant historic heritage and significant amenity values in accordance with policies 8, 11, 12 and 15.</u>	No relief necessary The Hearing Panel notes the concerns of the submitter with regards to managing activities to avoid, remedy or mitigate adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity, historic heritage and amenity values, but believes that the relief is not necessary on the basis that these concerns are already addressed within Policy 8 [Areas of outstanding value], Policy 14 [Indigenous biodiversity], Policy 15 [Historic heritage] and Policy 18 [Amenity values]. It is important to note that the policies must be read as a whole and it is not necessary or useful to repeat or paraphrase the provisions of other policies.
58 – Te Atiawa	291	Amend Submitter seeks amendment to Policy 5(j)(iii) of the Plan to read: <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>	Decline The Hearing Panel notes that effects can always be avoided (e.g. cease operations) but that there is an expectation that in circumstances that adverse effects cannot be avoided then, at the very least, effects should be remedied or mitigated.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of: [...]</p> <p>(iii) the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be <u>avoided</u>, remedied or mitigated [...]</p>	<p>Policy 5(j)(iii) deliberately targets those circumstances where residual effects remain despite measures to avoid, remedy or mitigate various adverse effects. In that situation environmental compensation could be considered. However, it should not be an option in lieu of an avoidance policy.</p>
59 – KiwiRail	292	<p>Support</p> <p>Retain Policy 5 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 5 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
60 – Te Kaahui o Rauru	293	<p>Other</p> <p>In relation to Policy 5 of the Plan, submitter seeks clarification as to why the aspirations of iwi to “develop, use or protect” was removed from equivalent policy in the Draft Coastal Plan.</p>	<p>No relief necessary</p> <p>In relation to the submitter's query, following consultation on the Draft Plan, amendments were made to the Plan to highlight to the reader that all General Policies need to be considered collectively (and not individually) in the application of regional rules. It was therefore unnecessary to constantly cross reference individual General Policies to other policies and indeed there are risks inherent in ‘cherry picking’ such policies (while being silent on others).</p>
NEW Policy 5A – Aquaculture			
43 – Royal Forest and Bird Protection Society	294	<p>Amend</p> <p>Submitter seeks amendment to the Plan by:</p> <ul style="list-style-type: none"> including a new policy that identifies appropriate places for aquaculture; AND until ‘appropriate’ places are identified, ensuring Plan provisions: <ul style="list-style-type: none"> exclude aquaculture activities from Outstanding Value, Estuaries Unmodified, Estuaries Modified coastal management areas state that consents will not be granted for aquaculture in any area with the values and characteristics set out in Policy 14 of the Plan (as revised to address submitter's relief) aquaculture proposals must be consistent with General Policies 1 to 21 of the Plan. 	<p>Decline</p> <p>The Hearing Panel does not consider it appropriate or necessary to identify appropriate places for aquaculture as the Taranaki coastal marine area is not currently conducive to aquaculture activities. The nature of the Taranaki coast is such that it is not suited to traditional aquaculture activities due to the very rough seas and high turbidity offshore and nil demand for space for aquaculture. Taranaki has no aquaculture and so far has not had to identify Aquaculture Management Areas.</p> <p>As a result, the Hearing Panel suggests that the other reliefs requested by the submitter are not necessary. However, the Hearing Panel notes that in all instances of resource consent applications all the General Policies (1 to 21) and the relevant Activity-specific policies apply and will be considered.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29)		Support	
Policy 6 – Activities important to the well-being of people and communities			
2 – Federated Farmers	295	Amend Submitter seeks amendment to Policy 6 of the Plan to read: <i>Recognise and provide for new and existing infrastructure and farming activities 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>	Decline The Hearing Panel recognises that farming is regionally significant but recommends declining the relief sought as Policy 6 addresses regionally important infrastructure assets – particularly those required to be provided for through national environmental standards and the resulting obligations that regional and district councils recognise and provide for these assets. This approach is consistent with other second generation regional plans around New Zealand.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Oppose	The Hearing Panel recommends minor changes to the Policy to clarify that policy direction and guidance is on regionally important infrastructure (for which there is a definition). Of note farming activities are already adequately provided for under Policy 5, which determines the 'appropriateness' of <u>all</u> use and development activities in the coastal environment by having regard to the benefits to be derived from activities at a local, regional and national level. Policy 5(b) is also recommended to be amended to recognise the existing and potential contribution of agricultural activities to this region.
19 – South Taranaki District Council	296	Support Retain Policy 6 of the Plan as notified.	Accept Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
20 – Meridian Energy Limited	297	Support Retain Policy 6 of the Plan as notified.	Accept Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
23 – New Plymouth District Council	298	Support Retain Policy 6 of the Plan as notified.	Accept Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
26 – Transpower NZ Ltd	299	Amend The submitter supports the intent of Policy 5 but is concerned that infrastructure that is "nationally significant" may not be interpreted to also be "regionally	Accept in part Of note the Plan's definition of "regionally important infrastructure" includes infrastructure of regional and national importance and includes the national electricity

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>significant</i>". The submitter further wishes to include explicit recognition of the benefits of a reliable and secure supply of electricity. The submitter believes that such amendments would give better effect to Policy 1 of the <i>National Policy Statement on Electrical Transmission</i>.</p> <p>Submitter seeks amendment to Policy 6 of the Plan to read:</p> <p><i>Recognise and provide for new and existing infrastructure of <u>national or</u> regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, <u>including recognition of the benefits of a reliable, secure and efficient supply of electricity</u>, subject to appropriate management of adverse environmental effects.[...]</i></p> <p>OR</p> <p>Amend the Plan to include a standalone policy which recognises and provides for the benefits of a reliable, secure and efficient supply of electricity.</p>	<p>grid. The Hearing Panel do not recommend granting the relief in the manner sought by the submitter and note that inconsequential amendments are recommended to the Plan to remove reference to "<i>nationally important infrastructure</i>" where it is used to promote consistency in the use of terminology throughout the Plan.</p> <p>Notwithstanding the above, the Hearing Panel does recommend amending Policies 5 and 6 in response to issues raised by the submitter. The amendments include the addition of a new sub clause for Policy 5 which reads:</p> <p>[...]</p> <p><i>(aa) whether the activity relates to the use, operation, maintenance and alteration of <u>regionally important infrastructure</u> [...]</i></p> <p>The Hearing Panel further recommends amending the heading and content of Policy 6 to include reference to the safe and efficient operation of regionally important infrastructure to read (Hearing Panel notes additional amendments as sought by other submitters are also included):</p> <p><i>Policy 6: <u>Benefits of regionally important infrastructure</u></i></p> <p><i>Recognise <u>the benefits of</u> new and existing <u>regionally important infrastructure</u> to the social, economic and cultural well-being of people and communities in Taranaki, <u>and provide for the safe and efficient operation of regionally important infrastructure</u> subject to appropriate <u>avoidance, remediation or mitigation</u> of adverse environmental effects.</i></p> <p>A new Policy 6A [Management of adverse effects of the National Grid] is also proposed.</p>
Further submissions – Powerco (45)		Support in part	
27 – Taranaki Chamber of Commerce	300	<p>Support</p> <p>Retain Policy 6 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 6 is retained, however, amendments have been made to offer relief to other submitters' concerns where appropriate.</p>
32 – Port Taranaki	301	<p>Amend</p> <p>Submitter seeks amendment to Policy 6 of the Plan to better reflect the intention to capture Regionally Important Infrastructure as defined in the definitions section of the Plan.</p>	<p>Accept</p> <p>The Hearing Panel agrees and recommends amending Policy 6 (and making consequential amendments to Policy 5) to specifically refer to "<i>regionally important infrastructure</i>".</p> <p>The revised Policy would read as follows:</p> <p><i>Recognise <u>the benefits of</u> new and existing <u>regionally important infrastructure</u> to the social, economic and cultural well-being of people and communities in Taranaki, <u>and provide for the safe and efficient operation of regionally important infrastructure</u></i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			subject to appropriate <u>avoidance, remediation or mitigation</u> of adverse environmental effects.
33 - New Zealand Defence Force	302	Support	Accept
		Retain Policy 6 of the Plan as notified.	Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
35 – Radio New Zealand Ltd	303	Support	Accept
		Retain Policy 6 of the Plan as notified.	Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
37 – Petroleum Exploration and Production Association of NZ	304	Support	Accept
		Retain Policy 6 of the Plan as notified.	Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
43 – Royal Forest and Bird Protection Society	305	Amend	Accept
		<p>Submitter seeks amendment to Policy 6 to:</p> <ul style="list-style-type: none"> • provide for new infrastructure as set out in the <i>National Policy Standard – Electricity Transmission</i> • provide for activities regulated under the <i>National Environmental Standards</i> • provide for maintenance to enable the safe operation of existing regionally important infrastructure • provide for new regionally important infrastructure consistent with Policy 5 (subject to submitter's amendments) • provide for activities subject to appropriate avoidance, remediation or mitigation of adverse environmental effects. 	<p>It is the Hearing Panel' view that Policy 6 already provides the reliefs sought by the submitter. The Hearing Panel also refers the submitter to the definition of "regionally important infrastructure" which includes infrastructure and activities covered by national environmental standards.</p> <p>Notwithstanding the above, for the purposes of certainty and clarity, the Hearing Panel recommends minor changes to Policy 6 that do not change the policy intent.</p> <p>The revised policy would read as follows:</p> <p>Recognise <u>the benefits of</u> new and existing regionally important <u>infrastructure</u> to the social, economic and cultural well-being of people and communities in Taranaki, <u>and provide for the safe and efficient operation of regionally important infrastructure</u> subject to appropriate <u>avoidance, remediation or mitigation</u> of adverse environmental effects.</p>
Further submissions – Transpower NZ Ltd (26)		Support in part	A new Policy 6A [Management of adverse effects of the National Grid] is also proposed.
Further submissions – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	306	Amend Submitter seeks amendment to Policy 6 of the Plan to read: <i>Recognise and provide for <u>the safe and efficient operation of</u> 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>	Accept Accept amendment to Policy 6 to provide for the safe and efficient operation of infrastructure.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	307	Amend Submitter seeks amendment to Policy 6 of the Plan to read: <i>Recognise and provide for <u>the safe and efficient operation of</u> 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>	Accept Accept amendment to Policy 6 to provide for the safe and efficient operation of regionally important infrastructure.
47 – Fonterra	308	Amend The submitter seeks the inclusion of “industry” alongside infrastructure within Policy 6 as industry also contributes to the social and economic well-being of local and regional communities and suggest that the amendment will provide for the expansion or substantial upgrade of necessary infrastructure and industry while still being subject to appropriate management of adverse environmental effects. Submitter seeks amendment to Policy 6 of the Plan to read: <i>Recognise and provide for new and existing infrastructure <u>and industry</u> of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</i>	Decline The Hearing Panel recognises that industry, either individually or cumulatively, may indeed be regionally significant but recommends declining the relief as Policy 6 addresses infrastructure assets – particularly those required to be provided for through national environmental standards and the resulting obligations that regional and district councils recognise and provide for these assets. This approach is consistent with other second generation regional plans. The Hearing Panel recommends minor changes to Policy 6 to clarify that the policy direction and guidance relates to regionally important infrastructure (for which there is a definition). Of note industrial activities are already provided for under Policy 5, which determines the ‘appropriateness’ of use and development in the coastal environment by having regard to the benefits to be derived from activities at a local, regional and national level.
Further submissions- Federated Farmers (2)		Support	
59 – KiwiRail	309	Support Retain Policy 6 of the Plan as notified.	Accept Support noted. Policy 6 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 7 – Impacts on established operations and activities			
2 – Federated Farmers	310	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
12 – Chorus New Zealand Ltd	311	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
13 – Spark New Zealand Trading Ltd	312	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
14 – Vodafone New Zealand Ltd	313	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
19 – South Taranaki District Council	314	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
20 – Meridian Energy Ltd	315	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
26 – Transpower NZ Ltd	316	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.
35 – Radio New Zealand Ltd	317	Support	Accept
		Retain Policy 7 of the Plan as notified.	Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	318	<p>Amend</p> <p>The submitter suggests that Policy 7 is not considered sufficiently directive to give effect to Objective 3 [Reverse Sensitivity] of the Plan or Policy 1 of the <i>Regional Policy Statement</i>.</p> <p>Submitter seeks amendment to Policy 7 of the Plan to read:</p> <p>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:</p> <p><u>(a) avoiding significant adverse effects on infrastructure of national or regional importance</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance</u></p> <p><u>(c) avoiding, remedying or mitigating adverse effects on other activities.</u></p>	<p>Accept</p> <p>The Hearing Panel agrees to amend Policy 7 in line with the relief sought by the submitter (noting some minor changes are made to align the reading of the Policy with other policies in the Plan).</p> <p>The revised Policy would read as follows:</p> <p><u>Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of existing activities by:</u></p> <p><u>(a) avoiding significant adverse effects on regionally important infrastructure;</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure; and other activities.</u></p>
Further submissions – Transpower NZ Ltd (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	319	<p>Amend</p> <p>Submitter suggests that Policy 7 is not sufficiently directive to give effect to Objective 3 [Reverse Sensitivity] of the Plan or Policy 1 of the RPS and seeks amendment to Policy 7 of the Plan to read:</p> <p>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:</p> <p><u>(a) avoiding significant adverse effects on infrastructure of national or regional importance;</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;</u></p> <p><u>(c) avoiding, remedying or mitigating adverse effects on other activities.</u></p>	<p>Accept</p> <p>The Hearing Panel recommends amending Policy 7 in line with the relief sought by the submitter (noting some minor changes are made to align the reading of the policy with other policies in the Plan).</p> <p>The revised Policy would read as follows:</p> <p><u>Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of existing activities by:</u></p> <p><u>(a) avoiding significant adverse effects on regionally important infrastructure;</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure; and other activities.</u></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
47 – Fonterra	320	<p>Amend</p> <p>The submitter supports the inclusion of Policy 7 but suggests amendments are required to make the Policy clearer for Plan users.</p> <p>Submitter seeks amendments to Policy 7 of the Plan to read:</p> <p><i>Avoid, remedy or mitigate the adverse effects <u>reverse sensitivity effects from of new activities, including reverse sensitivity impacts</u>, on existing lawfully established activities.</i></p>	<p>Accept in part</p> <p>The Hearing Panel agrees to amend Policy 7 but recommends alternative wording to that sought by the submitter to provide clearer policy direction in relation to the management of reverse sensitivity effects.</p> <p>The revised Policy would read as follows:</p> <p><i><u>Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of existing activities by:</u></i></p> <p><i><u>(a) avoiding significant adverse effects on regionally important infrastructure;</u></i></p> <p><i><u>(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure; and other activities.</u></i></p> <p>At the hearing, the submitter presented further on Policy 7 requesting that the policy be reworded to refer to the “establishment of new <u>sensitive</u> activities” and “other existing <u>sensitive</u> activities”. The Hearing Panel does not consider that reference to “sensitive” adds any additional value or clarification for Plan users and considers that reverse sensitivity is a well known and understood concept and that the changes are unnecessary for Plan users.</p>
Further submissions – Taranaki Energy Watch (51)		Oppose	
59 – KiwiRail	321	<p>Support</p> <p>Retain Policy 7 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 7 is retained subject to amendments as requested by other submitters that do not change the policy intent.</p>
Further submissions – Port Taranaki Ltd (32)		Support	
Policy 8 – Areas of outstanding value			
2 – Federated Farmers	322	<p>Amend</p> <p>Submitter seeks amendment to Policy 8 of the Plan to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:</i></p> <p><i>(i) having outstanding natural character; and/or</i></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought.</p> <p>The Hearing Panel notes that activities undertaken adjoining Outstanding Value areas can, over time, adversely affect the values associated with an outstanding area. Seascapes and visual corridors are important values associated with natural features and landscapes and therefore require protection as per Policy 15 of the <i>New Zealand Coastal Policy Statement</i>. Accordingly, for the purposes of integrated coastal management, it would be inappropriate to exclude consideration of the wider</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		(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.	landscape and would derogate from Council's efforts seeking to give effect to Policies 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Trans-Tasman Resources Ltd (6)		Support in part/neutral in part	
Further submissions – Port Taranaki Ltd (32), Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
6 – Trans-Tasman Resources Ltd	323	Amend The submitter is unsatisfied with Policy 8 as the current wording would require the avoidance of all adverse effects no matter how trivial or transitory. While the current wording is consistent with wording within the <i>New Zealand Coastal Policy Statement</i> (Policy 13 1(a) [Preservation of natural character] and Policy 15(a) [Natural features and natural landscapes]) the Supreme Court in <i>King Salmon</i> recognised that those <i>New Zealand Coastal Policy Statement</i> policies were not intended to ban any effects, no matter how minor, or transitory. Submitter seeks amendment to Policy 8 to read: <i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i> <i>(a) avoiding adverse effects of activities (other than minor or transitory effects) on the values and characteristics identified in Schedule 2 that contribute to areas: [...]</i>	Decline The Hearing Panel agrees that minor or transitory effects are not necessarily required to be avoided within Policy 8. In the recent <i>King Salmon</i> decision, the Supreme Court ruled that avoidance policies do not necessarily rule out minor and transitory effects. Notwithstanding that, the Hearing Panel does not consider it necessary to include explicit recognition of minor and transient effects within Plan policies. Indeed there are risks in doing so. The Hearing Panel believes that it is more appropriate for the interpretation of Plan policies to rely on case law when determining the extent of effects which are necessary to be avoided. The current wording reflects the wording of the <i>New Zealand Coastal Policy Statement</i> and will ensure that any evolution of case law can be taken into consideration during the consenting process.
Further submissions – Karen Pratt (9), Bruce Boyd (11), Te Rūnanga o Ngāti Mutunga (40), Taranaki energy		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Watch (51), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)			
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support	
19 – South Taranaki District Council	324	Amend Retain Policy 8 as notified.	Accept Support noted. Policy 8 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
26 – Transpower NZ Ltd	325	Amend Submitter seeks amendment to Policy 8 of the Plan to delete Clause (b) or replace it with a new clause specifically addressing the National Grid. The submitter wishes that the Plan clearly recognise that the planning and development of transmission infrastructure in the coastal parts of the rural environment should 'seek to avoid' rather than 'avoid' adverse effects on the values and characteristics of outstanding natural landscapes and areas of high natural character. The submitter believes that current wording would be unreasonably restrictive in respect of the planning and development of transmission infrastructure. Further, the submitter explains that Policy 8 of the <i>National Policy Statement of Electricity Transmission</i> requires the National Grid to 'seek to avoid'. Proposed amendments read as follows: <i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i> [...] (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. OR <u>(b) specific to the National Grid, seeking to avoid adverse effects of activities associated with the National Grid on the values and characteristics identified in Schedule 2 that contribute to areas:</u>	Accept The Hearing Panel recommends amending the Plan to include a new National Grid specific policy that addresses the concerns raised by the submitter and gives effect to the <i>National Policy Statement for Electricity Transmission</i> (NPS-ET). In particular, the Hearing Panel recognises that the NPS-ET directs the National Grid to "seek to avoid" adverse effects which is reflected in the policy. The new Policy would read as follows: <u>Policy 6A: Management of adverse effects of the National Grid</u> <u>Where the National Grid has a functional need or operational need to locate in the coastal environment, manage the adverse effects arising from their activities by:</u> <u>(a) recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas;</u> <u>(b) seeking to avoid adverse effects on:</u> <u>(i) areas of outstanding value;</u> <u>(ii) significant indigenous biodiversity;</u> <u>(iii) historic heritage as identified in schedules 5A and 5B; and</u> <u>(iv) nationally or regionally significant surf breaks as identified in Schedule 7A and B;</u> <u>(c) where it is not practicable to avoid adverse effects on the values of the areas listed in (b) above because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values; and</u> <u>(d) avoiding, remedying or mitigating other adverse effects.</u>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(i) having outstanding natural character; and/or</u></p> <p><u>(ii) being outstanding natural features and landscape;</u></p> <p><u>within or adjoining coastal management area – Outstanding Value [...]</u></p>	Supplementary evidence presented by the submitter at the hearing, suggested a variation of the above based upon discussions with the Department of Conservation and Royal Forest and Bird Society. However, at the time of writing this report, neither of these parties have indicated their support for their suggested amendments. The Hearing Panel recommends retaining the previous suggested wording for Policy 6A
29 – Department of Conservation	326	<p>Amend</p> <p>Submitter seeks amendment to Policy 8 to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 42 from inappropriate use and development by [...]</i></p>	Accept
Further submissions – Trans-Tasman Resources Ltd (6)		Support	Schedule 1 identifies the five coastal management areas, including those of Outstanding Value, and is specific to the coastal marine area. Schedule 2 provides additional information specific to coastal areas of Outstanding Value and which applies to both the coastal marine area and landward components of the coastal environment. The Hearing Panel therefore recommends that the suggested amendment be accepted to ensure the broader consideration of values, characteristics and attributes that make these areas outstanding, irrespective of being on the seaward or landward parts of the coastal environment.
43 – Royal Forest and Bird Protection Society	327	<p>Amend</p> <p>The submitter suggests that the approach under Policy 8 limits the identification of 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.</p> <p>The submitter further suggests that the lack of criteria setting out the values and characteristics upon which the outstanding natural features and landscapes were determined means it is uncertain whether the scheduled areas achieve Policy 13 [Preservation of natural character] and 15 [Natural Features and natural landscapes] of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>Submitter seeks amendment to the Plan by deleting Policy 8.</p>	<p>Decline</p> <p>The Hearing Panel does not believe it necessary or appropriate to delete Policy 8 of the Plan.</p> <p>The issue raised by the submitter refers to the inclusions and identification criteria of the Scheduled areas that relate to Policy 8. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i>, which was prepared and consulted on as part of the Coastal Plan review. This work and consultation on the report informed the section 32 analysis relating to the Plan.</p> <p>Given that coastal areas of outstanding value should, by their definition of being outstanding or exceptional, be clearly identifiable (and that Schedule 2 of the Plan already identifies such areas), the Hearing Panel does not believe it is necessary to revisit this work.</p>
43 – Royal Forest and Bird Protection Society	328	<p>Amend</p> <p>Submitter seeks amendment to Policy 8 of the Plan to read:</p>	Accept in part
			Schedule 1 identifies the five coastal management areas, including those of Outstanding Value, and is specific to the coastal marine area. Schedule 2 provides additional information specific to coastal areas of Outstanding Value and which

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value, <u>including those areas</u> identified in Schedule 42 from inappropriate use and development by:</i></p> <p><i>(a) avoiding adverse effects of activities, <u>including those</u> areas on the values and characteristics identified in Schedule 2, that contribute to areas: [...]</i></p>	<p>applies to both the coastal marine area and landward components of the coastal environment. The Hearing Panel therefore recommend that the suggested amendment to refer to Schedule 2 (rather than Schedule 1) be accepted to promote the broader consideration of values, characteristics and attributes that make these areas outstanding, irrespective of being on the seaward or landward parts of the coastal environment.</p> <p>In relation to the other amendments sought, the Hearing Panel considers Schedule 2 to be a complete and comprehensive list of areas of outstanding value. Therefore, reference to "including" is not appropriate. However, notwithstanding the above, the Hearing Panel consider that the values identified in Schedule 2 may not be definitive and agree with the submitter that there may be scope for additional values to be included over time.</p> <p>The Hearing Panel recommend amending the Policy 8 of the Plan to read as follows:</p> <p><i>Policy 8 Areas of outstanding value</i></p> <p>[...]</p> <p><i>(a) avoiding adverse effects of activities on the values and characteristics, <u>including those</u> identified in Schedule 2 [...]</i></p>
45 – Powerco	329	<p>Amend</p> <p>Submitter seeks that the Council revisit mapping of areas of outstanding natural features and landscapes</p> <p>OR</p> <p>amend Policy 8 of the Plan to recognise the presence of infrastructure within areas of outstanding natural features and landscapes by adding a new clause (c) to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by: [...]</i></p> <p><i><u>(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</u></i></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes and there is alignment between the plans in relation to the areas identified. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development.</p> <p>In relation to the alternative relief of amending Policy 8, the Hearing Panel does not believe any relief is necessary. The Hearing Panel notes all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</p>
Further submissions – Transpower NZ Ltd (26)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	330	Amend Submitter seeks that the Council revisit mapping of areas of outstanding natural features and landscapes OR amend Policy 8 of the Plan by adding a new clause (c) to read: <i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by: [...]</i> <u>(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</u>	Decline The Hearing Panel recommends declining the relief sought by the submitter. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes and there is alignment between the plans in relation to the areas identified. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development. In relation to the alternative relief of amending Policy 8, the Hearing Panel does not believe any relief is necessary. The Hearing Panel notes all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
60 – Te Kaahui o Rauru	331	Amend Submitter seeks amendment to Policy 8 to include “underwater” visual quality as part of seascape.	No relief necessary The Hearing Panel suggests that Policy 8 already addresses underwater visual quality where that attribute contributes to the sensory or associative values identified in Schedule 2 of the Plan for coastal areas of outstanding values. In addition, Policy 8 reads “(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, <u>including views from within the landscapes or features, and views of the landscapes and features</u> ”. The Hearing Panel considers that underwater visual quality is encompassed by the underlined provision where the underwater visual quality of the area is significant. No change is therefore considered necessary.
Policies 8 to 15 – Natural and historic heritage and values			
41 – Te Korowai o Ngāruahine Trust	332	Amend Submitter seeks amendment to Policies 8 to 15 of the Plan to delete reference to significant adverse effects and replace with <u>adverse effects</u> .	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Transpower NZ Ltd (26)		Oppose	Use of the term “ <i>significant adverse effects</i> ” in policies of the Plan is deliberate. The application of the term will depend upon its context but indicates adverse effects on values and uses of the coastal environment that are more than minor. All activities have some effect and granting the relief would unnecessarily preclude many use and development activities across the coastal environment, regardless of the benefits of the activity and or whether the effects were minor or transitional. Policies 8(a), 12, 14(a) and 15(a) already require a high level of protection through the avoidance of all adverse effects on areas of outstanding value, areas where coastal water is to be restored, significant indigenous biodiversity and historic heritage. However, a tiered level of protection has deliberately been adopted whereby other policies provide a lower but still very high level of protection relating to avoiding significant adverse effects on other natural and historic heritage values (refer Policy 9, 13, 14(b) and 15(b)). The Policy references to “ <i>significant adverse effects</i> ” is deliberate and, in the Hearing Panel’s view, appropriate.
Further submissions –Te Rūnanga o Ngāti Mutunga (40), Taranaki Energy Watch (51), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
Policy 9 – Natural character and natural features and landscapes			
2 – Federated Farmers	333	Support	Accept
		Submitter supports the list of matters to have regard to in Policy 9 of the Plan.	Support noted. Policy 9 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
19 – South Taranaki District Council	334	Support	Accept
		Retain Policy 9 of the Plan as notified.	Support noted. Policy 9 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
20 – Meridian Energy Ltd	335	Amend	Accept in part
		<p>The submitter believes that the current wording suggests that natural character must be enhanced or restored and argues this not consistent with Policy 14 [Restoration of natural character] of the <i>New Zealand Coastal Policy Statement</i> or Policy 10 of the proposed plan.</p> <p>In addition, the submitter considers Clause (iv) of Policy 8 to be outside the scope of the Policy as it relates to historic heritage covered by Policy 15 [Historic heritage].</p> <p>Submitter seeks amendment to Policy 9(a)(i) of the Plan and deletion of Clause (iv) as follows:</p>	<p>The Hearing Panel agrees that Policy 9(a)(i) be amended to refer to the maintenance of natural character alongside enhancement and restoration, and accept this part of the relief sought by the submitter.</p> <p>However, in relation to deleting Clause (vi), the Hearing Panel believes it is appropriate for activities to have regard for, amongst other things, maintaining the integrity of historic heritage. The definition of historic heritage refers to any natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures and includes the wider surroundings. The Hearing</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>(i) <u>maintains or</u> contributes to the enhancement or restoration of natural character;</i></p> <p><i>[...]</i></p> <p><i><u>(iv) maintains the integrity of historic heritage.</u></i></p>	Panel therefore recommends that Policy 9(a)(iv) is retained as notified (subject to minor amendments sought by another submitter).
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
23 – New Plymouth District Council	336	<p>Support</p> <p>Retain Policy 9 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 9 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
29 – Department of Conservation	337	<p>Amend</p> <p>Submitter seeks amendment to Policy 9 of the Plan to read:</p> <p><i>Protect all other areas of the natural character, features, and landscapes of the coastal environment <u>not identified in Schedule 2</u> by: [...]</i></p>	<p>Accept</p> <p>The submitter considers that Policy 9 offers a broader, wider range of considerations and policies for the protection of natural character that should also apply to areas of outstanding value. The Hearing Panel recommends granting the relief as requested so that Policy 9 reads:</p> <p><i>Protect <u>the natural character, features and landscapes of</u> the coastal environment <u>not addressed in Policy 8</u> by: [...]</i></p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
35 – Radio New Zealand Ltd	338	<p>Support</p> <p>Retain Policy 9 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 9 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
37 – Petroleum Exploration and Production Association of NZ	339	<p>Amend</p> <p>Submitter supports Policy 9 of the Plan but seeks amendment to the Policy to avoid subjective language such as “<i>sympathetic</i>” and to refer to positive actions (such as maintain or minimise) rather than negative language. The submitter suggests Policy 9 to read:</p>	<p>Accept</p> <p>Subjective wording can create grey areas and issues of interpretation for Plan users. The Hearing Panel therefore agrees that more directive terminology is appropriate to clarify the intent of Policy 9 and recommends that the Policy be amended to read:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>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:</p> <p>(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:</p> <p>(i) contributes to the enhancement or restoresation of natural character</p> <p>(ii) is compatible with the existing level of modification to the environment including by having particular regard for Policy 1</p> <p>(iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change</p> <p>(iv) 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) [...]</p>	<p>Protect <u>the natural character, features and landscapes of</u> the coastal environment by: [...]</p> <p>(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:</p> <p><u>(i) maintains</u>, enhances or restores natural character;</p> <p>(ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;</p> <p>(iii) is appropriate within the surrounding landscape, its representativeness and ability to accommodate change;</p> <p>(iv) is of an appropriate form, scale and design to <u>minimise adverse effects on values of</u> 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; [...]</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Support in part/Oppose in part	
Further submissions – Taranaki Energy Watch (51)		Support in part	
40 – Te Rūnanga o Ngāti Mutunga	340	<p>Amend</p> <p>Submitter seeks an amendment to Policy 9(a)(vi) of the Plan to read:</p> <p>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:</p> <p>(a) 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:</p> <p>[...]</p> <p>(vi) Maintain the integrity of historical <u>and cultural</u> heritage.</p>	<p>Accept</p> <p>The submitter would like this Policy to maintain consistent wording with other Policies within the section by including specific reference to “historical and cultural heritage” and to reflect the values attached to the sites of significance in Schedule 5B.</p> <p>The Hearing Panel agrees to the relief sought noting that natural character, features and landscapes may have broader cultural, spiritual and traditional associations not necessarily captured in the RMA definition of “historic heritage”.</p>
	341	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga		<p>Submitter seeks amendment to Policy 9 of the Plan by including a new Clause (b) to differential between 'natural character' and 'natural features and landscapes' to read as follows:</p> <p><u>(b) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</u></p> <p><u>(i) Natural elements, processes and patterns;</u></p> <p><u>(ii) Biophysical, ecological, geological and geomorphological aspects;</u></p> <p><u>(iii) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</u></p> <p><u>(iv) The natural movement of water and sediment;</u></p> <p><u>(v) The natural darkness of the night sky;</u></p> <p><u>(vi) Places or areas that are wild or scenic;</u></p> <p><u>(vii). A range of natural character from pristine to modified and</u></p> <p><u>(viii). Experiential attributes, including the sounds and smell of the sea; and their context or setting.</u></p>	<p>The submitter considers that the requested addition would bring the policy in line with the <i>New Zealand Coastal Policy Statement</i> and add depth to the definition of natural character as protected in the Plan.</p> <p>The requested addition represents an unnecessarily high level of detail, which is essentially supporting information. Such matters were previously addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i>, which was prepared and consulted on as part of the Coastal Plan review.</p> <p>The Hearing Panel further notes that the detail provided by the submitter has already been considered by the Council and has informed the drafting of the Plan and its mapping. Recognition that natural character, natural feature, natural landscapes and amenity values is encompassed within the Plan's definition for those terms, even if those characteristics are not expressly or independently mentioned.</p> <p>The Hearing Panel believes the proposed relief sought by the submitter is unnecessary and does not recommend amending the Policy as sought by the submitter.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
43 – Royal Forest and Bird Protection Society	342	<p>Amend</p> <p>Submitter seeks amendment to the Plan by deleting Policy 9.</p>	<p>Decline</p> <p>The submitter contends that Policy 9 of the Plan is uncertain. The submitter suggests that the inclusion of significant areas of indigenous vegetation and historic heritage in the policy overlaps and creates inconsistency with Policies 14 and 15 of the Plan. The submitter further suggests that the policy 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 <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel does not recommend deleting Policy 9. The Hearing Panel believes that the Plan has given full effect to the <i>New Zealand Coastal Policy Statement</i>, including undertaking a regional landscape study of the Taranaki coastal environment. Notwithstanding the above, Hearing Panel recommends amendments to Policy 9 to address some of the concerns raised by the submitter (refer submission point 343 below).</p>
Further submissions – Port Taranaki Ltd (32)		Oppose	
	343	Amend	Accept in part

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society		<p>Submitter seeks amendments to Policy 9 of the Plan by:</p> <ul style="list-style-type: none"> including a new clause that reads: <i>Protect the natural character, features, and landscapes of the coastal environment by: [...]</i> <u>(ix) avoiding adverse effects of activities on natural character of the coastal environment with outstanding natural character and on outstanding natural features;</u> amending Policy 9(a)(v) to read: <u>(v) maintains the integrity of significant areas of indigenous vegetation protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity [...]</u> 	<p>The submitter is concerned that Policy 9 does not provide for avoidance of adverse effects for outstanding values which may not be identified in Schedule 2.</p> <p>The submitter is also concerned that there are inconsistencies with directive policies for protection. In particular, it is the submitter's view that Clause (a)(v) is uncertain as the provisions do not currently identify significant areas of vegetation, nor does it reflect the protection required by Policy 14 [Indigenous biodiversity] of the Plan.</p> <p>The Hearing Panel recommends granting relief in relation to Policy 8 (submission point 328) and consider this relief to address the first part of the submitters concern in Policy 9. As a result, Policy 8(a) is recommended to be amended to not limit its application only to the effects of activities in values and characteristics <u>identified</u> in Schedule 2.</p> <p>The Hearing Panel further recommends amending Policy 9 (a)(v) as requested by the submitter as the suggestion is more directive and aligns language to that used elsewhere in the Plan.</p> <p>At the hearing of submissions, the submitter indicated that the relief proposed addressed some of their concerns but that further amendments are required to better align with the <i>New Zealand Coastal Policy Statement</i>, particularly in relation to 'high natural character' areas. The Hearing Panel agrees and recommends that Policy 9 be amended to include a new clause that reads as follows:</p> <p><u>(ix) in areas of high natural character in the coastal marine area, minimises to the extent practicable, seabed and foreshore disturbances and modifications, placement of structures, and discharges of contaminants.</u></p>
Further submissions2 – Federated Farmers (2), Port Taranaki Ltd (32)		Oppose	
Further submissions – Radio New Zealand (35)		Oppose in part	
45 – Powerco	344	<p>Amend</p> <p>The submitter wishes to revisit whether regionally important infrastructure falls within areas of natural character and natural features and landscapes, or for Policy 9 to recognise the presence of regionally important infrastructure within areas of outstanding natural features and landscapes. The submitter seeks that mapping of areas of natural character and natural features and landscapes be revisited</p> <p>OR</p> <p>that the policy enables the ongoing operation, maintenance and upgrade of such infrastructure by amending Policy 9 of the Plan to include a new clause (ix) to read:</p>	<p>Decline</p> <p>The Hearing Panel does not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i>, which was prepared and consulted on as part of the Coastal Plan review. The Hearing Panel does not believe it is necessary to revisit this work. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p>[...]</p> <p><u><i>(ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.</i></u></p>	<p>In relation to the alternative relief of amending Policy 9, the Hearing Panel does not believe any relief is necessary. The Hearing Panel notes all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</p>
Further submissions – Transpower NZ Ltd (26)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	345	<p>Amend</p> <p>The submitter wishes to revisit whether regionally important infrastructure falls within areas of natural character and natural features and landscapes, or for Policy 9 to recognise the presence of regionally important infrastructure within areas of outstanding natural features and landscapes. The submitter seeks that mapping of areas of natural character and natural features and landscapes be revisited</p> <p>OR</p> <p>that the policy enables the ongoing operation, maintenance and upgrade of such infrastructure by amending Policy 9 of the Plan to include a new clause (ix) to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p>[...]</p>	<p>Decline</p> <p>The Hearing Panel does not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i>, which was prepared and consulted on as part of the Coastal Plan review. The Hearing Panel does not believe it is necessary to revisit this work. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development.</p> <p>In relation to the alternative relief of amending Policy 9, the Hearing Panel does not believe any relief is necessary. The Hearing Panel notes all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i><u>(ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.</u></i>	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
58 – Te Atiawa	346	<p>Amend</p> <p>The submitter would like Policy 9 to use consistent wording with other Policies and to reflect the values associated with sites of significance in Schedule 5B. Submitter seeks amendment to Policy 9(a)(vi) of the Plan to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>[...]</i></p> <p><i>(vi) maintain the integrity of <u>cultural</u> historic heritage.</i></p>	<p>Accept</p> <p>The submitter would like this Policy to maintain consistent wording with other Policies within the section by including specific reference to “historical and cultural heritage” and to reflect the values attached to the sites of significance in Schedule 5B.</p> <p>The Hearing Panel recommends granting the relief sought noting that natural character, features and landscapes may have broader cultural, spiritual and traditional associations not necessarily captured in the RMA definition of “historic heritage”.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	347	<p>Amend</p> <p>The submitter would like Policy 9 to use consistent wording with other Policies and to reflect the values associated with sites of significance in Schedule 5B. Submitter seeks amendment to Policy 9(a)(vi) of the Plan to read:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>[...]</i></p> <p><i>(vi) maintain the integrity of <u>cultural</u> historic heritage.</i></p>	<p>Accept</p> <p>The submitter would like this Policy to maintain consistent wording with other Policies within the section by including specific reference to “historical and cultural heritage” and to reflect the values attached to the sites of significance in Schedule 5B.</p> <p>The Hearing Panel recommends granting the relief sought noting that natural character, features and landscapes may have broader cultural, spiritual and traditional associations not necessarily captured in the RMA definition of “historic heritage”.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Policy 9A – Criteria for identifying areas of outstanding or high natural character			
43 – Royal Forest and Bird Protection Society	348	Amend Submitter seeks amendment to the Plan to include a new Policies that: <ul style="list-style-type: none"> • determines/identifies areas of Outstanding Natural Character • to preserve areas of High Natural Character • for other natural character in all areas of the coastal environment • to provide a basis for determining outstanding natural features and landscapes • other natural features and landscapes in all areas of the coastal environment. 	Grant in kind The Hearing Panel does not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i> , which was prepared and consulted on as part of the Coastal Plan review. It was this work, which was used for determining and identifying outstanding natural features and landscapes but also examined natural character across the entirety of the Taranaki coastline. The Hearing Panel further notes that the Plan already contains policies addressing the protection of natural character, features and landscapes (Policies 8, 9 and 10) and do not believe additional policies are necessary or appropriate. All General Policies apply to any use and development activities in the coastal marine area and must be read together. At the hearing, the submitter supported some of the changes proposed by officers to address some of their concerns but strongly advocated for the inclusion of mapped areas of 'high natural character' in addition to amendments to Policy 9. The Hearing Panel agrees and recommends that Policy 9 be amended as previously discussed in submission point 343. The Hearing Panel further recommends granting the submitter relief in kind by amending relevant planning maps to identify those areas already identified in the Plan as having high (or higher) natural character in the coastal marine area - these being outstanding areas and estuaries unmodified, i.e: <ul style="list-style-type: none"> • Whitecliffs • Mimi Estuary • Paritutu • Ngā Motu (Sugar Loaf Islands) • Tapuae • Hangatahua River • Oaonui (Sandy Bay) • Kaupokonui
Further submissions20 – Meridian Energy Ltd (20, Port Taranaki Ltd (32)		Oppose	
Further submissions – Department of Conservation – (29)		Support	
Further submissions – Powerco (45)		Oppose in part/Oppose	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<ul style="list-style-type: none"> • Kapuni • Whenuakura • Waipipi Dunes • Project Reef • North and South Traps • Waverley Beach • Waitotara • Urenui estuary • Onaero estuary • Waiongana estuary • Oākura estuary • Waingongoro estuary • Tangahoe estuary • Manawapou estuary • plus any additional areas identified in Appendix II of the <i>Regional Policy Statement for Taranaki</i> as having high natural character (refer to submission point 1320 for further information).
Policy 10 – Restoration of natural character			
19 – South Taranaki District Council	349	Support	Accept
		Retain Policy 10 of the Plan as notified.	Support noted. Policy 10 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
43 – Royal Forest and Bird Protection Society	350	Support	Accept
		Retain Policy 10 of the Plan as notified.	Support noted. Policy 10 is retained as notified.
45 – Powerco	351	Support	Accept
		Retain Policy 10 of the Plan as notified.	Support noted. Policy 10 is retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Federated Farmers (2), Transpower NZ Ltd (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	352	Support	Accept
		Retain Policy 10 of the Plan as notified.	Support noted. Policy 10 is retained as notified.
49 – Cam Twigley	353	Amend	No relief necessary
		Submitter seeks amendment to Policy 10 of the Plan to include the restoration and rehabilitation of natural character within the Significant Surfing Area.	No precise details of amendments sought to Policy 10 have been provided. However, the Hearing Panel suggests that Policy 10 does not need the level of specificity sought by the submitter and through this Plan (but also through other planning mechanisms) opportunities already exist to investigate supporting the restoration and rehabilitation of natural character within the Significant Surfing Area. Policy 10 recognises that the natural character of parts of the coastal environment may be degraded and seeks to provide for the restoration or rehabilitation of the coast where this appropriate. Sensitive or vulnerable coastal habitat types have been highlighted. Rules and other (non regulatory) methods will be used to implement the Policy.
Policy 11 – Coastal water quality			
6 – Trans-Tasman Resources Ltd	354	Amend	Accept in part
		The submitter questions the practical application of how to maintain and enhance coastal water quality at the same time and seeks to amend Policy 11 of the Plan to read: <i>Maintain or and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on [...]</i>	The Hearing Panel agrees but recommends an additional relief to that requested by the submitter whereby Policy 11 is amended to specify and limit the circumstances where coastal water quality will be maintained or enhanced. The revised Policy reads as follows: <i>Maintain <u>coastal water quality where it is good or</u> enhance coastal water quality <u>where it is degraded</u> by avoiding, remedying and mitigating the adverse effects of activities on: [...]</i>
Further Submissions – Federated Farmers (2)		Support in part	
Further Submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
	355	Support	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
19 – South Taranaki District Council		Retain Policy 11 of the Plan as notified.	Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
40 – Te Rūnanga o Ngāti Mutunga	356	Support Retain Policy 11 of the Plan as notified.	Accept Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
43 – Royal Forest and Bird Protection Society	357	Support Retain Policy 11 of the Plan as notified (but seek an additional Policy 11A – refer below).	Accept Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	358	Support Retain Policy 11 of the Plan as notified.	Accept Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
47 – Fonterra	359	Amend The submitter questions the practical application of how to maintain and enhance coastal water quality at the same time and seeks amendment to Policy 11 of the Plan to read: <i>Maintain <u>coastal water quality where it is good</u> and enhance coastal water quality <u>where it is degraded</u> by avoiding, remedying and mitigating the adverse effects of activities on: [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter so that Policy 11 more clearly specifies and limits the circumstances where coastal water quality will be maintained or enhanced as requested by the submitter.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
48 – Taranaki District Health Board	360	Support Retain Policy 11 of the Plan as notified.	Accept Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	361	Support Retain Policy 11(b) of the Plan as notified.	Accept Support noted. Policy 11(b) is retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
60 – Te Kaahui o Rauru	362	<p>Amend</p> <p>Submitter seeks amendment to Policy 11 of the Plan to include native species of value to Māori.</p>	<p>Decline</p> <p>The Hearing Panel does not recommend amending Policy 11 of the Plan to expand its scope to reference native species of value to Māori. Presence or abundance of native species are not necessarily a meaningful indicator of coastal water quality with some taonga species being quite tolerant of reduced water quality.</p> <p>The Hearing Panel notes Schedule 3 of the Plan identifies areas where there is localised degradation of water quality, which (through Policy 12) will be targeted for enhancement. Of note these 'degraded areas' do contain native species of value to Māori, including shellfish. The issue is not the presence or abundance of these species but <i>E. coli</i> levels are such that there are restrictions on the harvesting of these species.</p> <p>The Hearing Panel further notes that all General Policies need to be read together and that other policies and recommended changes to the Plan may address some of the issues of concern. Native species, including species of value to Māori, are implicitly provided for in Policy 11 in that avoiding, remedying and mitigating adverse effects of activities on the life supporting capacity of coastal water, the māuri and wairua of coastal water and the integrity and functioning of natural coastal processes will contribute to the maintenance and enhancement of native species of value to Māori. Native species are also covered by Policy 14 [Indigenous biodiversity] and Policy 15 [Historic heritage]. Hearing Panel are further recommending that a new Policy 14B be included in the Plan to recognise and provide for the maintenance and enhancement of taonga species. In giving effect to the Plan all General Policies and relevant Activity-specific policies must be read together.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	363	<p>Amend</p> <p>Submitter seeks amendment to Policy 11 of the Plan to read:</p> <p><i>Policy 11: Coastal water quality and mauri values</i></p> <p><i>Maintain and enhance coastal water quality and mauri values by avoiding, remedying and mitigating the adverse effects of activities on:</i></p> <p><i>[...]</i></p> <p><i>(a) the mauri or life-supporting capacity of coastal water;</i></p>	<p>No relief necessary</p> <p>The Hearing Panel notes that māuri values are already addressed within the Policy in Clause (b) and that it is not necessary to repeat the reference as the Policy is already clearly identifying māuri to be a component of coastal water quality. The Hearing Panel considers that no further relief is necessary.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Ngāruahine Trust (41), Te Atiawa (58)			
NEW Policy 11A – Water quality limits			
43 – Royal Forest and Bird Protection Society	364	Amend Submitter seeks amendment to the Plan to include a new Policy 11A [Coastal water quality limits] to achieve Objective 5 [Coastal water quality]. The new Policy would 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.	Decline The submitter does not specify what attributes and numerics would be acceptable for coastal water quality and marine health. The Hearing Panel notes Council concerns that the adoption of standardised and universal water quality targets and standards would have a perverse outcome in that such targets are likely to be too high or too low depending upon uses and values in the locality. Such matters are best dealt with through the consenting process where the type, scale and significance of the activity and the vulnerability and sensitivities of the receiving environment (including cultural interests), and an appropriate mixing zone may be considered on a case-by-case basis. The Council's approach involves taking into account recognised national/international guideline values as appropriate. The Hearing Panel notes that Taranaki only has seven major municipal and/or industrial discharges to the coastal marine area and that coastal water quality is generally good. In localities where that is not the case, a new Policy 12 has been included in the Plan seeking the restoration of local coastal water quality.
Further submissions – Port Taranaki Ltd (32)		Oppose	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	
Policy 12 – Restoration of coastal water quality			
15 – Surfbreak Protection Society	365	Amend The submitter believes that Policy 12 does not provide adequate protection of the awa and coastal areas. The submitter is concerned that waiting until there are significant effects could impact on shellfish gathering, cultural activities, and water based recreational activities and seeks that the word “ <i>significant</i> ” be deleted from the policy.	Decline The Hearing Panel notes that pursuant to the RMA, the Council will, as a minimum be maintaining Taranaki's generally high coastal water quality. Any activity may have an adverse effect on water quality but, for most activities, their effects are localised or temporal and/or effects can be mitigated. Policy 12 is a new policy that seeks to restore coastal water quality where it has been degraded. It recognises localised adverse effects where there is <u>already</u> significant adverse effect on coastal ecosystems, natural habitats or water based recreational activities, or is restricting existing uses such as shellfish gathering and cultural activities (these areas are identified in Schedule 3). The use of the term “ <i>significant</i> ” is deliberate and appropriate and provides context to where restoration will be promoted. It is also consistent with national directions set out in Policy 21 of the <i>New</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>Zealand Coastal Policy Statement</i> . The Hearing Panel recommends retaining Policy 12 as notified.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	366	Support Retain Policy 12 of the Plan as notified.	Accept Support noted. Policy 12 is retained subject to minor amendment as requested by another submitter that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	367	Amend Submitter seeks amendment to Policy 12 of the Plan to read: <i>Policy 12: Restoration of coastal water quality <u>and mauri values</u>.</i>	No relief necessary It is the Hearing Panel's understanding that each iwi, hapū or whanau may have their own concept of māuri. However, the term is generally understood to be the life principle, life force, vital essence, special nature, a material symbol of a life principle, source of emotions – the essential quality and vitality of a being or entity. The term may also refer to a physical object, individual, ecosystem or social group in which the essence is located. The Hearing Panel has concerns that introducing the term “māuri” and making it a policy requirement to restore māuri (and māuri possibly being something different from water quality) reduces certainty and clarity in respect of its application. The Hearing Panel further suggests that the relief sought is not necessary in that the term “māuri” is used elsewhere in the Plan's policy framework with all General Policies needing to be read together. Policy 13 is a specific policy that, in line with the <i>New Zealand Coastal Policy Statement</i> , is seeking to promote the restoration of coastal water quality in areas (identified in Schedule 3) where degraded water quality has resulted in restrictions to existing uses such as shellfish gathering and cultural activities. Under Policy 11 [Coastal water quality] the constituent parts of coastal water quality include the life supporting capacity, <u>māuri</u> , wairua of water and more. Therefore, Policy 12 already addresses māuri as part of the restoration of coastal water quality.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Policy 13 – Coastal air quality			
6 – Trans-Tasman Resources Ltd	368	Amend Submitter seeks amendment to Policy 13 of the Plan to read: <i>Maintain <u>or and</u> enhance coastal air quality by avoiding, remedying and mitigating the adverse effects of activities on the life supporting capacity of air.</i>	Decline The submitter considers that it is not possible to maintain and enhance coastal air quality at the same time and prefers that Policy 13 provide for the maintenance “or” enhancement of coastal air quality.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further Submissions – Federated Farmers (2)		Support in part	The Hearing Panel notes that the Policy is not site specific and applies regionally to all coastal air. It is suggested that it is indeed appropriate to maintain <u>and</u> enhance coastal air quality. Policy 13 is aligned with the wording from the <i>New Zealand Coastal Policy Statement</i> and other policies within the Plan.
Further Submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	369	Support	Accept
		Retain Policy 13 of the Plan as notified.	Support noted. Policy 13 is retained.
Further submissions – Port Taranaki Ltd (32)		Support	
Policy 14 Indigenous biodiversity			
6 – Trans-Tasman Resources Ltd	370	Amend	Decline
		<p>Submitter seeks amendment to Policy 14 of the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p><i>(a) avoiding adverse effects of activities on:</i></p> <p><i>(i) indigenous taxa that are nationally threatened or at risk (declining), or regionally distinctive, including those identified in Schedule 4A;</i></p> <p><i>(ii) taxa that are internationally threatened including those identified in Schedule 4A;</i></p> <p><i>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, as identified in Schedule 4A;</i></p> <p><i>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</i></p> <p><i>(v) areas containing nationally significant examples of indigenous community types; and</i></p> <p><i>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</i></p>	<p>The submitter believes there are issues between the Schedules and Policy 14 that sets out to avoid significant adverse effects and avoid, remedy or mitigate other effects on ecosystems and habitats set out in Schedule 4B. However, the submitter does not specify what these issues are.</p> <p>The relief sought involves amending Policy 14 of the Plan and has four parts:</p> <ul style="list-style-type: none"> Reference to 'at risk' taxa in Clause (a)(i) to be confined to 'at risk (declining) taxa: <p>The Hearing Panel does not recommend granting this relief as it would be inconsistent with Policy 11(a)(i) of the <i>New Zealand Coastal Policy Statement</i>, which requires activities to avoid adverse effects on indigenous taxa listed as 'at risk' in the New Zealand Threat Classification System lists. According to that list 'at risk' taxa can be further categorised as 'declining', 'recovering', 'relict' and 'naturally uncommon'. All four categories of 'at risk' taxa are appropriately captured by the Policy as currently notified.</p> <ul style="list-style-type: none"> Delete reference in Clause (a) to 'regionally distinctive' taxa:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:</p> <p>(i) areas of predominantly indigenous vegetation in the coastal environment;</p> <p>(ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:</p> <p>i. estuaries;</p> <p>ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);</p> <p>iii. areas that provide passage for diadromous species;</p> <p>iv. marine mammal resting, feeding and breeding areas; and</p> <p>v. bird roosting and nesting areas;</p> <p>(iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, <u>and saltmarsh areas; and sensitive marine benthic habitats as identified in Schedule 4B;[...]</u></p>	<p>The Hearing Panel does not recommend granting this relief as it would be inconsistent with Bio Policy 4 of the <i>Regional Policy Statement</i>, which refers to, amongst other things, the presence of regionally distinctive species as a criteria for identifying significant indigenous biodiversity values in Taranaki. The category also contributes to giving effect to Policy 11(a)(iv) of the <i>New Zealand Coastal Policy Statement</i>. It is the Hearing Panel's view that Policy 14 should recognise the local context and provide for the protection of indigenous species that are locally significant to the Taranaki region, irrespective of their national threat status.</p> <ul style="list-style-type: none"> Delete reference to 'naturally rare' ecosystems and vegetation types: The Hearing Panel does not recommend granting this relief as it would be inconsistent with Policy 11(a)(iii) of the <i>New Zealand Coastal Policy Statement</i>, which requires activities to avoid adverse effects on indigenous ecosystems and vegetation types that are "naturally rare". Delete reference in Clause (b)(iii) to "sensitive marine benthic habitats": The Hearing Panel recommends declining the relief sought. Sensitive benthic habitats refer to marine habitats identified in the report https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/SensitiveHabitats.PDF that have low tolerance to habitat damage and for which the time for the habitat to recover from any damage would be significant. Given the sensitivity and vulnerability of such marine habitats, the Hearing Panel considers it appropriate that they be recognised and provided for in Policy 14(b)(iii) of the Plan.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
19 – South Taranaki District Council	371	Support Retain Policy 14 of the Plan as notified.	Accept Support noted. Policy 14 is retained subject to minor amendments as requested by other submitter that do not change the policy intent.
23 – New Plymouth District Council	372	Support Retain Policy 14 of the Plan as notified.	Accept Support noted. Policy 14 is retained subject to minor amendments as requested by other submitter that do not change the policy intent.
26 – Transpower NZ Ltd	373	Amend Submitter seeks amendment to Policy 14(b) of the Plan to read:	Grant in kind.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p><i>[...]</i></p> <p><i>(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:</i></p> <p><i>(i) areas of predominantly indigenous vegetation in the coastal environment;</i></p> <p><i>(ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:</i></p> <p><i>i. estuaries;</i></p> <p><i>ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);</i></p> <p><i>iii. areas that provide passage for diadromous species;</i></p> <p><i>iv. marine mammal resting, feeding and breeding areas; and</i></p> <p><i>v. bird roosting and nesting areas;</i></p> <p><u><i>unless following a route, site and method selection process, the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent reasonably practicable; [...]</i></u></p>	<p>The submitter requests that the Policy be aligned to address the requirements for the National Grid with regards to the <i>National Policy Statement for Electricity Transmission</i> (NPSET). Policy 4 of the NPSET requires the provision of effective operation, maintenance, upgrade and development of the electrical transmission network.</p> <p>Of note, both the <i>New Zealand Coastal Policy Statement</i> (NZCPS) and the NPSET contain direction for how effects on biodiversity are managed. The NPSET includes a direction for the National Grid to "seek to avoid adverse effects" while the NZCPS applies to a broader range of activities.</p> <p>The Hearing Panel notes that Policy 14(b) is aligned with Policy 11(b) [Indigenous biological diversity] of the NZCPS and is considered appropriate as written. Granting the relief sought by the submitter would significantly derogate from the policy intent of the NZCPS. As an alternative relief, noting that the policy intent of different national policy directions such as the NZCPS and NPSET need to be balanced and weighed against each other, the Hearing Panel recommends the inclusion of a new Policy 6A that more explicitly addresses the management of adverse effects arising from the National Grid. All General Policies, including Policy 6A and 14 of the Plan, must be read together.</p> <p>Refer to submission point 626 for further discussion on Policy 6A [Management of adverse effects of the National Grid].</p>
Further submissions – Port Taranaki Ltd (32)		Support	<p>Decline</p> <p>Policy 14 relates to maintenance, enhancement and protection of indigenous biodiversity. Of note, Policy 15 addresses matters relating to historic heritage which encompasses those sites identified as wāhi tapu and wāhi taonga. Therefore, the Hearing Panel does not believe it is necessary or appropriate to address other values within this particular policy.</p> <p>All General Policies need to be read as a suite of policies. The Hearing Panel recognises that Māori have traditional and continuing relationships with indigenous biodiversity. The identification of wāhi tapu and wāhi taonga sites and places have been identified and mapped where the information has been available. Under Policies</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
28 – Grant Knuckey	374	Amend	
		Submitter seeks amendment to Policy 14 of the Plan to refer to maintenance, enhancement and restoration of the mauri of wāhi tapu and wāhi taonga areas.	
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			14 and 15 of the Plan, the consideration of indigenous biodiversity and historic heritage, which includes sites of significance to Māori including wāhi tapu and wāhi taonga areas, would be considered together.
29 – Department of Conservation	375	<p>Amend</p> <p>It is the submitter's view that since the Plan has not defined or mapped areas of significant indigenous biodiversity it is not appropriate to refer to "areas" of significant indigenous biodiversity. Further, the submitter suggests that to incorporate only those areas that have been mapped would limit the protection of indigenous biodiversity to those areas and requests that Policy 14 be expanded to include all indigenous biodiversity in the coastal area.</p> <p>Submitter seeks amendment to Policy 14 of the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by [...]</i></p>	<p>Accept</p> <p>The Hearing Panel notes that the Policy's reference to "areas" do not refer to mapped areas as suggested by the submitter. The Hearing Panel further notes that the Plan's definition of significant indigenous biodiversity reads as meaning areas or habitats that meet criterion set out within this Policy.</p> <p>Notwithstanding that, the Hearing Panel recommends granting the relief sought in that it represents a small change that better aligns the Policy with the Plan's adopted definition of "<i>significant indigenous biodiversity</i>".</p> <p>The revised Policy, including amendment sought by another submitter, would read as follows:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by: [...]</i></p>
Further submissions – Trans-Tasman Resources Ltd (6)		Support	
40 – Te Rūnanga o Ngāti Mutunga	376	<p>Amend</p> <p>Submitter seeks amendment to Policy 14(a) of the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p><i>(a) avoiding adverse effects of activities on[...]</i></p> <p><i><u>(vii) taonga species as identified by tangata whenua [...]</u></i></p>	<p>Grant in kind</p> <p>The relief sought by the submitter would have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. Given the importance of some of these species as mahinga kai, their inclusion in Policy 14 (with its strong avoidance direction) would potentially preclude/restrict customary activities (such as harvesting, fishing) that have adverse effects on their populations, abundance and distribution.</p> <p>The Hearing Panel therefore recommends an alternative relief that provides for strong recognition and provision for taonga species in the Plan. It is recommended that a new Policy 14B be included to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species.</p> <p>The new Policy 14B would read as follows:</p> <p><u>Policy 14B: Taonga species</u></p> <p><u>Maintain or enhance taonga species as identified in Schedule 4C by:</u></p> <p><u>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</u></p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p><u>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</u></p> <p>The definition for "Taonga species" would read as follows:</p> <p><u>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</u></p>
40 – Te Rūnanga o Ngāti Mutunga	377	Amend	Grant in kind
		<p>Submitter seeks amendment of Policy 14 of the Plan to include a new Clause (c) that reads:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by: [...]</i></p> <p><u>(c) recognising and providing for the role of tangata whenua as kaitiaki, when identifying and managing significant areas of indigenous biodiversity in the coastal area.</u></p>	<p>The Hearing Panel recommends granting an alternative relief to that sought by the submitter.</p> <p>The Hearing Panel believes that Policy 16 [Relationship of tangata whenua] is the more relevant policy for recognising the role of tangata whenua as kaitiaki and that that role is not confined to coastal indigenous biodiversity. The Hearing Panel notes that all General Policies (and relevant Activity-specific Policies) must be read together. Accordingly, the Hearing Panel recommends amending Policy 16 to explicitly recognise and provide for the role of tangata whenua as kaitiaki across <u>all</u> aspects of managing use, development and protection in the coastal environment (rather than just biodiversity).</p> <p>The amendment to Policy 16 would read as follows:</p> <p><i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, <u>including the role of tangata whenua as kaitiaki</u>, and take into account the principles of the Treaty of Waitangi.</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	378	Amend Submitter seeks amendment of Policy 14 of the Plan by: <ul style="list-style-type: none"> referencing Schedule 5B of the Plan expanding the scope of the Policy to also address taonga species. 	Grant in kind The relief sought by the submitter would have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. Given the importance of some of these species as mahinga kai, their inclusion in Policy 14 (with its strong avoidance direction) would potentially preclude/restrict any activity (such as harvesting) that has adverse effects on their populations, abundance and distribution. The Hearing Panel therefore recommends an alternative relief that provides for strong recognition and provision for taonga species. It is recommended that a new Policy 14B be included to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species. The new Policy 14B would read as follows: <u>Policy 14B: Taonga species</u> <u>Maintain or enhance taonga species as identified in Schedule 4C by:</u> <u>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</u> <u>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</u> <u>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</u> The definition for “Taonga species” would read as follows: <u>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</u>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
42 – Ngāti Rahiri Hapū	379	Other Submitter seeks clarification as to whether shellfish and crayfish, and the habitat for both, are protected by Policy 14 of the Plan.	No relief necessary The Hearing Panel notes that significant indigenous biodiversity protected in Policy 14 are identified in Schedule 4A. While shellfish and crayfish are not identified in that Schedule as threatened, at risk or regionally distinctive species (and as defined by the Plan) they are nevertheless protected under Policy 14. Of particular note, the primary habitats of these species are largely reefs, which have a very high level of protection in the Plan compared with other marine habitats.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>The Hearing Panel notes however that, in response to reliefs sought by other submitters, other changes are proposed to the Plan to better recognise and protect taonga species. The Hearing Panel recommends amending the Plan to include a new Policy 4B to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species that may include shellfish and crayfish.</p> <p>The new Policy 14B would read as follows:</p> <p><u>Policy 14B: Taonga species</u></p> <p><u>Maintain or enhance taonga species as identified in Schedule 4C by:</u></p> <p><u>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</u></p> <p><u>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</u></p> <p>The definition for "Taonga species" would read as follows:</p> <p><u>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</u></p>
43 – Royal Forest and Bird Protection Society	380	<p>Amend</p> <p>Submitter seeks amendment to Policy 14 of the Plan by removing reference to "maintaining and enhancing indigenous biodiversity" so that it sets out the characteristics and values to be protected under Policy 11 of the <i>New Zealand Coastal Policy Statement</i></p> <p>AND</p> <p>Include a separate policy for the maintenance and enhancement of indigenous biodiversity in the coastal environment</p> <p>AND</p> <p>Include guidance on relevant habitats under Clause (a)(iv).</p>	<p>Accept in part</p> <p>The Hearing Panel recommends largely granting the reliefs sought by the submitter. Policy 14 is directly aligned with Policy 11 [Indigenous biodiversity] of the <i>New Zealand Coastal Policy Statement</i>. Although the matters covered in Policy 14 cover most aspects of indigenous biodiversity, the submitter, quite rightly, points out that indigenous biodiversity is much broader than those aspects highlighted in Policy 14. The Hearing Panel therefore recommends amending the Plan to include a separate stand-alone policy to address the remaining aspects of indigenous biodiversity not otherwise covered by Policy 14.</p> <p>The new Policy 14A would read as follows:</p> <p><u>Policy 14A: Indigenous biodiversity</u></p> <p><u>Maintain or enhance indigenous biodiversity generally in the coastal environment by:</u></p> <p><u>(a) as far as is practicable, avoiding, remedying and mitigating the adverse effects of activities on indigenous biodiversity; and</u></p>
Further submissions – Powerco (45)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p><u>(b) when assessing adverse effects on indigenous biodiversity, having regard to the extent of effects, including consideration of:</u></p> <p><u>(i) the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;</u></p> <p><u>(ii) the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;</u></p> <p><u>(iii) the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that:</u></p> <p><u>i. the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;</u></p> <p><u>ii. discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and</u></p> <p><u>iii. activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible.</u></p> <p>In relation to adding guidance in the Plan on relevant habitats under Clause (a)(iv), habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare. The Hearing Panel does not believe this level of specificity is necessary or appropriate for a regulatory plan. While the Council contains some information on the distribution and abundance of some indigenous biodiversity species, currently such information is generally fragmented and incomplete. The Hearing Panel suggests that such guidance more appropriately sits outside a Plan so that it can be easily developed and amended over time as better information is gathered.</p> <p>At the hearing, the submitter sought additional amendments to Policy 14 to include a new Clause (c) that refers to controlling the effects of activities in significant marine animal and seabird areas consistent with Policy 14(a) and (b) of the notified Plan. The Hearing Panel agrees that these areas require special mention and that clauses (a) and (b) may apply depending. The Panel recommends amending Policy 14 to include a new clause that reads as follows:</p> <p><u>(c) avoiding, remedying or mitigating the adverse effects of activities in significant marine animal and seabird areas consistent with (a) and (b) above.</u></p>
43 – Royal Forest and Bird Protection Society	381	<p>Amend</p> <p>Submitter seeks amendment to Policy 14 of the Plan or add a new policy to identify areas of significant indigenous biodiversity including criteria for determination.</p>	<p>Decline</p> <p>The submitter when presenting at the hearing supports the Council being able to identify 'significant indigenous biodiversity' areas through resource consent processes</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>At the hearing, the submitter further submitted on this point and sought the addition of a new clause to identify areas of significant indigenous biodiversity based upon a new appendix setting out suggested 'significance' criterion.</p>	<p>and through any future surveys and assessment processes. The Hearing Panel believes the Council can already do this through its current policy framework.</p> <p>The Hearing Panel notes that BIO Policy 4 of the <i>Regional Policy Statement</i> already provides the relief sought by the submitter. BIO Policy 4 reads:</p> <p><i>"When identifying ecosystems, habitats and areas with significant indigenous biodiversity values, matters to be considered will include:</i></p> <p><i>(a) the presence of rare or distinctive indigenous flora and fauna species; or</i></p> <p><i>(b) the representativeness of an area; or</i></p> <p><i>(c) the ecological context of an area.</i></p> <p><i>Once identified as significant, consideration should be given to the sustainability of the area to continue to be significant in future when deciding on what action to be taken (if any) should reasonably and practicably be taken to protect the values of the area."</i></p> <p>The above criteria adopted in the <i>Regional Policy Statement for Taranaki</i> for identifying significant indigenous biodiversity has been effective as demonstrated by the Council's significant involvement and success in promoting passive and active protection of terrestrial, freshwater and marine sites identified as having regionally significant values.</p> <p>The Hearing Panel does not believe it is necessary for all regional plans to repeat policies set out in other planning instruments and indeed there are risks in unnecessarily paraphrasing other policy instruments (of note the criterion suggested by the submitter in their Appendix is based upon proposals relating to a proposed <i>National Policy Statement for Indigenous Biodiversity</i> that has not even been consulted on yet).</p> <p>The Hearing Panel suggest that 'criterion' type policies be left for inclusion in the <i>Regional Policy Statement for Taranaki</i>, which both regional and district plans must then give effect to. The Hearing Panel notes that the <i>Regional Policy Statement</i> is due to be reviewed in 2020 and it would be timely to review its 'significance criteria' taking into account the submitter's suggestions and any new Government directions such as a proposed <i>National Policy Statement for Indigenous Biodiversity</i>. The Hearing Panel recommends the inclusion of a new Implementation Method that commits the Council to this course of action. The new Implementation Method (section 6.2) 8B would read as follows:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<u>Review and, if necessary, amend the Regional Policy Statement for Taranaki to set out criteria for assessing the significance of natural character, natural features and landscapes, and indigenous biodiversity.</u>
43 – Royal Forest and Bird Protection Society	382	<p>Amend</p> <p>The submitter is concerned that Policy 14(a)(iii) is not broad enough or will not allow for protection of ecosystems or vegetation that may be identified as threatened or naturally rare at a later date. Submitter seeks an amendment to Policy 14(a)(iii) of the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p><i>(a) avoiding adverse effects of activities on: [...]</i></p> <p><i>(iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as, including those identified in Schedule 4B; [...]</i></p>	<p>No relief necessary</p> <p>The relief sought is unnecessary as the Policy already notes that the listed types are not an exclusive list.</p> <p><i>iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including [emphasis added] estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as identified in Schedule 4B; [...]</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
43 – Royal Forest and Bird Protection Society	383	<p>Other</p> <p>Submitter comments that Policy 14 of the Plan is unclear about how Clause (a) (<i>avoiding adverse effects of activities on: [...]</i>) and clause (b) (<i>avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on; [...]</i>) will be achieved to give effect to the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>No relief necessary</p> <p>The Hearing Panel notes that the means for achieving all of the policies are set out under the methods section and/or the rules. In particular, methods relating to indigenous biodiversity are explicitly covered in Methods 13 to 20 and also more broadly within the entire Methods section of the Plan. Rules also apply that prohibit or restrict activities where they impact on indigenous biodiversity.</p> <p>The Hearing Panel further notes that these issues are also covered within the methods of implementation within the indigenous biodiversity section of the <i>Regional Policy Statement for Taranaki</i> and again in the <i>Biodiversity Strategy for the Taranaki Regional Council</i>. The Hearing Panel therefore believes that this issue is addressed sufficiently within the Plan and also within the <i>Regional Policy Statement</i>.</p>
	384	Other	No relief necessary

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd		Submitter seeks that the Council ensure Policy 14 of the Plan and corresponding rules provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.	Comments noted. The Hearing Panel notes that all the General Policies (and relevant Activity-specific Policies) need to be read together, which includes considering Policies 5 [Use and development] and 6 [Regionally important infrastructure] of the Plan alongside biodiversity considerations set out in Policy 14.
47 – Fonterra	385	Support	Accept
		Retain Policy 14 as notified.	Support noted. Policy 14 is retained subject to minor amendments as requested by other submitter that do not change the policy intent.
58 – Te Atiawa	386	Amend	Grant in kind
		Submitter seeks amendment to Policy 14(a) of the Plan to include a new clause to read: <i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i> <i>(a) avoiding adverse effects of activities on [...]</i> <i>(vii) Taonga species as identified by tangata whenua [...]</i>	The relief sought by the submitter would have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. Given the importance of some of these species as mahinga kai, their inclusion in Policy 14 (with its strong avoidance direction) would potentially preclude/restrict customary activities (such as harvesting) that has adverse effects on their populations, abundance and distribution. The Hearing Panel therefore recommends an alternative relief that provides for strong recognition and provision for taonga species. It is recommended that a new Policy 14A be included to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species. The new Policy 14B would read as follows: <u><i>Policy 14B: Taonga species</i></u> <u><i>Maintain or enhance taonga species as identified in Schedule 4C by:</i></u> <u><i>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</i></u> <u><i>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</i></u> <u><i>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</i></u> The Hearing Panel also recommend amending the Plan to include a definition for "Taonga species" to read:
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<u><i>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</i></u>
58 – Te Atiawa	387	Amend Submitter seeks amendment to Policy 14 to of the Plan include a new clause (c) that reads: <i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by: [...]</i> <u><i>(c) recognising and providing for the role of tangata whenua as kaitiaki, when identifying and managing significant areas of indigenous biodiversity in the coastal area.</i></u>	Grant in kind The Hearing Panel does not recommend granting the relief noting that it relates to a framework setting out tiered protection of indigenous biodiversity rather than identifying particular relationships for implementing the policy. The Hearing Panel notes that the relief proposed only addresses the role of tangata whenua as kaitiaki and is silent on the role of others parties who may also have a significant involvement and/or interest in indigenous biodiversity protection. Rather than making changes to Policy 14, the Hearing Panel recommends an alternative relief that may partially give effect to the submitters wish for the role of tangata whenua as kaitiaki to be recognised. The Hearing Panel recommends minor amendment to Policy 16 to explicitly recognise for the role of tangata whenua as kaitiaki across all aspects of managing use, development and protection in the coastal environment (rather than just biodiversity). The Hearing Panel notes that all General Policies (and relevant Activity-specific Policies) must be read together. The amendment to Policy 16 would read as follows: <i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, <u>including the role of tangata whenua as kaitiaki</u>, and take into account the principles of the Treaty of Waitangi.</i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
60 – Te Kaahui o Rauru	388	Amend Submitter seeks amendment to Policy 14 of the Plan to include native species of value to Māori.	Grant in kind The relief sought by the submitter would have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. Given the importance of some of these species as mahinga kai, their inclusion in Policy 14 (with its strong avoidance direction) would potentially preclude/restrict customary activities (such as harvesting) that has adverse effects on their populations, abundance and distribution. The Hearing Panel therefore recommends an alternative relief that provides for strong recognition and provision for taonga species. It is recommended that a new Policy 14B be included to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species. The new Policy 14B would read as follows:
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p><u>Policy 14B: Taonga species</u></p> <p><u>Maintain or enhance taonga species as identified in Schedule 4C by:</u></p> <p><u>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</u></p> <p><u>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</u></p> <p>The Hearing Panel also recommend amending the Plan to include a definition for "Taonga species" to read as follows:</p> <p><u>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</u></p>
61 – Te Rūnanga o Ngāti Ruanui Trust	389	<p>Amend</p> <p>Submitter seeks amendment to Policy14(a) of the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p><i>(a) avoiding adverse effects of activities on [...]</i></p> <p><u>(iv) taonga species protected under Taranaki iwi Deed of Settlement, as identified in Schedule 4C: [...]</u></p>	<p>Grant in kind</p> <p>The relief sought by the submitter would have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. Given the importance of some of these species as mahinga kai, their inclusion in Policy 14 (with its strong avoidance direction) would potentially preclude/restrict customary activities (such as harvesting) that has adverse effects on their populations, abundance and distribution.</p> <p>The Hearing Panel therefore recommends an alternative relief that provides for strong recognition and provision for taonga species. It is recommended that a new Policy 14B be included to ensure activities avoid, remedy or mitigate adverse effects on taonga species. It is further recommended that a definition for taonga species be provided and a new schedule included to identify taonga species.</p> <p>The new Policy 14B would read as follows:</p> <p><u>Policy 14B: Taonga species</u></p> <p><u>Maintain or enhance taonga species as identified in Schedule 4C by:</u></p> <p><u>(a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:</u></p> <p><u>the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and</u></p>
Further submissions – Trans-Tasman Resources Ltd (6)		<p>Oppose</p>	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p><u>(b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai.</u></p> <p>The Hearing Panel also recommend amending the Plan to include a definition for "Taonga species" to read:</p> <p><u>Taonga species means the species of birds, plants and animals identified as such by treaty settlements and described in Schedule 4C.</u></p>
Policy 15 – Historic heritage			
2 – Federated Farmers	390	<p>Amend</p> <p>Submitter seeks that historic heritage sites should be accurately mapped to give certainty and that normal farming activities are recognised as co-existing with heritage values and enabled to continue.</p>	<p>No relief necessary</p> <p>The submitter's comments have been noted. However, the Hearing Panel does not believe any relief is necessary. Historic heritage sites, in or adjoining the coastal marine area, have been mapped where possible. In many cases accurate mapping of historic heritage on the seabed is not possible.</p>
20 – Meridian Energy Ltd	391	<p>Amend</p> <p>Submitter seeks amendment to Policy 15 of the Plan to read:</p> <p><i>Protect historic heritage in the coastal environment from inappropriate <u>subdivision</u>, use and development by: [...]</i></p>	<p>Accept</p> <p>The submitter wishes to include "subdivision" within Policy 15 to be consistent with Policy 15 [Natural features and natural landscapes] of the <i>New Zealand Coastal Policy Statement</i>. The Hearing Panel notes that subdivision falls outside the statutory functions of regional councils and is instead the responsibility of district and unitary councils pursuant to Section 31 of the RMA. However, for the purpose of integrated management, the Hearing Panel recommends amending Policy 15 to include reference to subdivision. This relief is similar in kind to other reliefs sought by the submitter whereby Objective 11 [Cultural and historic heritage] has been amended to reference subdivision.</p> <p>A new definition for "subdivision" is also recommended.</p>
40 – Te Rūnanga o Ngāti Mutunga	392	<p>Amend</p> <p>Submitter wishes to see a greater level of protection within Policy 15(b) of the Plan by removing the word "significant" to read:</p> <p><i>Protect historic heritage in the coastal environment from inappropriate use and development by: [...]</i></p> <p><i>(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects on the [...]</i></p>	<p>Decline</p> <p>The level of protection that Policy 15(b) provides sites of significance to Māori is considered appropriate by Hearing Panel. Policy 15(b) represents a high level of protection but does allow activities that have less than minor adverse effects and/or where the effects maybe transitory. Granting the relief sought by the submitter by deleting the term "significant" would make the Policy unnecessarily broad and prohibitive.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	Of note, the relief sought by the submitter would also have the perverse outcome of derogating from the relationship of tangata whenua culture, values and traditions with the coastal environment. For example, sites of significance to Māori identified in Schedule 5B of the Plan include a large number of kaimoana sites. Granting the relief sought, where all effects must be avoided, would potentially preclude/restrict customary activities (such as harvesting).
41 – Te Korowai o Ngāruahine Trust	393	Amend Submitter seeks amendment to Policy 15(d) of the Plan to specifically recognise the role of kaitiaki and mātauranga supplied by tangata whenua/mana whenua and their experts.	Grant in kind The Hearing Panel does not recommend granting the relief as proposed by the submitter. The Hearing Panel notes that Policy 15 sets out a framework for the tiered protection of historic heritage. Policy 15(d) already referring to the outcomes of consultation with relevant bodies or individuals, including local iwi and hapū. Amending the Policy to include an amended Clause, focusing on the roles of one organisations or stakeholder group (while remaining silent on other relevant organisations and groups) is not considered appropriate or necessary. Rather than making changes to Policy 15, the Hearing Panel recommends an alternative relief that may partially give effect to the submitter's wish for the role of tangata whenua as kaitiaki to be recognised. The Hearing Panel recommends minor amendment to Policy 16 to explicitly recognise for the role of tangata whenua as kaitiaki across all aspects of managing use, development and protection in the coastal environment (rather than just historic heritage). The Hearing Panel notes that all General Policies (and relevant Activity-specific Policies) must be read together. The Hearing Panel further recommends other consequential changes to the methods of the Plan that incorporate the concept of mātauranga Māori based methods or cultural indicators into resource consent conditions.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
45 – Powerco	394	Support Retain Policy 15 of the Plan as notified.	Accept Support noted. Policy 15 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	395	Support Retain Policy 15 of the Plan as notified.	Accept Support noted. Policy 15 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
57 – Heritage new Zealand	396	Support Retain Policy 15 of the Plan as notified.	Accept Support noted. Policy 15 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
58 – Te Atiawa	397	Amend Submitter seeks amendment to Policy 15(b) of the Plan to read: <i>Protect historic heritage in the coastal environment from inappropriate use and development by: [...]</i> [...] <i>(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects on the associated values with sites of significance to Māori identified in Schedules 5A.</i>	Decline The Hearing Panel recommends declining the relief sought. The relief sought would potentially restrict all activities in or near Māori sites of significant, even if such activities would only have minor or transitional effects. See above response to Te Rūnanga o Ngāti Mutunga for additional details and considerations (submission point 392).
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	398	Amend Submitter seeks amendment to Policy 15(d) of the Plan to include a new Clause (x) that reads: <i>Protect historic heritage in the coastal environment from inappropriate use and development by:</i> [...] <i>(d) when assessing adverse effects on historic heritage, giving regard to the extent of effects, including consideration of:</i> [...] <i><u>(x) evidence supplied by tangata whenua including that of kaumatua and pukenga.</u></i>	No relief necessary The Hearing Panel further notes that Policy 15(d)(viii) and (ix) already refer to assessments of adverse effects on historic heritage taking into consideration any investigations and documentation of the site and the outcome of consultation with iwi and hapū, which could include evidence supplied by kaumatua and pukenga. Amending the Policy to include a new Clause, focusing on one potential source of information, is not considered necessary. At the hearing, the submitter noted concern for sites not scheduled in the Plan and considers that Policy 15(d) and (e) do not provide sufficient protections for unscheduled sites. The Hearing Panel recognises the concern of the submitter, but notes Council's efforts to identify all known sites of significance in the Plan's schedules. Inevitably over the life of the Plan new sites may be identified. These 'new' sites may be included in the schedules through a plan change. In the interim, Policy 15(c) and (d) will apply.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	399	Amend Submitter seeks amendment to Policy 15 of the Plan to read: <i>Policy 15: <u>Cultural and</u> Historic heritage</i>	Decline The Hearing Panel does not consider it necessary or appropriate to include reference to "cultural" alongside "Historic heritage". Historic heritage has a broad definition

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>Protect <u>cultural and</u> historic heritage in the coastal environment from inappropriate use and development by:</p> <p>(a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and <u>cultural and</u> historic areas identified in Schedule 5A <u>and GIS map layer #</u>;</p> <p>(b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with <u>cultural heritage</u> sites of significance to Māori identified in Schedules 5A and 5B <u>and GIS map layer #</u>;</p> <p>(c) avoiding, remedying or mitigating adverse effects on the values associated with all other <u>cultural and</u> historic heritage sites, including those identified in Schedule 5 <u>and GIS map layer #</u> and those identified by New Zealand Archaeological Association's ArchSite (Archaeological Site Recording Scheme) <u>and tangata whenua</u>;</p> <p>(d) when assessing adverse effects on <u>cultural and</u> historic heritage, giving regard to the extent of effects, including consideration of:</p> <p>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;</p> <p>ii. the degree to which <u>cultural and</u> historic heritage values will be lost, damaged, destroyed, or enhanced;</p> <p>iii. the nature, location, extent, design and appearance of the proposed development and the effects of these factors on <u>cultural and</u> historic heritage values;</p> <p><u>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</u>;</p> <p>v. the classification given to the <u>cultural and</u> historic heritage, as set out in Schedule 5A and the reasons for which it has been scheduled;</p> <p>vi. the extent to which the <u>cultural and</u> historic heritage has been damaged by natural events, weather, or environmental factors and any subsequent risk to public safety;</p> <p><u>vii. spatial planning considerations which involves (but not limited to) neighbouring rural nature, landscape, cultural history values and development-</u></p>	<p>under Section 2 of the RMA and includes reference to cultural qualities as well as sites of significance to Māori. Section 2 definition of "historic heritage" reads as follows:</p> <p>"...historic heritage means:</p> <p>(a) those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</p> <p>(i) archaeological,</p> <p>(ii) architectural,</p> <p>(iii) cultural,</p> <p>(iv) historic,</p> <p>(v) scientific,</p> <p>(vi) technological, and</p> <p>(b) includes—</p> <p>(i) historic sites, structures, places, and areas; and</p> <p>(ii) archaeological sites, and</p> <p>(iii) sites of significance to Māori, including wāhi tapu, and</p> <p>(iv) surroundings associated with the natural and physical resources."</p> <p>The Hearing Panel also have concerns that these and other amendments would reduce certainty in the application of Plan provisions including rules. It is currently quite clear what is meant by the term historic heritage and that it includes sites of significance to Māori and cultural aspects. That is not the case with the term "cultural heritage", which potentially has a much broader meaning in the context of this policy.</p> <p>Notwithstanding the above, the Hearing Panel has recommended changes elsewhere in the Plan to strengthen references to cultural heritage. This included expanding the scope of Objective 11 to refer to cultural heritage, the inclusion of a new policy (and schedule) addressing taonga species, and new standards, terms and conditions addressing the protection of taonga species and sites of significance.</p> <p>Other suggested changes by the submitter include referencing the GIS map layer. This was considered unnecessary as the schedule includes all appropriate map links and referencing tangata whenua in Policy 15 (c) was considered unnecessary as</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>related interests; identification of conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance;</u></p> <p>viii the importance (if any) of land surrounding the <u>cultural and</u> historic heritage;</p> <p>ix. the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements;</p> <p>x. any investigation and documentation of the site to provide a historical record; and</p> <p>xi. the outcome of any consultation <u>including written approvals</u> with any relevant body or individual, such as Heritage New Zealand Pohere Taonga, the Department of Conservation, or local iwi and/or hapū; [...]</p>	<p>such matters are more appropriately addressed in (b) which provides a higher level of protection.</p> <p>The submitter also sought reliefs that rely on a cultural zone. The submitter does not identify how or what would be considered a cultural zone or how such zones would be identified.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose (cultural zone)	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Te Atiawa (58)		Oppose	
Policy 16 – Relationship of tangata whenua			
6 – Trans-Tasman Resources Ltd	400	<p>Amend</p> <p>Submitter seeks amendment to Policy 16(i) and (j) of the Plan to read:</p> <p><i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</i></p> <p>[...]</p> <p>(i) requiring that resource consent applications or plan change applications assess provide <u>cultural and/or historic heritage/archaeological impacts assessments and/or archaeological assessments</u> where <u>relevant appropriate</u>; and</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>In relation to amending Clause (i), the Hearing Panel suggests that the current wording is appropriate in that it notes that cultural impact assessments will be provided where appropriate. What is appropriate will depend upon individual circumstances and the wider context. Such matters are routinely canvassed and effectively addressed as part of any consenting process. The Hearing Panel notes that the Policy does not require cultural impact assessments to be provided in <u>all</u> circumstances (which is the matter of concern to the submitter). The suggested amendments to Policy 16(1), as supplied by the submitter, were not considered appropriate as it is not the duty of the applicant to assess – only tangata whenua can do this and the policy is about tangata whenua rather than wider historic heritage matters.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		(j) involving taking into account any views of tangata whenua in the development of any relevant proposed consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.	Similarly, in relation to amending Clause (j) the Hearing Panel notes that the Policy is seeking to involve tangata whenua in resource management processes where it is appropriate. Providing tangata whenua with opportunities to actively participate in resource management processes requires more than this Council just taking into account their views. Again the Hearing Panel suggests that the current wording is appropriate in that it requires tangata whenua involvement, where appropriate.
Further submissions – Federated Farmers (2)		Support in part	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
15 – Surfbreak Protection Society	401	Support	Accept
		Retain Policy 16 of the Plan as notified.	Support noted. Policy 16 is retained subject to minor amendments as requested by other submitter that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
19 – South Taranaki District Council	402	Support	Accept in part
		Retain Policy 16 of the Plan as notified.	Support noted. Policy 16 is retained subject to minor amendments as requested by other submitter that do not change the policy intent.
40 – Te Rūnanga o Ngāti Mutunga	403	Amend	Accept in part
		Submitter seeks amendment to Policy 16 of the Plan to read: <i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</i> (a) <i>taking into account any relevant iwi planning documents and consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi/hapū resource management plans:</i> [...]	The submitter seeks a number of amendments to Policy 16 relating to iwi/hapū involvement in the resource management process. The Hearing Panel notes that many of the requests are actually methods and are already provided for in other, more appropriate, areas of the Plan and do not require repeating within this Policy. For example, the relief sought in (a) is a method that is already provided for in Section 5 [Methods of implementation] of the Plan, and more specifically Methods 22 and 26, which refers to the Council actively supporting and assisting in surveys, research and investigations and technical advice and support for preparing iwi planning documents. Notwithstanding the above, the Hearing Panel recommends amending Policy 16 to further strengthen tangata whenua involvement in RMA processes under the Plan,

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(k) the Council ensures the active involvement of the appropriate iwi/hapū in management of the coastal environment when activities may affect their interests and values;</u></p> <p><u>(l) provide for opportunities for iwi/hapū to exercise kaitiakitanga over waters, forest, lands and fisheries in the coastal environment through such measures as:</u></p> <p><u>(i) bringing cultural understanding to monitoring of natural resources</u></p> <p><u>(ii) providing appropriate methods for the management, maintenance and protecting of the Taonga of tangata whenua</u></p> <p><u>(iii) having regards to regulations, rules or bylaws relating to ensuring sustainability of fishing resources such as taiapure, mahinga mataitai or other non-commercial Māori customary fishing</u></p> <p><u>(m) where proposals are likely to have an adverse effect on the mauri of the coastal environment, the Council shall consider imposition of consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u></p>	<p>including a new Clause (k) (plus other consequential changes sought by other submitters) that reads as follows:</p> <p>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, <u>including the role of tangata whenua as kaitiaki</u>, and take into account the principles of the Treaty of Waitangi.</p> <p>The Taranaki Regional Council will provide opportunities for <u>working in partnership with</u> tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</p> <p>[...]</p> <p><u>(k) considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u></p> <p>The Hearing Panel further recommends amending the Plan to include a new Policy and Schedule addressing the protection of taonga species plus amendments to Implementation Methods.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	404	<p>Amend</p> <p>Submitter supports the inclusion of Policy 16 of the Plan but seeks amendments to read:</p> <p><i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</i></p> <p><u>(a) taking into account any relevant iwi planning documents, including but not limited to Environmental Plans, Management Plans, Kaitiaki Plans and Marine Spatial Plans;</u></p>	<p>Accept in part</p> <p>The submitter seeks a number of amendments to Policy 16 relating to iwi/hapū involvement in the resource management process.</p> <p>The Hearing Panel recommends granting in part most of the requests sought in relation to Policy 16, with some rewording to provide internal consistency with other areas of the Plan, to further strengthen tangata whenua involvement in RMA processes under the Plan. The Hearing Panel further recommends amending the Plan to include a new Policy and Schedule addressing the protection of taonga species plus amendments to Implementation Methods.</p> <p>The revised Policy 16 would read as follows:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>[...]</p> <p>(d) responding to requests for taking into account Mana Whakahono a Rohe that provide agreements about how to enhance the opportunities for collaboration with iwi may contribute to resource management practices;</p> <p>[...]</p> <p>(g) providing for the appointment of a person(s)...</p> <p>(h) providing for the inclusion of and recognising the importance of mātauranga [...]</p> <p>(i) requiring that resource consent applications or plan change applications provide cultural impact assessment and/or archaeological assessments where deemed appropriate and/or necessary by iwi;</p> <p>[...]</p> <p>(k) providing for and responding to the considerations of tino rangatiratanga, kaitiakitanga, tikanga, customary values and practices, wāhi tapu and taonga tapu species in matters of significance and relevance to tangata whenua;</p> <p>(l) development of cultural monitoring practices and expertise;</p> <p>(m) actively protecting sites of significance, wāhi tapu and taonga tapu.</p>	<p>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, <u>including the role of tangata whenua as kaitiaki</u>, and take into account the principles of the Treaty of Waitangi.</p> <p>The Taranaki Regional Council will provide opportunities for <u>working in partnership with</u> tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</p> <p>(a) taking into account any relevant iwi planning document, <u>including but not limited to environmental plans, management plans, kaitiaki plans and marine spatial plans recognised by an iwi authority;</u></p> <p>(b) taking into account any relevant memorandum of understanding <u>or kaitiaki agreement with</u> the iwi authorities;</p> <p>(c) implementing 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;</p> <p>(d) <u>give effect to</u> Mana Whakahono a Rohe that provide agreements about how iwi <u>may contribute to resource management processes;</u></p> <p>(e) providing for tikanga Māori and interpretation services for the use of Māori language in presenting evidence;</p> <p>(f) providing for marae-based pre-hearing meetings and hearings where appropriate;</p> <p>(g) providing for the appointment of a person(s) with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua, <u>in consultation with the relevant iwi authority;</u></p> <p>(h) recognising the importance of mātauranga Māori, customary, traditional and intergenerational knowledge;</p> <p>(i) requiring that resource consent applications or plan change applications provide cultural impact assessments and/or archaeological assessments where appropriate;</p> <p>(j) <u>taking into account any views of tangata whenua on any relevant proposed consent conditions, compliance monitoring plans and/or enforcement procedures; and</u></p> <p><u>(k) considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u></p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose (Clause (i))	
Further submissions – Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
48 – Taranaki District Health Board	405	<p>Amend</p> <p>The submitter would like to enhance the partnership with tangata whenua whilst acknowledging holistic views of the environment. Submitter seeks amendments to Policy 16 of the Plan to read:</p> <p><i>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for <u>working in partnership with</u> tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</i></p> <p><i>(a) <u>encouraging taking into account</u> the use of relevant iwi planning document [...]</i></p>	<p>Accept in part</p> <p>The Hearing Panel recommends amending Policy 16 to include reference to “working in partnership with tangata whenua”.</p> <p>However, the Hearing Panel recommends declining the requested amendment for “encouraging” to replace “taking into account”. “Taking into account” will require the Council to be aware of the relevant iwi planning document and to take into consideration the planning provisions included. However, the Hearing Panel does not believe it is the role of Council to “encourage” the use of iwi planning documents. Indeed there might be occasion when iwi management provisions (which have not gone through a RMA or public plan process) are inconsistent with Coastal Plan provisions and might be inappropriate to encourage their use/application.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
57 – Heritage New Zealand	406	<p>Amend</p> <p>Submitter seeks amendment to Policy 16(b) of the Plan to read:</p> <p><i>(b) Taking into account any relevant memorandum of understanding <u>or kaitiaki agreement with between the Taranaki Regional Council and the</u> iwi authorities;</i></p> <p>OR</p> <p>Alternatively, amend Policy 13(a)(ii) to reference kaitiaki agreements.</p>	<p>Accept</p> <p>The submitter wishes to amend Policy 16(b) to include reference to kaitiakitanga agreements. The Hearing Panel recommends granting the relief sought by stating that the Council will take into account any kaitiakitanga agreements alongside any memorandum of understanding agreements.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
58 – Te Atiawa	407	<p>Amend</p> <p>The submitter wishes to adapt the wording of Policy 16 to better reflect their view on the Council's legal obligation to consult and involve Māori in decision making. The submitter seeks amendment to Policy 16 of the Plan to read:</p> <p><i>Recognise and provide for the relationship of tangata whenua cultural, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in the resource</i></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought on the basis that they believe the Plan provisions do give effect to Council's statutory obligations to consult and involve Māori in resource management. The Hearing Panel notes that active participation in resource management is not necessarily the same thing as decision-making. Clauses (a) to (k) provide a suite of mechanisms for providing and enhancing tangata whenua involvement in RMA processes. Some of them such as (g) [Māori representation on Council committees] have a decision making component. However,</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		management process, <u>including decision-making</u> , where decisions are being made on issues of significance to tangata whenua by:	most relate to mechanisms for enabling or promoting tangata whenua involvement and input into different planning, consenting and implementation processes. Ultimately, Council is responsible under the RMA for local decisions relating to its section 30 RMA functions.
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	408	Amend	Decline
		Submitter seeks amendment to Policy 16(a) of the Plan to read: (a) taking into account any relevant iwi planning documents <u>and consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi/hapū resource management plans. [...]</u>	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
58 – Te Atiawa	409	Amend	Accept in part
		Submitter seeks amendment to Policy 16 of the Plan by adding a new Clause (k) and (l) to read: <u>(k) provide for review conditions on coastal permits where necessary to address unforeseen adverse effects on sites of significance to Māori as in Schedule 5 which may arise from the exercise of the consent;</u> <u>(l) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters and fisheries in the coastal environment through such measures as:</u> <u>(i) bringing cultural understanding to monitoring of natural resources; and</u> <u>(ii) providing appropriate methods for the management, maintenance and protection of the taonga and tangata whenua; and</u> <u>(iii) having regards to regulations, rules or bylaws relating to ensuring sustainability of fishing resources such as taiapure, mahinga mataitai or other non-commercial Māori customary fishing.</u>	
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose (Clause (k))	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	<u>(k) considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
60 - Te Kaahui o Rauru	410	Amend Submitter seeks amendment to Policy 16(g) of the Plan to include the right of local iwi/hapū to choose said person of expertise, as long as there has been no illustrated conflict of interest.	Grant in kind Policy 16 (g) allows a person of tikanga Māori expertise the ability to be heard in any hearing committee if a resource consent application raises significant issues for tangata whenua. The Hearing Panel considers that consultation with iwi authorities when providing for the appointment of the person of expertise is necessary and appropriate and recommends Policy 16(g) be amended to read: <i>(g) providing for the appointment of a person(s) with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua, <u>in consultation with the relevant iwi authority;</u></i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
60 - Te Kaahui o Rauru	411	Amend Submitter seeks amendment to Policy 16(h) of the Plan to read: <i>(h) recognising <u>and providing for</u> the importance of matauranga maaori, customary, traditional and intergenerational knowledge [...]</i>	Grant in kind The Hearing Panel recommends an alternative relief to that sought by the submitter but which better recognises and provides for mātauranga Māori. The Hearing Panel recommends, in response to this and other submitter requests, the inclusion of a new clause that further strengthens consideration of mātauranga Māori that reads: <i><u>(k) considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u></i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	412	Amend Submitter seeks amendment to Policy 16 of the Plan to clearly articulate tangata whenua participation and to list existing formal relationships between tangata whenua and councils (include reference to any 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. The recommended amendments to Policy 16 read as follows: <i>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 <u>provide</u></i>	Accept in part The Hearing Panel notes consequential changes to Policy 16 that accept in part the relief sought by submitter. Hearing Panel do not believe it is appropriate or necessary to list formal agreements and consultative processes with iwi in a Policy. Such matters are operational detail rather than policy considerations and are already recognised and provided for in the Plan methods of Implementation. For example, Method 11 already refers to the consideration of section 33 transfer of powers, Method 30 refers to memoranda of understandings, and Method 31 refers to tangata whenua representation on Council's standing committees. The methods are deliberately high level. Specifying or listing particular agreements would inevitably lead to details in the Plan becoming out dated as new or amended agreements are reached and recognising iwi interest in

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>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:</p> <p>[...]</p> <p>(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;</p> <p>(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;</p> <p>[...]</p> <p>(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;</p> <p>(j) recognise the matters/values identified and proposed for protection by mana whenua in the cultural impact assessment; [...]</p>	<p>developing and reaching agreement on Mana a Whakahono a Rohe provisions of the RMA.</p> <p>Notwithstanding the above, amendments are proposed in Policy 16 to accommodate some of the amendments sought by this and other submitters. The changes proposed will strengthen mechanisms for recognising and providing for tangata whenua involvement in RMA processes under the Plan.</p> <p>The revised Policy would read as follows:</p> <p>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, <u>including the role of tangata whenua as kaitiaki</u>, and take into account the principles of the Treaty of Waitangi.</p> <p>The Taranaki Regional Council will provide opportunities for <u>working in partnership with</u> tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</p> <p>(a) taking into account any relevant iwi planning document, <u>including but not limited to environmental plans, management plans, kaitiaki plans and marine spatial plans recognised by an iwi authority;</u></p> <p>(b) taking into account any relevant memorandum of understanding <u>or kaitiaki agreement with</u> the iwi authorities;</p> <p>(c) implementing 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;</p> <p>(d) <u>give effect to</u> Mana Whakahono a Rohe <u>that provide agreements about how iwi may contribute to resource management processes;</u></p> <p>(e) providing for tikanga Māori and interpretation services for the use of Māori language in presenting evidence;</p> <p>(f) providing for marae-based pre-hearing meetings and hearings where appropriate;</p> <p>(g) providing for the appointment of a person(s) with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua, <u>in consultation with the relevant iwi authorities;</u></p> <p>(h) recognising the importance of mātauranga Māori, customary, traditional and intergenerational knowledge;</p> <p>(i) requiring that resource consent applications or plan change applications <u>assess</u> cultural <u>and/or historic heritage</u> impacts <u>s assessments</u> where <u>relevant;</u></p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			(j) <u>taking into account any views of tangata whenua on any relevant proposed consent conditions, compliance monitoring plans and/or enforcement procedures; and</u> (k) <u>considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment.</u>
NEW Policy 16A – Relationship of tangata whenua			
28 – Grant Knuckey	413	Amend Submitter seeks amendment to the Plan to include policies for the Taranaki Regional Council to partner with mana whenua to maintain and enhance coastal values in the coastal marine area, including the establishment of ecological bottom lines or agreed targets for maintaining the natural character, biodiversity and cultural resources of the coastal marine area and whenua.	Accept in part No precise details of amendments sought to the Plan have been provided but the submitter is seeking the inclusion of additional policies. The Hearing Panel notes that, in response to a number of submitters, consequential amendments have been made to Policy 16 that may partially give effect to the relief sought by the submitter. The submitter also refers to the setting of ecological bottom lines or agreed targets for maintaining the natural character, biodiversity and cultural resources of the coastal marine area and whenua. Hearing Panel note that all General Policies (and relevant Activity-specific Policies must be read together). These policies already address values associated with natural character, indigenous biodiversity, and historic heritage, which includes sites of significance to Māori. In response to submissions, the Hearing Panel further recommends amending the Plan to include a new Policy 14A and B that addresses the protection of biodiversity generally plus taonga species.
Policy 17 – Public access			
2 – Federated Farmers	414	Amend Submitter seeks that Policy 17 of the Plan be amended to read: <i>Maintain and <u>as far as practical</u> enhance <u>where a demand exists</u>, public access to, along and adjacent to the coastal environment <u>marine area</u>, <u>while minimising conflict with other land users</u> by:</i> (a) avoiding, remedying or mitigating any adverse effects of activities on public access;	Accept in part The Hearing Panel recommends granting the relief sought by the submitter, in part. In particular, the Hearing Panel agrees that Policy 17 be amended to align with Policy 19(2) of the <i>New Zealand Coastal Policy Statement</i> which refers to the “coastal marine area” (rather than coastal environment). The amendments do not change the policy intent of the Policy as it still quite clearly applies to the landward parts of the coastal environment adjacent to the coastal marine area.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(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</p> <p>(c) only imposing a restriction on public access, including vehicles, where such a restriction is necessary to:</p> <p>(i) protect significant natural or historic heritage values;</p> <p>(ii) protect dunes, estuaries and other sensitive natural areas or habitats;</p> <p>(iii) protect sites and activities of cultural value to Māori;</p> <p>(iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;</p> <p>(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;</p> <p>(vi) provide for defence purposes in accordance with the Defence Act 1990 or port or airport purposes;</p> <p>(vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;</p> <p>(viii) provide for temporary activities or special events;</p> <p>(ix) ensure a level of security consistent with the activity, including protection of equipment; or</p> <p><u>(x) to maintain a level of security for lawfully established activities, users and management of areas within or adjacent to the coastal marine areas;</u></p> <p><u>(xi) where the coastal marine area is in private ownership; or</u></p> <p>(xii) provide for other exceptional circumstances where restriction to public access is justifiable;</p> <p>and alternative access routes for the public have been considered and provided where practicable.</p> <p><u>Public access over private land remains at the discretion of the landowner.</u></p>	<p>However, the submitter has also sought other changes to address their concerns on conflict between coastal public access and private ownership. Some of these changes were considered unnecessary in that public access over private land is subject to other legislation, are already adequately addressed within the Policy, and/or are not decision making considerations.</p> <p>Recommended changes to the Policy in response to this submission (and other submitters) are as follows:</p> <p><u>Maintain and enhance public access to, along and adjacent to the coastal marine area by: [...]</u></p> <p>(b) promoting the enhancement or restoration of public access, <u>where demand exists</u>, including for the connection of areas of public open space, improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and</p> <p>(c) imposing a restriction on public access, including vehicles, where such a restriction is necessary to: [...]</p> <p>(ix) ensure a level of security <u>for lawfully established activities</u> consistent with the activity, including protection of equipment; [...]</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Taranaki Energy Watch (51)		Oppose in part	
5 – Point Board Riders	415	Support Submitter supports policy promoting the enhancement or restoration of public access in the circumstances listed in Policy 17(b) of the Plan.	Accept Support noted. Policy 17(b) is retained subject to minor amendments as requested by other submitter that does not change the policy intent.
6 – Trans-Tasman Resources Ltd	416	Support Submitter supports recognition in Policy 17(c)(vii) and (ix) of the Plan that in some circumstances there may be a need to restrict access to parts of the coastal environment.	Accept Support noted. Policy 17(c)(viii) and (ix) is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
15 – Surfbreak Protection Society	417	Support Submitter supports policy promoting the enhancement or restoration of public access in the circumstances listed in Policy 17(b) of the Plan.	Accept Support noted. Policy 17(b) is retained subject to minor amendments as requested by other submitter that does not change the policy intent.
20 – Meridian Energy Ltd	418	Amend Submitter seeks amendment to Policy 17 of the Plan to read: <i>Maintain and enhance public access to, along and adjacent to the coastal environment marine area by: [...]</i>	Accept The Hearing Panel recommend granting the relief sought by the submitter.
20 – Meridian Energy Ltd	419	Amend Submitter seeks amendment to Policy 17(c)(vii) of the Plan to clarify what sort of conflict it seeks to avoid or reduce between public uses of the coastal marine area and its margins. It is their view that the intention of the clause has not been clarified sufficiently.	Decline No precise details of amendments sought to the Policy 17(c)(vii) to address the submitter's concerns have been provided. However, the Hearing Panel notes that the Oxford Dictionary defines “ <i>conflict</i> ” as a serious disagreement or argument, typically a protracted one. What constitutes a conflict is likely to be determined on a case-by-case basis and depends upon a wider context. The Hearing Panel therefore does not believe it is necessary to specify or list what constitutes conflict in the Policy and indeed there would be risks in doing so. Any referencing of specific conflicts is unlikely to cover all situations and circumstances. Potentially some conflicts could be unnecessarily identified and others not listed. Of

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			note, the language is consistent with Policy 19(3)(f) of the <i>New Zealand Coastal Policy Statement</i> .
22 – Lyndon DeVantier	420	Amend Submitter support aspirations in Policy 17 of the Plan but opposed to Policy 17(c)(viii) providing for restrictions on public access necessary to provide for temporary activities or special events.	Decline Of note, the language in Policy 17(c)(viii) of the Plan is consistent with Policy 19(3)(f) of the <i>New Zealand Coastal Policy Statement</i> , which the Council must give effect to.
33 - New Zealand Defence Force	421	Support Retain Policy 17 of the Plan as notified, particularly clause (c)(vi).	Accept Support noted. Policy 17(c)(vi) is retained as currently notified.
35 – Radio New Zealand Ltd	422	Support Retain Policy 17 of the Plan as notified.	Accept Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
40 – Te Rūnanga o Ngāti Mutunga	423	Amend Submitter does not support the promotion of public access to all of the iwi's sites of significance as detailed in Schedule 5B and requests to amend Policy 17(b) of the Plan to read: <i>Maintain and enhance public access to, along and adjacent to the coastal environment-by:</i> [...] <i>(b) promoting the enhancement or restoration of public access including for the connection of public open space, access to mahinga kai, access to sites of historical and/or cultural importance improving outdoor recreation [...]</i>	Accept The Hearing Panel agrees that it may be inappropriate and unnecessary to promote public access to sites of significance to Māori and recommends granting the relief sought by the submitter (i.e. by deleting reference to access to mahinga kai, and sites of historical and/or cultural importance in Policy 17(b)).
41 – Te Korowai o Ngāruahine Trust	424	Amend Submitter notes concerns regarding public access to sites of significance to Māori and seeks amendment to Policy 17 of the Plan so as to not enhance public access to the coastal environment where that activity comprises the sites of significance (Schedule 5A and B) and where that access would adversely affect indigenous biodiversity, wāhi tapu and wāhi taonga.	Accept The Hearing Panel agrees and recommends amending Policy 17(b) to remove reference to mahinga kai and sites of historical and/or cultural importance. In line with relief requested by this and other submitters, Policy 17(b) would read as follows: <i>(b) promoting the enhancement or restoration of public access including for the connection of public open space, improving outdoor recreation [...]</i>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58),		Support	The other concerns addressed by the submitter are already recognised and provided for in Policy 18(c), which identifies instances for which public access may be restricted. Clause (c)(i) identifies significant natural or historic heritage values, (iii)

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Te Rūnanga o Ngāti Ruanui Trust (61)			identifies sites and activities of cultural value to Māori, and (iv) identifies indigenous species and eco system types identified in Schedule 4A.
42 – Ngati Rahiri Hapū	425	Amend Submitter notes concerns regarding public access to sites of significance to Māori and seeks amendment to Policy 17(b) of the Plan to protect cultural sites from public access.	Accept The Hearing Panel agrees and recommends amending Policy 17(b) to remove reference to mahinga kai and sites of historical and/or cultural importance. In line with relief requested by this and other submitters, Policy 17(b) would read as follows: <i>(b) promoting the enhancement or restoration of public access including for the connection of public open space improving outdoor recreation [...]</i>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
45 – Powerco	426	Support Retain Policy 17 of the Plan as notified.	Accept Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	427	Support Retain Policy 17 of the Plan as notified.	Accept Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
47 – Fonterra	428	Support Retain Policy 17 of the Plan as notified.	Accept Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
48 – Taranaki District Health Board	429	Support Retain Policy 17 of the Plan as notified.	Accept Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
52 – Emily Bailey	430	Amend Submitter seeks amendment to Policy 17(c) of the Plan to restrict public access to cultural sites and privately owned land.	Accept The Hearing Panel agrees with the submitter that restrictions on public access may be inappropriate in relation to cultural sites and privately owned land. However, it is the view of Hearing Panel that these concerns are already recognised and provided for in the Policy. In particular, Policy 17(c)(iii) addresses restrictions to protect sites and activities of cultural value to Māori. However, to address the submitter's concerns, the Hearing Panel recommends amending Policy 17(b) to remove
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>reference to promoting access to mahinga kai sites and sites of historical and/or cultural importance.</p> <p>Issues associated with public access on privately owned land are more appropriately addressed under other legislation and other plans and do not fall within the jurisdiction of this Council. Notwithstanding that, the issue of public access conflicting with private interests is implicitly covered by Clause (c)(ix) which is recommended to be amended to read:</p> <p>(ix) ensure a level of security <i>for lawfully established activities</i> consistent with the activity, including protection of equipment;</p>
58 – Te Atiawa	431	<p>Support</p> <p>Submitter notes concerns regarding public access to sites of significance to Māori and seeks to amend Policy 17(b) of the Plan to read:</p> <p><i>Maintain and enhance public access to, along and adjacent to the coastal environment by:</i></p> <p>[...]</p> <p><i>Promoting the enhancement or restoration of public access including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, improving outdoor recreation [...]</i></p>	<p>Accept</p> <p>The Hearing Panel agrees with the submitter that promoting public access to sites of significance may not be appropriate. Accordingly, it is recommended that Policy 17(b) be amended to delete reference to mahinga kai and sites of historical and/or cultural importance. In line with relief requested by this and other submitters, Policy 17(b) would read as follows:</p> <p>(b) promoting the enhancement or restoration of public access, <i>where a demand exists</i>, including for the connection of public open space, improving outdoor recreation [...]</p>
59 – KiwiRail	432	<p>Support</p> <p>Retain Policy 17 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 17 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
Policy 18 – Amenity values			
5 – Point Board Riders Ltd	433	<p>Support</p> <p>Submitter supports Policy 18 of the Plan maintaining and enhancing significant amenity values associated with surf breaks identified in Schedule 7.</p>	<p>Accept</p> <p>The Hearing Panel notes the submitter's support for Policy 18(b).</p>
15 – Surfbreak Protection Society	434	<p>Amend</p> <p>Submitter supports in part Policy 18 of the Plan but seeks amendments to Policy 18(c) noting that the Policy only seeks to maintain and enhance significant amenity values associated with those surf breaks identified in Schedule 7. The submitter believes that the current provisions are not consistent with section 5 of</p>	<p>Decline</p> <p>The Hearing Panel notes that Schedule 7 identifies 140 surf breaks of national, regional and local significance. Identification and classification of these surf breaks was a comprehensive and collaborative exercise involving community and expert advice to identify surf breaks across Taranaki. That exercise identified 140 surf</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		the RMA. The submitter wishes to see the protections within Policy 18(c) expanded to also include local surf breaks not listed in Schedule 7.	breaks with attributes and characteristics triggering our significance criterion. The Council is unaware of any surf breaks that are not identified within Schedule 7 and would welcome any additional information that the submitter can offer. The submitter believes that the current protections provided for are not consistent with section 5 of the RMA but has not indicated how or why this view is held. The Hearing Panel has a contrary view and believe that the Council is to the forefront in surf break protection in New Zealand under the RMA.
20 – Meridian Energy	435	Amend Submitter wishes to see the reference to historic heritage deleted from Policy 18. The submitter notes that historic sites do not necessarily have any amenity values and that appropriate historic heritage matters are already covered in Policy 15 [Historic heritage]. Submitter seeks amendment to Policy 18 of the Plan to delete reference to historic heritage: <i>Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on: [...]</i> <i>(d) historic heritage sites including those identified in Schedule 5.</i>	Decline The Hearing Panel recommends declining the relief sought by the submitter seeking that reference to historic heritage in Policy 18(d) be deleted. Officer acknowledge the point made by the submitter, however, the inclusion of the term "historic heritage" was intentional noting that historic heritage is commonly associated with high amenity values. For example, the RMA definition of " <i>historic heritage</i> " includes sites of significance to Māori. As identified in Schedule 5 there are a number of historic sites and places that clearly overlap with amenity values. They include mahinga kai, mataitai, hi ika sites not counting wild or scenic values that may also be associated with these sites and places. The Hearing Panel notes that many submitters have requested expanding Policy 18(d) in order to better recognise and provide for historic heritage sites that also have amenity values.
Further submissions – Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
22 – Lyndon DeVantier	436	Support Submitter supports aspirations in Policy 18 of the Plan to maintain and enhance significant amenity values.	Accept Support noted. Policy 18 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
29 – Department of Conservation	437	Amend Submitter seeks amendment to Policy 18 of the Plan by including a new provision to read: <i>(e) other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a), (b), (c) and (d). [...]</i>	Accept The submitter wishes to broaden the coverage of Policy 18 to include other areas with significant amenity values not identified in the Schedules. The Hearing Panel recommends granting the relief sought by the submitter to include a new clause (e). The Hearing Panel notes that the suggested amendment is in accordance with Policies 6 [Activities in the coastal environment], 13 [Preservation of natural character] and 18 [Public open spaces] of the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Federated Farmers (2), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	438	Amend Submitter seeks amendment to Policy 18 of the Plan by: <ul style="list-style-type: none"> including references to Schedule 5A and B [Historic Heritage] rather than Schedule 5 including references to Schedule 4A [Significant species and ecosystems]. 	Accept in part The Hearing Panel recommends granting the relief sought by the submitter. Amenity values, as defined by the RMA, refers to any 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. Clearly indigenous biodiversity and cultural and historic heritage values may contribute to amenity values. The Hearing Panel therefore recommends amending Policy 18(d) to broaden its focus to require consideration of amenity attributes and values associated with sites scheduled in the Plan as significant for their indigenous biodiversity, taonga species and historic heritage. The revised Policy would read as follows: <i>Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on those qualities and characteristics that contribute to amenity values in: [...]</i> (d) <i>coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4C, or historic heritage identified in Schedule 5A and B and Appendix 2 [...]</i>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	439	Amend Submitter supports Policy 18 of the Plan but requests that it be amended to recognise amenity values associated with protecting indigenous biodiversity.	Accept The Hearing Panel agrees with the requested amendment to protect indigenous biodiversity. The revised Policy would read as follows: <i>Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on those qualities and characteristics that contribute to amenity values in: [...]</i> (d) <i>coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4, or historic heritage identified in Schedule 5A and B and Appendix 2 [...]</i>
Further submissions – Meridian Energy Ltd (20)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
45 – Powerco	440	Support Retain Policy 18 of the Plan as notified.	Accept Support noted. Policy 18 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
	441	Support	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd		Retain Policy 18 of the Plan as notified.	Support noted. Policy is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
47 – Fonterra	442	Support	Accept
		Retain Policy 18 of the Plan as notified.	Support noted. Policy 18 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	443	Amend	Accept
		Submitter seeks amendment to Policy 18 to refer specifically to Schedule 5A and 5B [Historic Heritage] rather than Schedule 5 and to include Schedule 4A [Significant species and ecosystems].	<p>The Hearing Panel agrees with the requested amendments to include Schedule 4A and to refer to Schedule 5 as Schedule 5A and B.</p> <p>The revised Policy would read as follows:</p> <p><i>Recognise and provide for the maintenance and enhancement of significant amenity values by avoiding, remedying or mitigating adverse effects on on those qualities and characteristics that contribute to amenity values in: [...]</i></p> <p><i>(d) coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4C, or historic heritage identified in Schedule 5A and B and Appendix 2 [...]</i></p>
61 – Te Rūnanga o Ngāti Ruanui Trust	444	Amend	Accept
		<p>Submitter seeks amendment to Policy 18 to read:</p> <p><i>Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on:</i></p> <p><i>(a) coastal areas of outstanding value identified in Schedules 1 and 2;</i></p> <p><i>[...]</i></p> <p><i>(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.</i></p>	<p>The submitter proposes amendments to Policy 18(a) and (d). The Hearing Panel notes that many other submitters have requested similar amendments and recommend granting the requested relief.</p> <p>The revised Policy would read as follows:</p> <p><i>Recognise and provide for the maintenance and enhancement of significant amenity values by avoiding, remedying or mitigating adverse effects on those qualities and characteristics that contribute to amenity values in:</i></p> <p><i>(a) coastal areas of outstanding value identified in Schedules 1 and 2; [...]</i></p> <p><i>(d) coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4C, or historic heritage identified in Schedule 5A and B and Appendix 2 [...]</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 19 – Surf breaks and Significant Surfing Area			
2 – Federated Farmers	445	<p>Amend</p> <p>Submitter seeks amendment to the Plan and associated planning maps to move the inland boundary of the Significant Surfing Area seaward to the mean high water springs or similar, to avoid potential (and probably unintended) restrictions on normal farming activities.</p>	<p>Accept</p> <p>The inland extent of the Significant Surfing Area was initially influenced by the Southern Taranaki District Council's coastal protection area with the intention of maintaining the seascape. However, the policy is primarily for the protection of surf breaks not landscape values and, therefore, after considering the implications this may have on privately owned land, the Hearing Panel recommends moving the inland extent of the Significant Surfing Area to the coastal marine area as requested.</p>
2 – Federated Farmers	446	<p>Amend</p> <p>Submitter seeks amendment to Policy 19(b) and (d) to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities in the coastal environment Coastal Marine Area by:</i></p> <p><i>(a) avoiding adverse effects on:</i></p> <p><i>(i) all nationally significant surf breaks as identified in Schedule 7; and</i></p> <p><i>(ii) all surf breaks within the designated Significant Surfing Area as identified in Schedule 7;</i></p> <p><i>(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area unless the activity is necessary for the provision of regionally important infrastructure <u>or farming activities</u>, avoidance of effects is not possible and adverse effects are remedied or mitigated;</i></p> <p><i>(c) avoiding, remedying or mitigating adverse effects on all locally significant surf breaks listed in Schedule 7;</i></p> <p><i>(d) within the Significant Surfing Area, avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on seascape, including development <u>within the Coastal Marine Area</u> which would have an adverse effect on the remote feel of the area; and</i></p> <p><i>(e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:</i></p> <p><i>(i) effects on the quality or consistency of the surf break by considering the extent to which the activity may: change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection,</i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that references to the "coastal environment" in Policy 19 (rather than "coastal marine area") is intentional. It ensures that when managing adverse effects of use and development in the coastal marine area, there is wider consideration (through Policy 19) of effects on the wider coastal environment.</p> <p>Policy 19 and its application to the coastal environment promotes the integrated management of the wider area across environmental domains and local authority jurisdictional boundaries. This is consistent with Policy 4 of the <i>New Zealand Coastal Policy Statement</i> and contributes to meeting Objective 1 [Integrated management] of the Plan.</p> <p>Provisions for (b) is limited to regionally important infrastructure and the Hearing Panel does not recommend that it should extend to include farming activities. However, the Hearing Panel notes that the application of the Policy is through rules which pertain to activities in the coastal marine area. As such, land based farming activities are highly unlikely to create the types of effects outlined in (e).</p> <p>Clause (d) relates to development within the Significant Surfing Area. However, the Hearing Panel does not believe it is necessary or appropriate to refer to the coastal marine area and suggest that farming activities are not particularly affected by this Policy. Notwithstanding that, the Hearing Panel suggests some of the submitter's concerns may be partially addressed by granting relief sought by other submitters whereby the landward extent of the Significant Surfing Area is amended to be the mean high water springs.</p> <p>Within Clause (e)(ii), the Hearing Panel recommends granting the relief in part by removing reference to "access to". Access to surf breaks is but one of many important consideration for managing adverse effects and it is suggested that this</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and</i></p> <p><i>(ii) the effects on access to surf breaks and other qualities of surf breaks, including natural character, water quality and amenity values.</i></p>	<p>clause focus more broadly on other qualities of surf breaks. The revised Clause would read as follows:</p> <p><i>(ii) effects on other qualities and characteristics that contribute to use and enjoyment of surf breaks.</i></p>
Further submissions – Powerco (45)		Support in part	
5 – Point Board Riders	447	<p>Support</p> <p>Retain Policy 19 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 19 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
15 – Surfbreak Protection Society	448	<p>Amend</p> <p>The submitter supports, in part, Policy 19 but seeks amendments to address concerns that Policy 19(b) only requires, in relation to activities necessary for the provision of Regional Important Infrastructure, that adverse effects that cannot be avoided, to be remedied or mitigated.</p> <p>Also have concerns that Policy 19(c) only seeks to avoid, remedy or mitigate adverse effects on locally significant surf breaks identified in Schedule 7.</p>	<p>Accept in part</p> <p>The Hearing Panel recommend granting the relief sought by the submitter in part. In relation to the submitter's concerns relating to Policy 19(b), and as a response to requests sought by other submitters (refer submission points 451 and 1355), the Hearing Panel recommends amending Policy 19(b) to delete reference that adverse effects associated with Regionally Important Infrastructure (that cannot be avoided) only need to be remedied or mitigated. These consequential changes related to the inclusion of a new policy addressing the national grid and the re-designation of the Breakwater surf break from regionally significant to locally significant in Schedule 7A and associated planning maps that makes the current wording of the clause redundant.</p> <p>The Hearing Panel also notes the submitter's concerns that Policy 19(c) only seeks to avoid, remedy or mitigate adverse effects on locally significant surf breaks identified in Schedule 7. However, this is considered appropriate and reflects the hierarchical protection inherent in the the Policy based upon the relative national, regional and local values of Taranaki surf breaks.</p>
19 – South Taranaki District Council	449	<p>Amend</p> <p>Submitter seeks amendment to Policy 19 to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities toby:</i></p> <p><i>(a) avoid, <u>remedy or mitigate</u> significant adverse effects on: [...]</i></p> <p>OR</p>	<p>Accept</p> <p>The submitter notes that the Council is wishing to provide a higher level of protection for a higher number of surf breaks than required by the <i>New Zealand Coastal Policy Statement</i>. The submitter suggests that under Policy 19 it would be very difficult for any activity that gives rise to any adverse effects on amenity or natural character to</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		remove reference to "natural character" and "amenity values" from Policy 19(e)(ii).	find support because the Policy does not refer to an acceptable level of effects or provide for effects to be remedied or mitigated.
Further submissions – Powerco (45)		Support in part	The Hearing Panel notes the concerns of the submitter and recommend granting the relief sought by the submitter by amending Policy 19(e)(ii) to delete reference to "natural character" and "amenity values".
22 – Lyndon DeVantier	450	Other	No relief necessary
		Submitter supports aspirations in Policy 19 but raises concerns relating to impacts arising from the Significant Surfing Area, the engagement process, and the threats posed by surfing competitions and increased visitor numbers.	<p>The submitter does not expressly request amendments to Policy 19 but does highlight a number of concerns, presumably in opposition to the concept of the Significant Surfing Area, that warrant a response.</p> <p>Concerns relating to the engagement process are noted. However, the Hearing Panel notes that the proposals to identify and provide a high level of protection to all surf breaks between Kahihi Road and Cape Road originated from a consultant's report entitled <i>Taranaki Surf breaks of National Significance</i>, with attributes of surf breaks in that area being later confirmed through an online community survey. The proposal was further consulted on through a Draft Proposal that was widely distributed to interested parties and then the Proposed Plan.</p> <p>Concerns raised by the submitter primarily relate to matters outside the jurisdiction of the Council. They include issues around conflict between organised events, overcrowding at surf breaks, tourism impacts on the environment, freedom camping, and the provision of infrastructure. The concerns are valid and though largely outside the regulatory framework of the Plan (whereby the rules apply to the coastal marine area only), it does highlight the importance of Plan methods and the need for this Council, district councils and other parties to work together to address the concerns.</p>
26 – Transpower NZ Ltd	451	Amend	Grant in kind
		<p>The submitter wishes to amend Policy 19 in order to bring the Policy into closer alignment with Policy 8 [Aquaculture] of the <i>New Zealand Coastal Policy Statement</i> by amending Policy 19(b) to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</i></p> <p>[...]</p> <p><i>(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area;</i></p>	<p>The submitter requests that the word "<i>possible</i>" has a very confined meaning and conveys only a technical requirement whereas there may be a variety of other reasons why adverse effects cannot be avoided. The suggested replacement "<i>practicable</i>" is in accordance with the Policy 8 <i>National Policy Statement for Electrical Transmission</i>. The submitter also requests to include "adverse" effects within the Policy to clarify that it is adverse effects which are the issue.</p> <p>The Hearing Panel notes that in response to other submitters it is recommended that the exclusion for regionally important infrastructure be deleted. Instead an alternative relief is recommended to address submitter's (and others) concerns that makes this provision now redundant and potentially confusing. The submitter is referred to</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		unless <i>following a route, site and method selection process</i> , the activity is necessary for the provision of regionally important infrastructure, avoidance of <i>adverse</i> effects is not possible <i>practicable</i> and adverse effects are remedied or mitigated <i>to the extent reasonably practicable</i> ; [...]	submission point 325 where a new Policy 6A specifically recognises and provides for the National Grid in a similar, but more appropriate, manner and in a manner that is more aligned with the provisions of the <i>National Policy Statement for Electricity Transmission</i> .
32 – Port Taranaki	452	<p>Amend</p> <p>Submitter seeks amendment to Policy 19(b) of the Plan to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</i></p> <p>[...]</p> <p><i>(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area;</i></p> <p><i>unless the activity is necessary for the provision of regionally important infrastructure, avoidance of effects is not possible, and adverse effects are remedied or mitigated; [...]</i></p>	<p>Grant in kind</p> <p>The submitter is concerned that Policy 19(b) and the exemption for regionally important infrastructure is unclear. In particular, the submitter is concerned that the provision that avoidance of effects is not possible is ambiguous and potentially sets unrealistic expectations.</p> <p>The Hearing Panel notes that most of the concern relating to this provision relates around the relative significance of the Breakwater surf break, its 'regional' status, and the potential for the Policy to impact on the Port's operational requirements in the future. However, the Hearing Panel considers that an alternative relief involving amendments to Schedule 7 [Surfbreaks] under submission point 1355 will address these concerns and recommends that the exemption for regionally important infrastructure be deleted.</p>
41 – Te Korowai o Ngāruahine Trust	453	<p>Amend</p> <p>Submitter seeks amendment to Policy 19 of the Plan to ensure the protection of the surf breaks is not incompatible with the traditional cultural sites of significance, including those set out in Schedule 5B.</p>	<p>Accept in part</p> <p>The Hearing Panel notes that all General Policies (and relevant Activity-specific Policies) must be considered together. Accordingly, all activities, not just those associated with protection of surfing values, need to consider adverse effects on traditional cultural sites of significance, including those set out in Schedule 5B. The submitter has highlighted an issue in this part of the Policy whereby some associative values have been identified (and not others) thereby potentially derogating from the aforementioned approach. It is not considered necessary to paraphrase other Policies and indeed there are risks in doing so.</p> <p>The Hearing Panel recommends an alternative relief whereby Policy 19(e) is reframed to focus only on surfing attributes and adverse effects on other values be addressed in their relevant policies elsewhere (e.g. under the relevant natural character, historic heritage or public access policies).</p> <p>The amended Policy 19(e) would read as follows:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</i></p> <p>[...]</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>(e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:</p> <p>(i) effects on the quality or consistency of the surf break by considering the extent to which the activity may: change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and</p> <p>(ii) effects on other qualities and characteristics that contribute to use and enjoyment of surf breaks.</p>
43 – Royal Forest and Bird Protection Society	454	Support	Accept
		Retain Policy 19 of the Plan as notified.	Support noted. Policy 19 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
45 – Powerco	455	Support	Accept
		Retain Policy 19 of the Plan as notified.	Support noted. Policy 19 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
49 – Cam Twigley	456	Amend	Grant in kind
		<p>Submitter seeks amendment to Policy 19(d) of the Plan to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by: [...]</i></p> <p><i>(d) within the Significant Surfing Area, avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on seascape, including development which would have an adverse effect on the remote feel of the area; and in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to: [...]</i></p>	<p>The submitter believes that Policy 19(d) is in conflict with Policy 19(a)(ii) in relation to the levels of protection provided for. In Policy 19(a) there is a requirement to avoid adverse effects of all surf breaks within the designated Significant Surfing Area while in Policy 19(d) there is only need to avoid significant adverse effects.</p> <p>The Hearing Panel agrees that there are conflicts between the differing levels of protection for the Significant Surfing Area provided in Clauses (a) and (d) of Policy 19, which require resolving.</p> <p>Clause (d) refers to seascapes. The Hearing Panel recommends an alternative relief to that proposed by the submitter by deleting Clause (d).</p> <p>Seascapes are more appropriately provided for under Policy 8(b) [Areas of outstanding value] and/or Policy 9 [Natural character]. In response to reliefs sought by other submitters to the planning maps, the Hearing Panel has recommended confining the extent of the significant surfing zone to the coastal marine area line and removing the inland component of the coastal environment. This amendment makes Clause (d) redundant as seascapes are no longer captured within the designated area.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	457	<p>Amend</p> <p>Submitter seeks amendment to Policy 19 of the Plan to ensure that the protection of the surf breaks is not incompatible with the traditional cultural uses expressed by Māori in Schedules 5B.</p>	<p>Accept</p> <p>The Hearing Panel notes that all General Policies (and relevant Activity-specific Policies) must be considered together. Accordingly, all activities, not just those associated with protection of surfing values, need to consider adverse effects on traditional cultural sites of significance, including those set out in Schedule 5B. The submitter has highlighted an issue in this part of the Policy whereby some associative values have been identified (and not others) thereby derogates from the aforementioned approach. It is not considered necessary to paraphrase other policies and indeed there are risks in doing so.</p> <p>The Hearing Panel therefore recommends an alternative relief whereby Policy 19(e) is reframed to focus only on surfing attributes and adverse effects on other values be addressed in their relevant policies elsewhere (e.g. under the relevant natural character, historic heritage or public access policies).</p> <p>The amended Policy 19(e) would read as follows:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</i></p> <p><i>[...]</i></p> <p><i>(e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:</i></p> <p><i>(i) effects on the quality or consistency of the surf break by considering the extent to which the activity may: change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and</i></p> <p><i>(ii) effects on other qualities and characteristics that contribute to use and enjoyment of surf breaks.</i></p>
Policy 20 – Avoidance of increasing coastal hazard or public safety risks			
2 – Federated Farmers	458	<p>Other</p> <p>Submitter seeks that provisions designed to protect against coastal hazards avoid unnecessarily capturing farm infrastructure.</p>	<p>No relief necessary</p> <p>The Hearing Panel recognises the concerns of the submitter but note that Policy 20 only addresses infrastructure that <u>increases</u> the risk from coastal hazards and is therefore more likely to protect farm infrastructure at risk from natural hazards such as coastal erosion.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
6 – Trans-Tasman Resources Ltd	459	Amend Submitter seeks amendment Policy 20 of the Plan to read: <i>Avoid increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat and avoid increased risks to public health and safety, or aircraft or navigation safety including by:[...]</i>	Accept The submitter suggests that the use of the words "...posing a threat" in Policy 20 is too uncertain and instead the Policy should be amended to refer to avoiding increased risks to public health and safety and aircraft and navigation safety. The Hearing Panel agrees and recommends amending Policy 20 for the purposes of improved certainty and clarity to read: <i>Avoid increasing the risk of social, environmental and economic harm from coastal hazards and avoid increased risks to public health and safety, or aircraft or navigation safety including by: [...]</i>
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
Further submissions – Taranaki Energy Watch – Support)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	460	Amend Submitter supports Policy 20 of the Plan subject to following amendments: <i>Avoid unacceptable increases in the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety including by:[...]</i>	Decline To address another submitter's relief, amendments to Policy 20 are recommended but these changes are unlikely to address the concerns raised by the submitter. The submitter is concerned that the Policy might be interpreted to "excluding any increase in [natural hazard] risk" is noted. However, the Hearing Panel notes that the current Policy is aligned with Policy 25(a) of the <i>New Zealand Coastal Policy Statement</i> and the use of the term "unacceptable" would be ambiguous thereby reducing the certainty and clarity to those applying the policy. The amended Policy 20 to reads as follows: <i>Avoid increasing the risk of social, environmental and economic harm from coastal hazards and avoid increased risks to public health and safety, or aircraft or navigation safety including by: [...]</i>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
48 – Taranaki District Health Board	461	Support Retain Policy 20 of the Plan as notified.	Accept Support noted. Policy 20 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 21 – Natural hazard defences			
2 – Federated Farmers	462	Amend	No relief necessary
		Submitter supports in part Policy 21 of the Plan but seeks that provisions designed to protect against coastal hazards avoid unnecessarily capturing farm infrastructure.	The Hearing Panel suggests no relief is necessary. The Hearing Panel note that Policy 21 relates to natural hazard defences, therefore, any capture of farm infrastructure is likely to be very limited.
42 – Ngati Rahiri Hapū	463	Amend	Decline
		Submitter supports Policy 21 of the Plan but seek amendment to show how or what will be done to provide a natural defence from coastal hazards.	Policy 21 gives effect to Policy 26 [Natural defences against coastal hazards] of the <i>New Zealand Coastal Policy Statement</i> . It recognises that natural defences should be provided for where appropriate. However, the Hearing Panel does not believe it is necessary for the Policy to go into the details of how this is to be achieved. Such detail is better outlined elsewhere in the Plan and through consenting processes. Section 6 [Methods of implementation] sets out non regulatory methods for addressing natural hazard defences. The Policy will also inform consenting processes associated with implementing rules. The detail as to how or what will be done to provide a natural hazard defence should be considered at the consenting level having regard to all the relevant policies, methods and rules.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	464	Support	Accept
		Retain Policy 21 of the Plan as notified.	Support noted. Policy 21 is retained as currently notified.
Further submissions – Port Taranaki Ltd (32)		Support	
Section 5.2 – Activity-based policies			
57 – Heritage New Zealand	465	Amend	Accept
		Submitter seeks amendment to the preamble in Section 5.2 [Activity-based policies] of the Plan to read: <i>[...] The activity-based policies must be considered alongside the general policies and never in isolation. <u>Where a policy in this section conflicts with a general policy in 5.1, the general policy takes precedence.</u></i>	The submitter wishes to clarify the relationship between the General Policies in 5.1 and the activity-based policies, in particular, set out what takes precedence when the policies in each section are in conflict. The submitter considers the general policies should take precedence and the activity-based policies function be to provide additional detail.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources Ltd (6), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	The Hearing Panel agrees noting that this is how the Plan provisions should be read and applied. It is therefore recommended that Section 5.2 be amended with slightly different wording to maintain consistency throughout the Plan that achieves the intent sought by the submitter.
Policy 22 – Discharge of water or contaminants to coastal water			
8 – Silver Fern Farms	466	Support	Accept
		Retain Policy 22 of the Plan to provide for the discharge of contaminants to coastal waters, where it is the most practicable option.	Support noted. Policy 22 is retained subject to minor amendments as requested by other submitters that does not change the policy intent.
Further submissions – Federated Farmers (2)		Support	
15 – Surfbreak Protection Society	467	Other	No relief necessary
		Submitter supports in part Policy 22 of the Plan but question what and how to measure “acceptable quality”.	The term “ <i>acceptable quality</i> ” recognises that discharges of water or contaminants to water in the coastal marine area takes many forms – ranging from point source discharges to land runoff of rainfall. The effects of the discharges are likely to vary based upon the type volume of contaminants in the discharge plus location. Policy 22(a) therefore necessarily requires discharges to be considered on a case-by-case basis that determines the acceptability of the discharge based upon the matters considered in Policy 22(a)(i) to (iii). These relate to having regard to the sensitivity of the receiving environment, including associated values, the nature and concentration of the contaminants and the efficiency of waste reduction, treatment and disposal measures and the capacity of the receiving environment to assimilate the contaminants. What is considered “ <i>acceptable quality</i> ” will be determined on a case-by-case basis through the consenting process being directed by the requirements of Policy 22 (in addition to any other requirements arising from the General Policies).
33 - New Zealand Defence Force	468	Support	Accept
		Retain Policy 22 of the Plan as notified.	Support noted. Policy 22 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	469	<p>Amend</p> <p>Submitter seeks amendment to Policy 22 of the Plan to read: <i>Discharges of water or contaminants to water in the coastal marine area will <u>must</u>: [...]</i></p>	<p>Accept</p> <p>The use of terms with similar meanings such as “<i>must</i>”, “<i>will</i>” and “<i>shall</i>” has been alternatively adopted throughout many second generation planning documents, including national policy statements and regional plans.</p> <p>A number of submitters have identified they prefer the term “<i>must</i>”, instead of “<i>will</i>” in relevant policies. Some have argued that the use of the term “<i>must</i>” is more legally robust. The Hearing Panel has no objection to making the change noting that the policy intent of this Policy is that the activity needs to comply with the provision.</p> <p>Unless the context indicates otherwise, the Hearing Panel recommends additional consequential amendments throughout Plan policies to align language to consistently refer to “<i>must</i>”.</p>
43 – Royal Forest and Bird Protection Society	470	<p>Support</p> <p>Retain Policy 22 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 22 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
Further submissions – Port Taranaki Ltd (32)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	471	<p>Amend</p> <p>Submitter supports Policy 22 of the Plan subject to following amendments: <i>Discharges of water or contaminants to water in the coastal marine area will:</i> <i>(a) be of an acceptable quality with regard to:</i> <i>(i) the sensitivity of the receiving environment;</i> <i>(ii) the nature and concentration of the contaminants to be discharged and the efficacy of waste <u>contaminant</u> reduction, treatment and disposal measures [...]</i></p>	<p>Accept in part</p> <p>The submitter wishes to amend the policy to provide greater clarity for Plan users regarding Policy 22(a)(ii).</p> <p>The Hearing Panel agrees that there is no need to focus on “<i>waste</i>” when referring to reduction, treatment and disposal measures in the Policy and recommend an alternative relief that deletes the term. The revised Policy 22(a)(ii) would read as follows: <i>(ii) the nature and concentration of the contaminants to be discharged and the efficacy of reduction, treatment and disposal measures; [...]</i></p>
47 – Fonterra	472	<p>Amend</p> <p>Submitter seeks amendment to Policy 22(c), (d) and (e) of the Plan to read: <i>Discharges of water or contaminants to water in the coastal marine area will:</i> <i>[...]</i> <i>(c) Adopt the best practicable option <u>for the treatment and discharge</u> to prevent or minimise adverse effects on the environment [...]</i></p>	<p>Accept</p> <p>The submitter considers that Policy 22(c) does not sufficiently identify the circumstances in which the best practicable option should be implemented. They suggest the amendment would ensure consistency with the definition of “<i>best practicable option</i>” as set out in the RMA. The Hearing Panel recommends amending Clause (c) as requested.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(d) be required, where appropriate, to reduce adverse environmental effects through a defined programme of works <u>over an appropriate timeframe</u> set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;</p> <p>(e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the adverse effects <u>on life supporting capacity</u> within the mixing zone; [...]</p>	<p>For Clause (d) the submitter considers it necessary to make reference to the programme of works occurring over an appropriate timeframe. The Hearing Panel agrees to the proposed relief as it is reasonable to allow an appropriate timeframe where it is set out within a resource consent.</p> <p>The submitter seeks to amend Clause (e) to refer to “life supporting capacity”. This would maintain consistency with Policy 23(1)(e) and (f) of the <i>New Zealand Coastal Policy Statement</i>. The Hearing Panel agrees to this amendment as sought by the submitter.</p>
48 – Taranaki District Health Board	473	<p>Amend</p> <p>Submitter seeks amendment to Policy 22 of the Plan to read: Discharges of water or contaminants to water in the coastal marine area <u>will must</u>: [...]</p>	<p>Accept</p> <p>The use of terms with similar meanings such as “must”, “will” and “shall” has been alternatively adopted throughout many second generation planning documents, including national policy statements and regional plans.</p> <p>A number of submitters have identified they prefer the term “must”, instead of “will” in relevant policies. Some have argued that the use of the term “must” is more legally robust. The Hearing Panel has no objection to making the change noting that the policy intent of this Policy is that the activity needs to comply with the provision.</p> <p>Unless the context indicates otherwise, the Hearing Panel recommends additional consequential amendments throughout Plan policies to align language to consistently refer to “must”.</p>
51 - Taranaki Energy Watch	474	<p>Amend</p> <p>Submitter seeks amendment to Policy 22 of the Plan to incorporate a precautionary approach.</p>	<p>No relief necessary</p> <p>A precautionary approach is set out in Policy 3 of the Plan and, as a General Policy, applies to all activities in the coastal environment, regardless of which coastal management area the activity may fall within. For this reason, it is unnecessary to repeat the provisions of Policy 3 within Policy 22. Both policies must be read and applied together.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
60 – Te Kaahui o Rauru	475	<p>Amend</p> <p>Submitter seeks amendment to Policy 22(a) of the Plan to include Māori values as a criteria for acceptable quality.</p>	<p>Grant in kind</p> <p>At the hearing, the submitter requested that the policy recognise the importance of Mātauranga and Māori Values to be included in the list of matters to be considered.</p> <p>The Hearing Panel notes that both Mātauranga and Māori Values will be considered for discharges of water or contaminants to coastal water through the relevant policy pathways. In particular, all General Policies apply, including Policy 16 [Relationship of tangata wenua], which refers to a large number of matters including Māori values and Mātauranga Māori methods or cultural indicators. The Hearing Panel does not believe</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
(58), Te Rūnanga o Ngāti Ruanui Trust (61)			<p>it necessary to restate some (but not all) matters in the Activity-specific Policies when the matters are already addressed elsewhere.</p> <p>Notwithstanding the above, the Hearing Panel recommends an alternative relief to more explicitly recognise associative uses and values associated with coastal waters, the Hearing Panel recommends an amendment to Policy 22(a)(i) to read:</p> <p><i>Discharges of water or contaminants to water in the coastal marine area will:</i></p> <p><i>(a) be of an acceptable quality with regard to:</i></p> <p><i>(i) the sensitivity of the receiving environment and associated uses and values; [...]</i></p> <p>The Hearing Panel also notes that Clause (f) refers to adverse effects generally, which includes Māori values. Policy 22 needs to be read in conjunction with the General Policies, including Policies 12 and 13.</p>
Policy 23 – Discharge of untreated human sewage			
15 – Surfbreak Protection Society	476	Support	Accept
		Retain Policy 23 of the Plan prohibiting discharges of untreated human sewage.	Support noted. Policy 23 is retained as notified.
40 – Te Rūnanga o Ngāti Mutunga	477	Support	Accept
		Retain Policy 23 of the Plan prohibiting discharges of untreated human sewage.	Support noted. Policy 23 is retained as notified.
43 – Royal Forest and Bird Protection Society	478	Support	Accept
		Retain Policy 23 of the Plan as notified.	Support noted. Policy 23 is retained as notified.
48 – Taranaki District Health Board	479	Support	Accept
		Retain Policy 23 of the Plan as notified.	Support noted. Policy 23 is retained as notified.
Policy 24 – Discharge of treated wastewater containing human sewage			
15 – Surfbreak Protection Society	480	Other	No relief necessary
		Submitter suggests Policy 24 of the Plan is in conflict with other water quality policies and seems more permissive.	<p>The submitter has not indicated how or where such conflicts occur nor what specific relief is sought to alleviate their concerns.</p> <p>The Hearing Panel does not consider Policy 24 to be permissive or to be in conflict with other policies relating to discharges to the coastal marine area. Policy 24 recognises that there are circumstances when treated discharges of wastewater</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>containing human sewage may be appropriate (most cities in New Zealand discharge wastewater either directly or indirectly to the coastal marine area). The Policy only allows existing discharges to the open coast and only following careful evaluation of alternatives to discharging (including land disposal and wetland treatment) and consultation with tangata whenua and the community generally. Through the consenting process (whereby such discharges are confined to the Open Coast coastal management area and are processed as a discretionary activity) Policy 24 would be read alongside all other General Policies and is required to fulfil the other General Policies as well as Policy 24.</p> <p>The Hearing Panel notes that amendments have been made to the introduction of Section 5.2 of the Plan to clarify that in the event of any inconsistency between an Activity-specific Policy and a General Policy, the General Policy will take precedence.</p>
40 – Te Rūnanga o Ngāti Mutunga	481	Amend	Decline
		<p>Submitter seeks amendment to Policy 24 of the Plan to replace proposed Policy so as to prohibit any discharges of wastewater to the coastal marine area with:</p> <p><u>Discharges of treated wastewater containing human sewage will not be allowed.</u></p>	<p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The relief sought would immediately preclude existing lawful discharges of municipal waste discharges to the coastal marine area in the absence of any other practicable options. To divert the quantities of waste onto land or other receiving environments is likely to be impracticable due to fiscal and technical constraints plus result in worst environmental outcomes due to the quantities involved and the lack of suitable locations to ensure the waste can be properly and safely assimilated to avoid, minimise or mitigate adverse environmental effects.</p> <p>The Hearing Panel notes that the Taranaki region only has three municipal wastewater discharges. The resource consents for these marine outfalls include conditions that the consent holder must adhere to. These conditions are designed to prevent adverse effects by including limits on the discharge (pertaining to quality and quantity) and impact on the receiving environment. Consent holders must regularly reassess whether the current system remains to be the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents.</p> <p>The Hearing Panel suggests that some provision must be made in the policies and the rules to provide for the discharge of wastewater that contains treated human sewage. Most New Zealand cities discharge treated wastewater directly or indirectly into the coastal marine area. However, this rule is a discretionary activity, which means a resource consent may be granted or declined subject to the policies. A</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>discharge consent application is subject to meeting the directions and guidance set out in General Policies 1 to 21 and Activity-specific Policies 22, 24 and 26. With these policies any discharge of treated wastewater must be of an acceptable quality and can only be considered when more appropriate alternatives have been considered. These Plan provisions are in line with the requirements of the <i>New Zealand Coastal Policy Statement</i> Policy 23 [Discharge of contaminants] (2) and (3) and meets the requirements of the RMA.</p> <p>It is the Hearing Panel's view that providing the option to consider existing discharges of treated wastewater into the coastal marine area is necessary in order to provide for the requirements of the general public. The Hearing Panel is satisfied that through the resource consents process, adverse environmental effects can be appropriately avoided, remedied or mitigated. Policy 26 in particular is highlighted whereby it is Council's expectation that the best practicable option be adopted to improve the quality of the discharge and reduce the quantity of the discharge.</p> <p>Of note, other changes are recommended elsewhere in the Plan that prohibit new wastewater discharges containing human sewage to the coastal marine area.</p>
41 – Te Korowai o Ngāruahine Trust	482	Amend	No relief necessary
		Submitter seeks amendment to Policy 24 of the Plan to explicitly reference iwi as distinct from the general community.	The Hearing Panel believes that the sought relief is already provided for within Policy 24(b), which requires adequate consultation with tangata whenua so that their values, and the effects on those values, are understood. Tangata whenua includes iwi authorities and may include hapū and whanau groups.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	483	Amend	No relief necessary
		Submitter seeks amendment to Policy 24 of the Plan to ensure that treated wastewater discharges will not occur where they would result in adverse effects that are to be avoided.	The Hearing Panel consider that no changes to the Policy are required to give effect to the submitter's relief. Of note, Policy 24 must be read in conjunction with General Policies 1 to 21, which includes policies addressing adverse effects on coastal values and uses that are to be avoided.
48 – Taranaki District Health Board	484	Support	Accept
		Retain Policy 24 of the Plan as notified.	Support noted. Policy 24 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	485	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		Submitter seeks amendment to Policy 24 of the Plan to read: Discharges of treated wastewater containing human sewage to coastal water will: Discharges of treated wastewater containing human sewage will not be allowed.	The Hearing Panel recommends declining the relief sought by the submitter. The relief sought would immediately preclude existing lawful discharges of municipal waste discharges to the coastal marine area in the absence of any other practicable options. To divert the quantities of wastewater onto land or other receiving environments is likely to be impracticable due to fiscal and technical constraints plus result in worst environmental outcomes due to the quantities involved and the lack of suitable locations to ensure the waste can be properly and safely assimilated to avoid, minimise or mitigate adverse environmental effects.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	<p>The Hearing Panel notes that the Taranaki region only has three municipal wastewater discharges. The resource consents for these marine outfalls include conditions that the consent holder must adhere to. These conditions are designed to prevent adverse effects by including limits on the discharge (pertaining to quality and quantity) and impact on the receiving environment. Consent holders must regularly reassess whether the current system remains to be the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents.</p> <p>The Hearing Panel suggests that some provision must be made in the policies and the rules to provide for the discharge of wastewater that contains treated human sewage. Most New Zealand cities discharge water directly or indirectly into the coastal marine area. However, this rule is a discretionary activity, which means a resource consent may be granted or declined subject to the policies. A discharge consent application is subject to meeting the directions and guidance set out in General Policies 1 to 21 and Activity-specific Policies 22, 24 and 26. With these policies, any discharge of treated wastewater must be of an acceptable quality and can only be considered when more appropriate alternatives have been considered. This rule is in line with the requirements of the <i>New Zealand Coastal Policy Statement</i> Policy 23 [Discharge of contaminants] (2) and (3) and meets the requirements of the RMA.</p> <p>It is the Hearing Panel's view that providing the option to consider existing discharges of treated wastewater into the coastal marine area is necessary in order to provide for the requirements of the general public. The Hearing Panel is satisfied that through the resource consents process, adverse environmental effects can be appropriately avoided, remedied or mitigated. Policy 26 in particular is highlighted whereby it is Council's expectation that the best practicable option be adopted to improve the quality of the discharge and reduce the quantity of the discharge.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			Of note, other changes are recommended elsewhere in the Plan that prohibit new wastewater discharges containing human sewage to the coastal marine area.
Policy 25 – New discharge of treated wastewater containing human sewage			
15 – Surfbreak Protection Society	486	Support Retain Policy 25 of the Plan prohibiting new discharges of wastewater containing human sewage in coastal management areas: Outstanding Value, Estuaries Modified, Estuaries Unmodified, and Port.	Accept Support noted. Policy 25 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
40 – Te Rūnanga o Ngāti Mutunga	487	Amend Submitter seeks amendment to Policy 25 of the Plan to read: <u><i>New discharges of treated wastewater containing human sewage will not be allowed.</i></u>	Accept The Hearing Panel recommends granting the relief sought by the submitter by amending Policy 25 to prohibit new discharges of treated wastewater containing human sewage into the coastal marine area.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	Experience has shown that discharges of this nature have inevitably resulted in the localised degradation of coastal water quality. Given the Plan has a requirement to maintain coastal water quality where it is good under Policy 11 [Coastal water quality] the Hearing Panel is recommending that the Plan adopt a precautionary approach whereby new discharges of treated wastewater will no longer be allowed to avoid any degradation in coastal water quality. Of note, other options for the disposal of small volumes of treated wastewater containing human sewage are available, including discharges to land. Consequential amendments to Rule 7 [Wastewater treatment plant discharges] are also recommended. This recommendation does not preclude existing discharges from continuing under Policy 24 [Existing discharge of treated wastewater containing human sewage].
41 – Te Korowai o Ngāruahine Trust	488	Amend Submitter seeks amendment to Policy 25 of the Plan to prohibit any discharges of wastewater to the coastal marine area.	Accept The Hearing Panel recommends granting the relief sought by the submitter by amending Policy 25 to prohibit new discharges of treated wastewater containing human sewage into the coastal marine area. Experience has shown that discharges of this nature have inevitably resulted in the localised degradation of coastal water quality. Given the Plan has a requirement to maintain coastal water quality where it is good under Policy 11 [Coastal water quality] the Hearing Panel is recommending that the Plan adopt a precautionary approach whereby new discharges of treated wastewater will no longer be allowed to avoid any

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>degradation in coastal water quality. Of note, other options for the disposal of small volumes of treated wastewater containing human sewage are available, including discharges to land.</p> <p>Consequential amendments to Rule 7 [Wastewater treatment plant discharges] are also recommended.</p> <p>This recommendation does not preclude existing discharges from continuing under Policy 24 [Existing discharge of treated wastewater containing human sewage].</p>
43 – Royal Forest and Bird Protection Society	489	Amend	No relief necessary
		Submitter seeks amendment to Policy 25 of the Plan to ensure that treated wastewater discharges will not occur where they would result in adverse effects that are to be avoided.	<p>The submitter's concerns are noted.</p> <p>The Hearing Panel notes that in response to reliefs sought by other submitters no new wastewater discharges are allowed in the coastal marine area (thereby avoiding all adverse effects).</p> <p>The Hearing Panel recommends amending Policy 25 to read as follows: <i>New discharges of treated wastewater containing human sewage <u>are not allowed</u>.</i></p>
48 – Taranaki District Health Board	490	Support	Decline
		Submitter notes their view that Policy 25 meets the section 5 purpose of the RMA and also requirements under the <i>Health Act 1956</i> to protect the health of the public. Retain Policy 25 of the Plan as notified.	<p>Submitter's comments relating to the protection of public health are noted. However, the Hearing Panel notes that in response to other submitters it is recommended that Policy 25 be amended to preclude new discharges to the entire coastal marine area (previously new discharges were precluded from all parts of the coastal marine area except for the Open Coast).</p> <p>Notwithstanding the above, the Hearing Panel believes that these amendments will contribute to better public health outcomes as sought by the submitter.</p>
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	491	Amend	Accept
		Submitter seeks amendment to Policy 25 of the Plan to read: <i>New discharges of treated wastewater containing human sewage will not occur <u>not be allowed</u> in the coastal management areas: Outstanding Value, Estuaries Unmodified, Estuaries Modified and Port.</i>	<p>The Hearing Panel agrees that the proposed wording provides a stronger directive for Plan users. The Hearing Panel also notes that, in response to relief sought by other submitters, it is recommended to prohibit all new discharges of treated wastewater containing human sewage to the coastal marine area, including the Open Coast coastal management area.</p> <p>Amendments to Policy 25 would read as follows: <i>New discharges of treated wastewater containing human sewage <u>are not allowed</u>.</i></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Policy 26 – Improving existing wastewater discharges			

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
5 – Point Board Riders	492	Support	Accept
		Retain Policy 26 of the Plan seeking to improve existing wastewater discharges to coastal waters.	Support noted. Policy 26 is retained as notified.
15 – Surfbreak Protection Society	493	Support	Accept
		Retain Policy 26 of the Plan seeking to improve existing wastewater discharges to coastal waters.	Support noted. Policy 26 is retained as notified.
23 – New Plymouth District Council	494	Support	Accept
		Retain the use of the phrase “best practicable option” in Policy 26(a) of the Plan.	Support noted. Policy 26 is retained as notified.
40 – Te Rūnanga o Ngāti Mutunga	495	Support	Accept
		Submitter supports Policy 26 of the Plan but, in relation to Clause (b), seeks that the Taranaki Regional Council work with current consent holders to see if improvements could occur within the shortest possible time rather than allowing it to occur until the end of the current consent.	The Hearing Panel notes that the Council annually monitors and works with current consent holders to not only ensure compliance with consent conditions, which includes regularly reassessments to ensure the current system remains the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents. Through this process, improvements are expected to occur within the shortest possible time frame rather than allowing it to occur only once the current consent time has lapsed.
41 – Te Korowai o Ngāruahine Trust	496	Other	No relief necessary
		Submitter support Policy 26 of the Plan and the implementation of the best practicable option and suggests that the adoption of the Plan would require a section 128 review of existing wastewater consents under the RMA.	Comments noted.
43 – Royal Forest and Bird Protection Society	497	Amend	Decline
		Submitter seeks amendment of Policy 26 of the Plan to include a new clause giving priority to improving water quality in outstanding and significant areas.	The Hearing Panel notes that all General Policies (Policies 1 – 21) and relevant Activity-specific Policies need to be read together. General Policies already address the protection of outstanding and significant areas with Policy 12 being particularly relevant in that it targets areas where there are wastewater discharges that have impacted on coastal water quality and where Council will be seeking a restoration of that water quality.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel further notes Policy 25 prohibits any new wastewater discharges to the coastal marine area other than the Open Coast coastal management area (i.e. no discharges to outstanding areas or estuaries).
47 – Fonterra	498	Support	Accept
		Retain Policy 26 of the Plan as notified.	Support noted. Policy 26 is retained as notified.
48 – Taranaki District Health Board	499	Support	Accept
		Retain Policy 26 of the Plan as notified.	Support noted. Policy 26 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	500	Support	Accept
		Submitter supports Policy 26 and the wording “no further consent will be granted”.	Support noted. Policy 26 is retained as notified.
Policy 27 – Discharges of stormwater			
40 – Te Rūnanga o Ngāti Mutunga	501	Amend	Accept in part
		Submitter seeks amendment to Policy 27 of the Plan to include a new Clause (a)(vi) that reads: <i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i> <i>(a) adequate consideration of: [...]</i> <i>(vi) Location of discharge in relation to sensitive areas: [...]</i>	The Hearing Panel recommends amending Policy 27 by including a new clause that any discharge is of an acceptable quality having regard to the location of scheduled and other values sensitive to the effects of stormwater discharges. Other submitters have also submitted on this issue. Having regard to all the submissions, the Hearing Panel recommends that a new Clause (a)(iiiA) be included that reads as follows: <i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i> <i>(a) adequate consideration of: [...]</i> <i>(iiiA) the location of the discharge in relation to avoiding, remedying or mitigating any adverse environmental effects;</i>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	502	Amend	Accept in part
		Submitter seeks amendment to Policy 27 of the Plan to read:	The Hearing Panel recommends amending Policy 27(a)(iii) and including a new clause that any discharge is of an acceptable quality having regard to the location of

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i></p> <p><i>(a) adequate consideration of:</i></p> <p><i>[...]</i></p> <p><i>(iii) the use of measures (which may include treatment) to prevent or minimise contamination of the receiving environment</i></p> <p>AND</p> <p>Refer to preventing discharges to any sensitive area of sites of significance.</p>	<p>scheduled values sensitive to the effects of stormwater discharges. These changes will provide the relief sought by the submitter and would read as follows:</p> <p><i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i></p> <p><i>(a) adequate consideration of: [...]</i></p> <p><i>(iii) the use of measures (includeing treatment) to prevent or minimise contamination of the receiving environment</i></p> <p><i><u>(iiiA) the location of the discharge in relation to avoiding, remedying or mitigating any adverse environmental effects;</u></i></p>
43 – Royal Forest and Bird Protection Society	503	<p>Amend</p> <p>Submitter seeks amendment to Policy 27 of the Plan to include reference to matters set out in Policy 23(1) of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Decline</p> <p>The Hearing Panel does not recommend granting the relief sought by the submitter on the basis that the issues raised are already appropriately covered in other policies. Policy 23(1) [Discharge of contaminants] of the <i>New Zealand Coastal Policy Statement</i> is appropriately covered by Policy 22 and 23 of the Plan. Policy 27 covers the requirements set out in Policy 23(4) of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>As noted previously, all General Policies 1 - 21 and relevant Activity-specific Policies, including both Policies 23 and 27 of the Plan, must be read together. It is Hearing Panel' view that, in doing so, Plan policies collectively address the matters covered in Policy 23(1) of the <i>New Zealand Coastal Policy Statement</i>.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	504	<p>Support</p> <p>Retain Policy 27 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 27 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
Further submissions – Transpower NZ Ltd (26), Port Taranaki Ltd (32)		Support	
47 – Fonterra	505	<p>Amend</p> <p>Submitter seeks amendment to Policy 27 Of the Plan to include a new Clause (d) that reads:</p> <p><i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i></p> <p><i>[...]</i></p>	<p>Accept</p> <p>The submitter generally supports Policy 27 but wishes to see reference to the implementation of the best practicable option for the treatment and discharge of stormwater into the coastal environment. The Hearing Panel recommends granting the relief sought by the submitter as it provides added certainty for Plan users as to how stormwater discharges will be managed.</p> <p>Policy 27(d) would read as follows:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>(d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects.</u>	<u>(d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects.</u>
48 – Taranaki District Health Board	506	Support Retain Policy 27 as notified.	Accept Support noted. Policy 27 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	507	Amend Submitter seeks amendment to Policy 27(a)(iii) and (v) of the Plan and include a new Clause (vi) to read: <i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i> <i>(a) adequate consideration of: [...]</i> <i>(iii) the use of measures (which may include including treatment) to prevent or minimize contamination of the receiving environment; [...]</i> AND <i>(v) integrated management of whole stormwater catchments and stormwater networks where appropriate.</i> AND <u><i>(vi) location of the discharge in relation to sensitive areas.</i></u>	Accept in part The submitter seeks to amend some of the wording within Policy 27 to provide more certainty for Plan users in regards to how stormwater discharge will be managed. The Hearing Panel agrees to amend Policy 27 by replacing the reference to “which may include” with “including treatment”. However, it is not considered appropriate to remove reference to “where appropriate” from the policy as it recognises that integrated management of whole stormwater catchments and stormwater networks might not always be practicable or appropriate. The Hearing Panel has noted the support from other submitters for the inclusion of a new clause that any discharge is having regard to the location of scheduled and other values sensitive to the effects of stormwater discharges. Other submitters have also submitted on this issue. Having regard to all the submissions, the Hearing Panel recommends that a new Clause (a)(iiiA) be included that reads as follows: <i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i> <i>(a) adequate consideration of: [...]</i> <i>(iii) the use of measures (including treatment) to prevent or minimise contamination of the receiving environment</i> <u><i>(iv) location of discharge in relation to avoiding, remedying or mitigating any adverse environmental effects;</i></u>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	508	Amend Submitter seeks amendment to Policy 27(b) of the Plan to read: <i>Discharges of stormwater to the coastal marine area will be appropriately managed by:</i> <i>[...]</i>	Decline The Hearing Panel notes that in some circumstances it is not always possible to avoid cross contamination of sewage and stormwater systems.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		(b) avoiding, where practicable, and otherwise remedying avoid cross contamination of sewage and stormwater systems; and [...]	
Policy 28 – Harmful aquatic organisms			
9 – Karen Pratt	509	Amend	Decline
		The submitter outlines the risk of offloading ballast water in productive shallow waters and seeks amendment to Policy 28 of the Plan to address ballast water.	Council recognises the risk of marine pests and diseases carried in ballast water tanks that can threaten the marine environments and seafood industries. However, the Hearing Panel does not believe it is necessary or appropriate for Council to amend Policy 28 when this matter is already separately regulated by the Ministry for Primary Industries under the <i>Import health standard – Ballast water from all countries</i> . Any Council role in such matters represents an inappropriate duplication of the Ministry for Primary Industries regulatory role.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Nga Motu Marine Reserve Society Inc (44)		Support	
29 – Department of Conservation	510	Amend	Accept
		Submitter supports Policy 28 of the Plan but seek minor amendment to delete the words “and scraping” from Policy 28(a). The submitter does not believe that the inclusion of “scraping” is appropriate and prefers to refer to cleaning in a more general sense, while scraping is only one specific description of cleaning that may occur.	The Hearing Panel agrees that broadening references in the Policy to refer to “cleaning” is appropriate and recommends granting the relief sought.
33 – New Zealand Defence Force	511	Support	Accept
		Retain Policy 28 as notified.	Support noted. Policy 28 is retained subject to minor amendments to remove reference to “scraping”.
Further submissions – Port Taranaki Ltd (32)		Support	
43 – Royal Forest and Bird Protection Society	512	Amend	Decline
		Submitter seeks amendment to Policy 28 of the Plan to include reference to an avoidance approach with the introduction of harmful aquatic organisms.	The submitter states that they are not convinced that the “minimise” risk approach adopted for Policy 28 is in line with protections under Policies 11 [Indigenous biological diversity (biodiversity)] and 13 [Preservation of natural character] of the <i>New Zealand Coastal Policy Statement</i> . The submitter seeks that an avoidance approach be introduced. Avoiding the introduction of all harmful aquatic organisms is certainly desirable but the Hearing Panel does not believe that a strict avoidance approach is technically achievable through RMA controls. The Hearing Panel suggests avoiding the

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			introduction of harmful aquatic organisms are matters of border control and primarily dealt with by other regulatory agencies and under other statutes such as the <i>Biosecurity Act 1993</i> . The Hearing Panel recommends that the Policy retain its focus on minimising risks on the introduction or spread of harmful species.
Policy 29 – Impacts from offshore petroleum drilling and production			
6 – Trans-Tasman Resources Ltd	513	Amend Submitter seeks amendment to Policy 29 of the Plan by deleting the reference to petroleum and include all offshore drilling and production to read as follows: <i>Policy 29: impacts from offshore petroleum drilling and production</i> <i>Activities associated with petroleum drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental discharges by ensuring: [...]</i>	Accept The submitter wishes to see Policy 29 expanded to include non-petroleum related drilling and production activities. The Hearing Panel agree that it would be useful to expand the scope of the Policy to cover all extractive industries, not just petroleum, particularly given recent interest in seabed mining in and adjacent to the Taranaki coastal marine area. The Hearing Panel recommend granting the relief sought by deleting reference to “ <i>petroleum</i> ” in the Policy.
Further submissions – Taranaki Energy Watch (51)		Oppose	
25 – New Zealand Petroleum and Minerals	514	Support Retain Policy 29 of the Plan as notified.	Accept Policy 29 is retained subject to minor amendments as requested by other submitters that do not change the policy intent. Of note, the submitter presented on this Policy further at the hearing and, in particular, the recommendations in the Section 42A report to expand Policy 29 to include non-petroleum related drilling and production activities. At the hearing, the submitter suggested that the Policy should only apply to offshore oil and gas activities. As noted in submission point 513, it is the Hearing Panel's view that there are advantages to the Policy covering all extractive industries, not just petroleum, particularly given recent interest in seabed mining in and adjacent to the Taranaki coastal marine area.
Further submissions – Port Taranaki Ltd (32), Petroleum Exploration and Production Association of New Zealand (37)		Support	
40 – Te Rūnanga o Ngāti Mutunga	515	Amend Submitter seeks amendment to Policy 29 of the Plan to read: <i>Activities associated with petroleum drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental any discharges by ensuring: [...]</i>	Accept The submitter wishes to see Policy refer to “ <i>any</i> ” discharge rather than “ <i>accidental</i> ” discharge. The Hearing Panel agrees that the broader coverage provided by the relief request is desirable and recommends granting the relief sought.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Taranaki Energy Watch (51), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	516	Amend	Accept
		Submitter seeks amendment to Policy 29 of the Plan to remove the word “accidental”.	The submitter wishes to see Policy refer to “any” discharge rather than “accidental” discharge. The Hearing Panel agrees that the broader coverage requested by the submitter is desirable and recommends granting the relief sought.
Further submissions – Taranaki Energy Watch (51), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	517	Amend	Decline
		Submitter supports in part but seeks amendment to Policy 29 of the Plan to clarify that this policy relates to existing lawful petroleum drilling and production only and does not include new activities.	<p>The Hearing Panel suggests that it is not necessary or appropriate to differentiate between existing and new oil and gas activities. The relief sought by the submitter is based upon the Government’s decision to restrict new permits to only onshore Taranaki and that there will be no new offshore oil and gas exploration permits. However, Government direction and policies regularly change over the life of any Plan.</p> <p>The Hearing Panel therefore considers the relief sought is an unnecessary level of detail that potentially may become dated and inaccurate should this Government or successive government’s change their position. It is more appropriate that the Policy focus on effects of the activity.</p> <p>Of note, the submitter presented on this Policy further in relation to recommendations from the Section 42A report to expand Policy 29 to include non-petroleum related drilling and production activities. In particular, the submitter was concerned that the amended Policy would be unclear as to what drilling and production activities are now being referred to. As noted in submission point 513 it is the Hearing Panel’s view that there are advantages to the Policy covering all extractive industries, not just petroleum, particularly given recent interest in seabed mining in and adjacent to the Taranaki coastal marine area.</p>
51 - Taranaki Energy Watch	518	Amend	Decline
		Submitter seeks amendment to Policy 29 of the Plan to incorporate a precautionary approach.	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	The submitter is concerned that areas of the Plan relating to petroleum provisions do not reflect a precautionary approach as required by the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	The Hearing Panel suggests that a precautionary approach is already adequately provided for via Policy 3 [Precautionary approach] of the Plan. Policy 3 is a General Policy that applies to all activities, including oil and gas industries, within the coastal environment and regardless of which coastal management area the activity may fall within. The Hearing Panel further notes that the potential risks associated with oil and gas exploration and production activities are well understood. For this reason, it is unnecessary to repeat the provisions of Policy 3 within Policy 29. In the main, oil and gas exploration and production activities in the coastal marine area are regulated as discretionary or non-complying activities. Therefore, through the consenting process the Council will consider any application on a case-by-case basis and apply relevant policies that include the adoption of a precautionary approach to ensure the appropriate management of all adverse environmental effects.
58 – Te Atiawa	519	Amend	Accept
		Submitter seeks amendment to Policy 29 of the Plan to read: <i>Activities associated with petroleum drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental any discharges by ensuring: [...]</i>	The submitter wishes to see Policy refer to “any” discharge rather than “accidental” discharge. The Hearing Panel agrees that the broader coverage requested by the submitter is desirable and recommends granting the relief sought.
Further submissions – Taranaki Energy Watch (51)		Support	
Policy 30 – Discharge of contaminants to air			
9 – Karen Pratt	520	Other	No relief necessary
		Submitter seeks that the Council review Policy 30 of the Plan to consider its adequacy for addressing heavy fuel emissions resulting from any potential iron sand mining that might occur in the territorial waters.	The submitter has not expressly sought amendments to Policy 30 but clearly has concerns around potential adverse effects arising from heavy fuel emissions resulting from any potential iron sand mining that might occur in the Exclusive Economic Zone that warrant a response.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	The Hearing Panel notes that in the development of the Policy 30 (and other policies), the Council has carefully considered the various types and levels of use and development in the coastal marine area. The Hearing Panel is satisfied that the Policy appropriately captures all discharges to air in the coastal marine area, including those

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			associated with potential sand mining, and provides an appropriate level of direction in the management of adverse effects.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	521	Support	Accept
		Retain Policy 30 of the Plan as notified.	Support noted. Policy 30 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
47 – Fonterra	522	Support	Accept
		Retain Policy 30 of the Plan as notified.	Support noted. Policy 30 is retained as notified.
Policy 31 – Structures that support safe public access and use, or public or environmental benefit			
12 – Chorus New Zealand Ltd	523	Support	Accept
		Retain Policy 31 of the Plan as notified.	Support noted.
13 – Spark New Zealand Trading Ltd	524	Support	Accept
		Retain Policy 31 of the Plan as notified.	Support noted.
14 – Vodafone New Zealand Ltd	525	Support	Accept
		Retain Policy 31 of the Plan as notified.	Support noted.
26 – Transpower NZ Ltd	526	Amend	Accept
		The submitter is concerned that the words “ <i>will be allowed for</i> ” infer resource consent approval and such wording would be interpreted as predetermining a resource consent process outcome. Submitter seeks amendment to Policy 31 of the Plan to read (or alternatively use the words “...to provide for”): <i>Enable sStructures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for [...]</i>	The Hearing Panel notes that the reference to “ <i>will be allowed for</i> ” was not meant to infer predetermination of the consent process outcome. Therefore, to allay the submitter’s concerns and to avoid the potential risk for confusion, the Hearing Panel recommends granting the relief sought with a minor amendment in wording. The Hearing Panel recommends using the term “allow” instead of “enable” (as it is not the Council’s mandate to enable such activities).
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	527	Support	Accept
		Support in part Policy 31 of the Plan but seek consequential amendments to Policy 5 [Appropriate use and development] and other policies to give effect to Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> to clarify appropriate locations.	Support noted. Refer to submission point 282 in relation to Hearing Panel' response to reliefs sought in relation to Policy 5.
45 – Powerco	528	Support	Accept
		Retain Policy 31 of the Plan as notified.	Support noted. Policy 31 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	529	Support	Accept
		Retain Policy 31 of the Plan as notified.	Support noted. Policy 31 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
59 – KiwiRail	530	Support	Accept
		Retain Policy 31(d) of the Plan as notified.	Support noted. Policy 31 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Policies 31 to 39 – Structures			
41 – Te Korowai o Ngāruahine Trust	531	Amend	No relief necessary
		Submitter seeks amendment to Policies 31 to 39 [Structures] of the Plan to recognise the <i>Takutai Moana Act 2011</i> and the extent to which structures prejudice Māori customary and protected rights along the coastline and to include references to Schedule 5B [Sites of significance].	The Hearing Panel notes that Policy 32(d)(iv) already includes reference to structures being designed, located and managed so as to avoid, remedy or mitigate adverse effects on the environment and associated uses and values. Further policy direction is provided in Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] that direct how effects on sites of significance need to be managed. Both policies (plus any other relevant General Policies) must be read to together. The Hearing Panel therefore does not consider it necessary to repeat the provisions of another policy as it will not provide greater protection than is already given. Reference to Schedule 5B is also given in the appropriate policies.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	532	Amend	No relief necessary
		Submitter seeks amendment to Policies 31 to 39 [Structures] of the Plan to include reference to Schedule 5B (and recognition of the <i>Takutai Moana Act</i>	The Hearing Panel notes that Policy 32(d)(iv) already includes reference to structures being designed, located and managed so as to avoid, remedy or mitigate adverse

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		2011) to provide assurance that structures are not placed within the sites of significance.	effects on the environment and associated uses and values. Further policy direction is provided in Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] that direct how effects on sites of significance need to be managed. Both policies (plus any other relevant General Policies) must be read to together. The Hearing Panel therefore does not consider it necessary to repeat the provisions of another policy as it will not provide greater protection than is already given. Reference to Schedule 5B is also given in the appropriate policies.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
Policy 32 – Placement of structures			
6 – Trans-Tasman Resources Ltd	533	Support	Accept
		Submitter supports the recognition in Policy 32(e) of the Plan that in some circumstances it is not appropriate to make structures available for public or multiple use.	Support noted. Policy 32(e) is retained as notified.
12 – Chorus New Zealand Ltd	534	Support	Accept
		Retain Policy 32 of the Plan as notified.	Support noted. Policy 32 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
13 – Spark New Zealand Trading Ltd	535	Support	Accept
		Retain Policy 32 of the Plan as notified.	Support noted. Policy 32 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
14 – Vodafone New Zealand Ltd	536	Support	Accept
		Retain Policy 32 of the Plan as notified.	Support noted. Policy 32 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
26 – Transpower NZ Ltd	537	Amend	Grant in kind
		Submitter seeks amendment to Policy 32(a) of the Plan to read: <i>Structures in the coastal marine area:</i> <i>(a) will generally be limited to those that have a functional need <u>or technical, operational and/or locational requirement</u> to be located in the coastal marine area</i>	The submitter wishes that the Policy clearly recognise the technical, operational and/or locational requirement for an activity to be located in the coastal marine area. The Hearing Panel recommends granting an alternative relief to that sought by the submitter by amending Policy 32(a) to reference 'functional need' or 'operational need'. These terms, which are defined in the Plan and also in the <i>National Planning Standards</i> , include technical, operational and locational constraints. This amendment

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>and that do not cause duplication of a function for which existing structures or facilities are adequate; [...]</i>	will give effect to Policy 3 of the <i>New Zealand Coastal Policy Statement</i> which requires consideration of the constraints imposed by technical and operational requirements. The term functional need or operational has also been used elsewhere in Plan provisions. The amended Policy 32(a) would read as follows: <i>(a) must generally be limited to those that have a functional need <u>or operational need</u> to be located in the coastal marine area and that do not cause duplication of a function which existing structures or facilities are adequate [...].</i>
37 – Petroleum Exploration and Production Association of NZ	538	Amend Submitter seeks amendment to Policy 32(f) of the Plan to read: <i>Structures in the coastal marine area:</i> <i>[...]</i> <i>(f) where appropriate, should be made of, or finished with, materials that are <u>visually and aesthetically compatible with</u> <u>minimise effects on the character and visual amenity</u> of the adjoining coast.</i>	Accept The submitter seeking a more directive approach with regards to Policy 32(f). The current wording is considered subjective and it is suggested that the proposed relief would provide clarity to the policy. The Hearing Panel agrees and recommends granting the relief sought.
Further submissions – Taranaki Energy Watch (51)		Support in part	
41 – Te Korowai o Ngāruahine Trust	539	Amend Submitter seeks amendment to Policy 32 of the Plan to include reference to Schedule 5B and ensure that structures are not placed within the sites of significance.	Decline The submitter would preclude the placement of any structure within sites of significance. Given that structures may occur at various scales, in various forms, and purposes (including beneficial), and that the placement of the structure within sites of significance will not necessarily have adverse effects on this site (recognising that some structures may also be a site of significance, e.g. tauranga waka, or facilitate Māori customary uses e.g. mahinga kai), Hearing Panel recommend no change. The Hearing Panel notes that Policy 32 must be read in conjunction with each other relevant policies, including all the General Policies. Reference to Schedule 5B is appropriately referenced within Policy 15 and would require any structure to avoid significant adverse effects, and avoid, remedy and mitigate any other adverse effects on the values associated with sites of significance to Māori identified in Schedules 5A and 5B.
Further submissions – Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	540	<p>Amend</p> <p>Submitter seeks amendment to Policy 32 of the Plan to clarify that this policy is subject to the protective policies giving effect to the <i>New Zealand Coastal Policy Statement</i></p> <p>AND</p> <p>Amend Policy 32(d) to read:</p> <p><i>Structures in the coastal marine area: [...]</i></p> <p><i>(d) will be designed, located and managed:</i></p> <p><u>A. to avoid adverse effects in accordance with policies 8, 9, 14 [list policies that give effect to Policies 11, 13 and 15 of the New Zealand Coastal Policy Statement]; and</u></p> <p><u>B. so as to avoid, remedy or mitigate:</u></p> <p><i>(i) any [...].</i></p>	<p>Decline</p> <p>Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Thus, Policy 32 must be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel therefore recommends declining the relief sought on the basis that the issue raised by the submitter has already been covered within other provisions of the Plan.</p>
45 – Powerco	541	<p>Support</p> <p>Retain Policy 32 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 32 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	542	<p>Support</p> <p>Retain Policy 32 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 32 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.</p>
47 – Fonterra	543	<p>Amend</p> <p>Submitter support Policy 32 recognising and providing for structures in the coastal marine area that have an operational requirement to be located in the coastal environment but seeks amendment so that Policy 32(a) is not limited to those activities that have a functional need only. Submitter seeks amendment to Policy 32(a) of the Plan to read:</p> <p><i>Structures in the coastal marine area:</i></p> <p><i>(a) will generally be limited to those that have a functional need <u>or operational requirement</u> to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate; [...]</i></p>	<p>Accept</p> <p>The Hearing Panel agrees with the submitter to amend the Policy to cover “operational needs” alongside “functional needs”. The amended Policy would provide for structures that are not required to be located within the coastal marine area, however, their operational requirements or constraints justify their presence there.</p> <p>In order to maintain consistency with terms adopted in the <i>National Planning Standards</i>, the Hearing Panel recommends that the term “operational need” be adopted rather than “operational requirement”.</p> <p>The amended Policy would read as follows:</p> <p><i>Structures in the coastal marine area:</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources Ltd (6)		Support	<i>(a) must generally be limited to those that have a functional need <u>or operational need</u> to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate; [...]</i>
57 – Heritage New Zealand	544	Amend The submitter identifies that the placement of structures has the potential to adversely affect historic heritage and wishes to include cross-reference to Policy 15 [Historic heritage] within Policy 32. Submitter seeks amendment to Policy 32 of the Plan to manage potential adverse effects of the placement of hard protection structures to historic heritage by adding a further point: <u>(g) will manage adverse effects on historic heritage in accordance with Policy 15.</u>	Decline The Hearing Panel notes that the preamble to Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Thus, Policy 32 must be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> . The Hearing Panel therefore recommends declining the relief sought as historic heritage matters are already adequately addressed under other provisions of the Plan.
Policy 33 – Hard protection structures in coastal areas of outstanding value			
43 – Royal Forest and Bird Protection Society	545	Amend Submitter seeks amendment to Policy 33 to read: <i>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 in Schedule 2, that contribute to an area having outstanding value, in accordance with Policy 8.</i>	Decline The submitter does not believe that all of the values or characteristics contributing to the outstanding natural character of the identified areas are identified within Schedule 2. Therefore, the Policy is limited to only providing for those identified in Schedule 2 and not achieving the appropriate protection required by Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> . The Hearing Panel agrees that there are broader considerations than just those values identified in Schedule 2, however, these considerations are separately provided for under other General Policies of the Plan that, in turn, give effect to Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> . The wording of Policy 33 is consistent with Policy 8 [Areas of outstanding value] of the Plan in that the avoidance of adverse effects relates to specific scheduled values identified.
Further submissions – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Policy 33A			
43 – Royal Forest and Bird Protection Society	546	Amend Submitter seeks amendment to the Plan to include a similar policy to Policy 33 to address hard protection structures and adverse effect on sites and areas with significant values identified under Policy 14 of the Plan.	Decline The submitter seeks the addition of a new policy to manage the adverse effects of hard protection structures on significant indigenous biodiversity values identified in Policy 14 of the Plan.
Further submissions – Port Taranaki Ltd (32)		Oppose The Hearing Panel recommends declining the relief sought. It is suggested that the protection of significant indigenous biodiversity from the adverse effects of hard protection structures are adequately addressed under other provisions of the Plan and do not require repeating. Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of the activity to be authorised and which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> .	
Policy 34 – Appropriateness of hard protection			
47 – Fonterra	547	Amend Submitter seeks to expand Policy 34 to include regionally important “ <i>industry</i> ” alongside infrastructure in order to encompass the hard protection structures of industries within the region. Submitter seeks amendment to Policy 34 of the Plan to read: <i>Hard protection structures will be discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important <u>industry and infrastructure</u>. [...]</i>	Grant in kind The Council is seeking to manage the risk of hard protection works becoming more prevalent along the Taranaki coastline with associated risks that coastal natural character, amenity values and public access is degraded over time. Accordingly, Policy 34 seeks to generally discourage the use of hard protection structures in the coastal marine area. The submitter has highlighted an issue whereby the Policy reference to “ <i>regionally important infrastructure</i> ” is problematic in that it excludes some activities and arguably repeats consideration matters covered in Clause (e), which refer to the national and regional importance of existing infrastructure, use or value at threat. The Hearing Panel proposes an alternative relief whereby reference to regionally important infrastructure (and its limited scope) is deleted and instead the Policy will rely on Clause (c) which has a much broader application and would cover the hard protection structure that would encompass protecting the Whareroa discharge outfall. At the hearing, the submitter presented further on Policy 34 and provided two alternative amendment suggestions. The Hearing Panel considers that the

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			amendments suggested are not necessary and that Clause (a) – (g) sufficiently provide for the needs of the submitter (and others).
57 – Heritage New Zealand	548	Amend Submitter seeks amendment to Policy 34 of the Plan to read: <i><u>(h) the management of adverse effects on historic heritage in accordance with Policy 15.</u></i>	Decline The submitter identifies that the placement of hard protection structures has the potential to adversely affect historic heritage and wishes to include cross-reference to Policy 15 [Historic heritage] within Policy 34. The Hearing Panel recommends declining the relief sought as such matters are already adequately addressed under other provisions of the Plan and does not require repeating or selective cross-referencing to particular General Policies. The Hearing Panel notes that the preamble to Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
59 – KiwiRail	549	Support Retain Policy 34(c) of the Plan as notified.	Accept in part Support noted. Policy 34 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
Policies 34 and 35 – Hard protection structures			
43 – Royal Forest and Bird Protection Society	550	Amend Submitter seeks amendment to Policies 34 and 35 of the Plan (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 AND Seek amendment to Policy 35 of the Plan to ensure protection is also given under Policies 8 and 9 of the Plan.	Decline The Hearing Panel recommends declining the relief sought as such matters are already adequately addressed under other provisions of the Plan and do not require repeating. The Hearing Panel notes that the preamble to Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Department of Conservation (29), Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Policy 35 – Temporary hard protection structures			
60 Te Kaahui o Rauru	551	Amend Submitter seeks amendment to Policy 35 of the Plan to include a definition of "permanent".	Accept The Hearing Panel recommends amending Policy 35(c) so that it no longer refers to "permanent". The revised Policy (c) would read as follows: <i>Temporary hard protection structures with a duration of less than five years may be allowed provided that: [...]</i> <i>(c) any adverse effects on the environment resulting from the placement, use and removal of the structure, <u>will be less than minor and transitional</u>.</i>
Policy 36 – Maintenance, repair, replacement and minor upgrading of existing structures			
12 – Chorus New Zealand Ltd	552	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
13 – Spark New Zealand Trading Ltd	553	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
14 – Vodafone New Zealand Ltd	554	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
43 – Royal Forest and Bird Protection Society	555	Support Submitter seeks amendment to Policy 36 of the Plan to read: <i>Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed:</i>	Accept The Hearing Panel agrees with the submitter on the importance of ensuring that, in providing for the maintenance, and minor alteration or extension of existing lawful structures and reclamations in the coastal marine area, the scale of effects of those

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>a). where it does not increase the scale or significance of the effects of the activity or structure; and</u></p> <p><u>b). in order to:</u></p> <p>(i) enable compliance [...]</p>	<p>activities are not increased. Accordingly, the Hearing Panel recommends amending Policy 36 to largely give effect to the relief sought by the submitter but with some minor amendments to those suggested to allow for the activity where the effects are less than minor (i.e. in relation to no increase in the scale or significance of the effects) <u>or</u> in order to provide for the circumstances set out in Policy 36 (a) of the Proposed Plan but subject to the appropriate avoidance, remediation or mitigation of adverse effects (that requires having regard to the General Policies and other relevant Activity-specific Policies).</p> <p>The Hearing Panel recommends amending Policy 36 to read:</p> <p><i>Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed:</i></p> <p><u>a). in order to:</u></p> <p>(i) enable compliance [...]</p> <p><u>(b) where it does not increase the scale or intensity of the adverse effects of the activity or structure; and</u></p> <p><u>subject to the appropriate avoidance, remediation or mitigation of adverse effects.</u></p> <p>The Hearing Panel further recommends that amendments consistent with amendments identified above, are incorporated into Policy 41 for consistency and clarity for Plan users.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
45 – Powerco	556	<p>Support</p> <p>Retain Policy 36 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	557	<p>Support</p> <p>Retain Policy 36 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.</p>
47 – Fonterra	558	<p>Support</p> <p>Retain Policy 36 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
59 – KiwiRail	559	Support	Accept
		Retain Policy 36 of the Plan as notified.	Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
Policy 37 – Alterations or extensions of existing structures			
12 – Chorus New Zealand Ltd	560	Support	Accept
		Retain Policy 37 of the Plan as notified.	Support noted. Policy 37 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
13 – Spark New Zealand Trading Ltd	561	Support	Accept
		Retain Policy 37 of the Plan as notified.	Support noted. Policy 37 is retained subject to minor amendment as requested by another submitter that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
14 – Vodafone New Zealand Ltd	562	Support	Accept
		Retain Policy 37 of the Plan as notified.	Support noted. Policy 37 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
43 – Royal Forest and Bird Protection Society	563	Amend	Accept in part
		Submitter seeks amendment to Policy 37 of the Plan to read: <i>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, and where the activity will not have significant adverse effects on other lawfully established structures</u> or uses, and <u>alteration or extension values and</u> will: [...]</i>	<p>There are two parts to the relief sought by the submitter.</p> <p>First, the submitter does not consider Policy 37 meets the requirements of Policy 11(a) [Indigenous biological diversity], 13(1)(a) [Preservation of natural character] or 14(a) [Restoration of natural character] of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel disagrees and does not recommend granting relief to this part of the relief sought by the submitter. The Hearing Panel notes that Policy 37 must be read in conjunction with all the other relevant policies, including all the General Policies, which address amongst other things natural character and indigenous biodiversity. Together these policies address the matters sought by the submitter and are considered sufficient to achieve the requirements set out within the <i>New Zealand Coastal Policy Statement</i>.</p> <p>Second, the submitter seeks amendment to the policy to include “<i>lawfully established structures</i>”. The Hearing Panel agrees to this part of the relief sought noting it clarifies the policy intent. The amended Policy would read as follows:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>Major alteration or extension of existing lawful structures will be allowed in locations where the activity will not have significant adverse effects on other <u>lawfully established structures or</u> uses and values and will: [...]</i>
45 – Powerco	564	Amend	Decline
		Submitter seeks amendment to Policy 37 of the Plan to read: Major a <i>Alteration or extension of existing lawful structures, <u>including major alterations or extensions</u>, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will [...]</i>	The submitter wishes to extend the scope of the policy to cover all alterations or extensions of structures in the coastal marine area, not just major alterations or extensions. The Hearing Panel recommends declining the relief sought.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support	The Hearing Panel considers that the current wording is appropriate as it provides for two types of alterations or extension. These being minor alterations and extensions that are managed through Policy 36 and generally allowed for as a permitted activity. Other alteration or extension activities are addressed under Policy 37 will generally require a consent. The Hearing Panel prefers to keep this distinction simple for Plan users as notified.
Further submissions – Fonterra (47)		Support in part	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	565	Amend	Decline
		Submitter seeks amendment to Policy 37 of the Plan to read: Major a <i>Alteration or extension of existing lawful structures, <u>including major alterations or extensions</u>, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will [...]</i>	The submitter wishes to extend the scope of the policy to cover all alterations or extensions of structures in the coastal marine area, not just major alterations or extensions. The Hearing Panel recommends declining the relief sought. The Hearing Panel considers that the current wording is appropriate as it provides for two types of alterations or extension. These being minor alterations and extensions that are managed through Policy 36 as a Permitted activity. Other alteration or extension activities are addressed under Policy 37 will generally require a consent. The Hearing Panel prefers to keep this distinction simple for Plan users as notified.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support	
Policy 38 – Removal of coastal structures			
12 – Chorus New Zealand Ltd	566	Support	Accept in part
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
13 – Spark New Zealand Trading Limited	567	Support	Accept in part
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendment as requested by other submitters that do not change the policy intent.
14 – Vodafone New Zealand Ltd	568	Support	Accept in part
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
25 – New Zealand Petroleum and Minerals	569	Amend	Accept in part
		Submitter seeks amendment to Policy 38 of the Plan to recognise additional considerations and to read as follows: <i>Structures will be removed from the coastal marine area at the expiry of their authorisation or at the end of their useful life, unless one or more of the following applies:</i> [...] <u>(d) the removal of the structure poses unreasonable costs or is technically unfeasible; or</u> <u>(e) the removal of the structure poses unreasonable risk on human health and safety.</u>	The submitter is concerned that part of 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 requiring the removal of structures in the coastal marine area. The Policy does not explicitly provide for the use of industry best practice tools to determine the best practicable environmental outcome. The Hearing Panel notes that the removal of new structures are generally considered at the time of the application of a consent and with the consent being granted once the technical, financial and safety aspects have been considered. However, some older structures may have received consents before this became standard practice. It is therefore considered appropriate to ensure that the Council is not trying to require structures to be removed where it would be technically unfeasible and/or there would be a risk to human health and safety.
		Support in part	The relief sought by the submitter has three parts. The Hearing Panel agrees with the submitter to amend the Policy so that technical considerations and public health risks are reasonable considerations where Council might not require the structure to be removed. However, following pre-hearing discussions with the Department of Conservation, the Hearing Panel does not consider that the imposition of unreasonable cost is an acceptable reason for not removing a structure and expect these considerations to be addressed when the consent to place or erect the structure is sought. At the hearing, the submitter presented further on this issue and sought the inclusion of a new clause (f) to the effect that removal of all or part of a structure is not required if the retention of all or part of the structure has either beneficial or minimal adverse effects on marine ecology and coastal processes. However, it is the view of the Hearing Panel that the matters set out in Policy 38 already provides for this and the
		Oppose	
		Support	
Further submissions – Trans-Tasman Resources Ltd (6)			
Further submissions – Department of Conservation (29), Te Rūnanga o Ngāti Mutunga (40)			
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)			

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			new clause is not necessary. For example, retention of a structure below the seabed maybe entirely appropriate and has been provided for under Cause (a) as the disturbance to the seafloor in removing that structure is likely to cause greater adverse effects on the environment than leaving it in place.
32 – Port Taranaki	570	Amend Submitter seeks amendment to Policy 38 of the Plan to provide an exception to this policy for new port structures intended to be permanent.	Accept The Hearing Panel recommends granting the relief sought by the submitter. The Hearing Panel recognises that some (but not all) Port structures may be designed and built to be permanent. In such situations it is appropriate that there is no obligation to remove these “ <i>permanent structures</i> ”. The Hearing Panel recommends amending Policy 38 to include a new Clause (c) (plus other consequential amendments) to allow considerations for material to be left <i>in situ</i> or elsewhere in the coastal marine area where the structure, or part of the structure, is intended to be permanent, e.g. new Port structures. Policy 38 would read as follows: <i>Policy 38 removal of coastal structures</i> <i>Decommissioning and removal of any new structure <u>must be considered</u> as part of the initial design and installation <u>and removal will generally be required.</u></i> <i><u>When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply: [...]</u></i> <i><u>(c) the structure, or part of the structure, is permanent or has a reuse value that is considered appropriate in accordance with Policy 5; [...]</u></i>
37 – Petroleum Exploration and Production Association of NZ	571	Amend Submitter seeks amendment to Policy 38 of the Plan to read: Structures will be removed from the coastal marine area at the expiry of their authorisation or at the end of their useful life, unless Applications to abandon material in situ or elsewhere in the coastal marine area can be made if one or more of the following applies [...]	Grant in kind The submitter has issue with Policy 38 in that the original wording is arguably ambiguous and could mean that the Council imposes a requirement to leave the structure if an item on the list is triggered. The submitter recommends some word changes to clarify the Policy's intent. The Hearing Panel recommends granting an alternative relief to that sought by the submitter with minor word changes to align the wording with other provisions within the Plan.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>The revised Policy would read as follows:</p> <p><i>Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.</i></p> <p><i>When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply: [...]</i></p>
37 – Petroleum Exploration and Production Association of NZ	572	<p>Amend</p> <p>Submitter seeks amendment to Policy 38 to include the following considerations (from the International Maritime Organisation's 1989 guidelines):</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>Accept in part</p> <p>The submitter wishes additional factors to be considered when applying to leave materials <i>in situ</i>. The submitter suggests this would be in line with the direction of the Central Government's proposed policy for structures in the Exclusive Economic Zone and also with the International Maritime Organisation's 1989 guidelines and include consideration of costs, technical feasibility and health and safety risks.</p> <p>The Hearing Panel agrees with the submitter to amend the Policy to expand consideration matters for where Council might not require the structure to be removed to include technical considerations and public health risks. However, following pre-hearing discussions with the Department of Conservation, the Hearing Panel does not consider that unreasonable cost is an acceptable reason for not removing a structure and expect such considerations to be addressed when the consent to place or erect the structure is sought.</p> <p>The Hearing Panel recommends the following amendments to the Policy as follows:</p> <p><i>Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.</i></p> <p><i>When assessing the appropriateness if allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply:</i></p> <p><i>a) removal of the structure would cause greater adverse effects on the environment than leaving it in place;</i></p> <p><i>b) the structure is an integral part of an historic heritage site or landscape;</i></p> <p><i>c) the structure, or part of the structure, is permanent or has reuse value that is considered appropriate in accordance with Policy 5;</i></p> <p><i>d) the removal of the structure is technically unfeasible; or</i></p> <p><i>e) the removal of the structure poses unreasonable risk on human health and safety.</i></p>
Further submissions – Te Atiawa (58)		Oppose	<p><i>Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.</i></p> <p><i>When assessing the appropriateness if allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply:</i></p> <p><i>a) removal of the structure would cause greater adverse effects on the environment than leaving it in place;</i></p> <p><i>b) the structure is an integral part of an historic heritage site or landscape;</i></p> <p><i>c) the structure, or part of the structure, is permanent or has reuse value that is considered appropriate in accordance with Policy 5;</i></p> <p><i>d) the removal of the structure is technically unfeasible; or</i></p> <p><i>e) the removal of the structure poses unreasonable risk on human health and safety.</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
37 – Petroleum Exploration and Production Association of NZ	573	Amend	Decline
		Clarify policy expectations for planning for decommissioning and removal by allowing for a description of general principles and options for decommissioning and removal of new structures.	<p>The submitter seeks that the Policy be clarified to allow for a description of general principles and options for decommissioning and removal of new structures to provide clarity to users that a detailed decommissioning plan is not required at the time of applications for new structures.</p> <p>The Hearing Panel suggests that the Policy provides adequate direction and guidance on the Council's expectations that, as part of the consenting process, applicants need to consider and address Council's general expectation that structures in the coastal marine area will be decommissioned and removed after they have served their stated purpose.</p> <p>The submitter has not identified what principles and options they consider appropriate to be included in Plan provisions. However, it is the Hearing Panel's view that the detail describing general principles and options for decommissioning the removal of new structures in the coastal marine area is not necessary to be included in the Policy itself and are matters of detail that are more appropriately addressed through the consenting process.</p>
41 – Te Korowai o Ngāruahine Trust	574	Support	Accept
		Submitter supports presumption in Policy 38 of the Plan that coastal structures will be removed.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	575	Support	Accept
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
45 – Powerco	576	Support	Accept
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Fonterra (47)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	577	Support	Accept
		Retain Policy 38 of the Plan as notified.	Support noted. Policy 38 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	578	<p>Amend</p> <p>Submitter seeks amendment to Policy 38 of the Plan to read: <i>Decommissioning and removal of any new structure will <u>must</u> be planned for as part of the initial design and installation.</i> <i>Structures will <u>must</u> 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:</i></p>	<p>Accept</p> <p>The use of terms with similar meanings such as “<i>must</i>”, “<i>will</i>” and “<i>shall</i>” has been alternatively adopted throughout many second generation planning documents, including national policy statements and regional plans.</p> <p>A number of submitters have identified they prefer the term “<i>must</i>”, instead of “<i>will</i>” in relevant policies. Some have argued that the use of the term “<i>must</i>” is more legally robust. The Hearing Panel has no objection to making the change noting that the policy intent of this Policy is that the activity needs to comply with the provision.</p>
Policy 39 – Occupation			
6 – Trans-Tasman Resources Ltd	579	<p>Support</p> <p>Retain Policy 39 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 39 is retained as notified.</p>
43 – Royal Forest and Bird Protection Society	580	<p>Support</p> <p>Retain Policy 39 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 39 is retained as notified.</p>
45 - Powerco	581	<p>Support</p> <p>Retain Policy 39 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 39 is retained as notified.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	582	<p>Support</p> <p>Retain Policy 39 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Policy 39 is retained as notified.</p>
Policy 40 – Disturbance, deposition and extraction in marine protected areas			
41 – Te Korowai o Ngāruahine Trust	583	<p>Amend</p> <p>Submitter seeks amendment to Policy 40 of the Plan so that it includes marine areas that sometime in the future may also be designated for legal protection.</p>	<p>Accept</p> <p>The submitter wishes to expand the protections of Policy 40 to provide for changes that may occur over the life of the Plan, in particular, any future area designated for legal protection.</p> <p>The Hearing Panel recommends granting the relief sought by amending Policy 40 to read:</p> <p><i>Disturbance of, or deposition on, the foreshore or seabed or the extraction of natural material will not occur in <u>areas managed or held under other Acts for statutory protection (including Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine</u></i></p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		<p>Support</p>	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>Protected Area and Tapuai Marine Reserve identified in Schedule 1) apart from that associated with: [...]</i>
43 – Royal Forest and Bird Protection Society	584	Support Retain Policy 40 of the Plan as notified.	Accept Support noted. Policy 40 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
Policy 41 – Provision for disturbance, deposition or extraction activities that provide public or environmental benefit			
26 – Transpower NZ Ltd	585	Amend Submitter seeks amendment to Policy 41(g) of the Plan to read: <i>Disturbance, deposition or extraction that is necessary to protect, or maintain or develop the safe and efficient operation of nationally and regionally important infrastructure or provide for public or environmental benefit will be allowed for <u>enabled</u>, subject to appropriate management of adverse effects, including: [...]</i> <i>(g) operating, maintaining, repairing, or upgrading, <u>or development of</u> lawful structures or infrastructure; [...]</i>	Grant in kind The submitter wishes Policy 41 to provide for the consideration of new infrastructure (development) within the Policy, which would give effect to Policy 1 and 2 of the National Policy Statement for Electricity Transmission. The Hearing Panel recommends amending Policy 41 in a manner that gives effect to the relief sought by the submitter while aligning with language adopted elsewhere in the Plan. The revised Policy would read as follows: <u>Allow</u> disturbance, deposition or extraction that is necessary to provide for public or environmental benefit, <u>including protecting or maintaining the safe and efficient operation of regionally important infrastructure</u> , subject to appropriate management of adverse effects, including: [...] <i>(g) operating, maintaining, <u>altering or extending</u> lawful structures or infrastructure; [...]</i>
29 – Department of Conservation	586	Support Retain Policy 41 of the Plan as notified.	Accept Support noted. Policy 41 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
59 - KiwiRail	587	Support Retain Policy 41 of the Plan as notified.	Accept Support noted. Policy 41 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	588	Amend	No relief necessary
		Submitter seeks amendment to Policy 41 of the Plan to clarify that natural values includes significant indigenous biodiversity consistent with Policy 14.	<p>The submitter is concerned that Policy 41, as currently worded, implies a potential for trading off adverse effects on some environmental values to enhance others and where the activity is for public benefit. The submitter considers “<i>appropriate management</i>” uncertain and is concerned that this Policy is in conflict with Policy 14 [Indigenous biological diversity].</p> <p>The Hearing Panel notes that the policy direction to enable disturbance, deposition or extraction activities that provide public or environmental benefit is subject to the appropriate management of adverse effects. This requires the activity to be managed in a manner consistent with the directions set out in the General Policies 1 to 21.</p> <p>Policy 41 must be read in conjunction with other of the relevant policies, including all the General Policies. Together these policies address the matters sought by the submitter, including those relating to the protection of significant indigenous biodiversity.</p> <p>In relation to amendments to the Policy to clarify that natural values include indigenous biodiversity, the Hearing Panel considers no relief is necessary. However, the Panel recommends minor amendments to Policy 41 to address relief sought by the submitter in submission point 555.</p>
45 – Powerco	589	Support	Accept
		Retain Policy 41 of the Plan as notified.	Support noted. Policy 41 is retained subject to minor amendments as requested by another submitters that does not change the policy intent.
Policy 42 – Disturbance of the foreshore and seabed			
12 – Chorus New Zealand Ltd	590	Support	Accept
		Retain Policy 42 of the Plan as notified.	Support noted. Policy 42 is retained as notified.
13 – Spark New Zealand Trading Ltd	591	Support	Accept
		Retain Policy 42 of the Plan as notified.	Support noted. Policy 42 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
14 – Vodafone New Zealand Ltd	592	Support	Accept
		Retain Policy 42 of the Plan as notified.	Support noted. Policy 42 is retained as notified.
37 – Petroleum Exploration and Production Association of NZ	593	Support	Accept
		Retain Policy 42 of the Plan as notified.	Support noted. Policy 42 is retained as notified.
41 – Te Korowai o Ngāruahine Trust	594	Other	No relief necessary
		Submitter seeks confirmation that Policy 42 of the Plan does not relate to commercial activity.	<p>The submitter is not seeking a change to the Plan but presumes that the Policy does not apply to large-scale commercial activities (and their appropriateness) in the coastal marine area.</p> <p>The Hearing Panel notes that the Plan must necessarily address commercial and non-commercial activities. Accordingly, Policy 42 could be applied to commercial activities.</p> <p>It is the view of the Hearing Panel that Policy 42 does not need to differentiate activities according to whether or not they are a commercial activity but rather focus on the range of environmental effects that the activity might result in. This is considered appropriate and a better management practice than merely regulating the activities for commercial ventures. Notwithstanding the above, the Hearing Panel notes that large scale commercial activities that cause disturbance of the foreshore and seabed will generally be of a scale or type that trigger certain rules and consenting requirements. However, even small commercial activities and non-commercial activities can be of a size, type or in a location that need to be managed in a manner that has regard to the sensitivity of the site specific values present plus the other matters set out in Policy 42.</p>
43 – Royal Forest and Bird Protection Society	595	Amend	Decline
		Submitter seeks amendment to Policy 42 of the Plan to ensure activities avoid adverse effects as required by Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> .	<p>The Hearing Panel suggests that the submitter's concerns have already been provided for within the Plan and recommend declining the relief sought.</p> <p>As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policies 11, 13 and 15. Together these policies address the matters sought by the submitter, including those relating to the protection of significant indigenous biodiversity. It is not</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Neutral	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			necessary to refer to indigenous biodiversity throughout the Policies when a standalone Policy provides the required protection already.
55 – Kiwis Against Seabed Mining	596	Amend Submitter seeks amendment to Policy 42 of the Plan, as the interpretation of "disturbance" does not relate to commercial activity.	Decline The Hearing Panel recommends declining the relief sought by the submitter as Plan provisions must necessarily address all activities in the coastal marine area, irrespective of whether they are commercial or not. It is not the intent of the Plan to preclude appropriate commercial use and development. It is the view of the Hearing Panel that Policy 42 should focus on environmental effects rather than presumptions on the appropriateness of activities based on whether they are commercial or not. The Hearing Panel notes that commercial activities that cause disturbance of the foreshore and seabed will generally be of a scale or type that trigger certain rules and consenting requirements. However, even small commercial activities and non-commercial activities can be of a size, type or in a location that need to be managed in a manner that has regard to the sensitivity of the site specific values present plus the other matters set out in Policy 42.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
56 – Greenpeace	597	Amend Submitter seeks amendment to Policy 42 of the Plan as the interpretation of "disturbance" does not relate to commercial activity.	Decline The submitter is seeking amendment to Policy 42 to exclude large-scale commercial activities (and their appropriateness) in the coastal marine area. The Hearing Panel recommends declining the relief sought by the submitter as Plan provisions must necessarily address all activities in the coastal marine area, irrespective of whether they are commercial or not. It is not the intent of the Plan to preclude appropriate commercial use and development. It is the also the view of the Hearing Panel that Policy 42 should focus on effects rather than presumptions on the appropriateness of activities based on whether they are commercial or not. The Hearing Panel notes that commercial activities that cause disturbance of the foreshore and seabed will generally be of a scale or type that trigger certain rules and consenting requirements. However, the Hearing Panel also notes that even small commercial activities and non-commercial activities can be of a size, type or in a location that need to be managed in a manner that has regard to the sensitivity of the site specific values present plus the other matters set out in Policy 42.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
57 – Heritage New Zealand	598	Amend Submitter seeks amendment to Policy 42 of the Plan to read:	No relief necessary

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><i>Activities that cause disturbance of the foreshore or seabed will:</i></p> <p><i>[...]</i></p> <p><i>(c) avoid, remedy or mitigate other adverse effects – <u>including adverse effects on historic heritage (refer to Policy 15)</u>; and [...]</i></p>	<p>The Hearing Panel recognises the concern of the submitter but suggests that their concerns have already been provided for within the Plan.</p> <p>As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policy 15. Together these policies address the matters sought by the submitter, including those relating to the protection of historic heritage. It is not necessary to refer to historic heritage throughout the policies when a stand-alone Policy provides the required protection already.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	599	<p>Other</p> <p>Submitter seeks confirmation that the disturbance referred to in Policy 42 of the Plan is covered by Policies 40, 41, 43 and 44 and does not relate to commercial activity.</p>	<p>No relief necessary</p> <p>The submitter seeks confirmation that disturbance referred to in Policy 42 is covered by Policies 40, 41, 43 and 44. The Hearing Panel notes that which policies apply will depend upon the activity (e.g. if the activity is not occurring in the Port then Policy 43 does not apply). However, all policies must be read together. All General Policies 1 to 21 plus any relevant Activity-specific Policies will be considered together.</p> <p>In relation to the Policy excluding commercial activities, the Hearing Panel notes that neither the policies, nor the rules, differentiate activities according to whether or not they are a commercial activity. Instead, Plan provisions focus on the range of effects that the activity will result in. This is considered appropriate and a better management practice than merely regulating the activities for commercial ventures.</p> <p>Notwithstanding the above, the Hearing Panel notes that commercial activities that cause disturbance of the foreshore and seabed will generally be of a scale or type that trigger certain rules and consenting requirements. However, even small commercial activities and non-commercial activities can be of a size, type or in a location that need to be managed in a manner that has regard to the sensitivity of the site specific values present plus the other matters set out in Policy 42. It is, therefore, preferable not to limit any policies or rules to commercial activities only and a broader approach captures all activities.</p>
Policy 43 – Port dredging			
6 – Trans-Tasman Resources Ltd	600	<p>Amend</p> <p>The submitter wishes to expand the policy to refer to dredging which may also be required at other ports or for other significant infrastructure within the region.</p>	<p>Decline</p> <p>The Hearing Panel considers the requested amendments to be largely a continuation of Policy 41 [Provision for disturbance, deposition or extraction activities that provide</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>Submitter seeks amendments to Policy 43 of the Plan to refer to other nationally or regionally significant infrastructure and read as follows:</p> <p><i>Policy 43: Port of Dredging</i></p> <p><i>Maintenance and capital dredging activities for <u>ports or nationally or regionally significant infrastructure Port Taranaki</u>, including spoil disposal, will be managed in order that:</i></p> <p><i>(a) uncontaminated sand is deposited in inshore areas in a manner that mitigates the effects of Port Taranaki facilities on natural littoral sediment processes; [...]</i></p>	<p>public or environmental benefit] that deliberately focuses on providing for dredging that provides for the safe and efficient operation of Port Taranaki. The Hearing Panel has considered expanding upon the scope of the Policy to provide for maintenance and capital dredging activities for other regionally significant infrastructure. However, the Hearing Panel recommends retaining the Policy in its current form, noting that the Port is the only location carrying out moderate-scale activities in the Taranaki CMA with any frequency and other policies are applicable if need be.</p> <p>The Hearing Panel further notes that there are other mechanisms available under the RMA, such as emergency works, should urgent works be required in relation to maintaining the safe and efficient operation of other regionally important infrastructure.</p>
Further submissions – Department of Conservation (29), Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose	
43 – Royal Forest and Bird Protection Society	601	<p>Amend</p> <p>Submitter seeks amendments to Policy 43(b) of the Plan to read</p> <p><i>Maintenance and capital dredging activities for ports or nationally or regionally significant infrastructure Port Taranaki, including spoil disposal, will be managed in order that:</i></p> <p><i>(b) fine particle sediment (silt) and any contaminated sediment is deposited in appropriate offshore spoil disposal <u>locations/areas</u>; [...];</i></p>	<p>Accept</p> <p>The submitter considers the wording of Policy 43(d) to be uncertain. The Hearing Panel agrees to the relief sought noting that the requested amendment provides greater clarity and is consistent with wording used in Policy 5, and elsewhere, within the Plan.</p>
57 – Heritage New Zealand	602	<p>Amend</p> <p>Submitter seeks amendments to Policy 43 of the Plan by adding a new clause (e) to read:</p> <p><i>Maintenance and capital dredging activities for Port Taranaki, including spoil disposal, will be managed in order that:</i></p> <p><i>[...]</i></p> <p><i><u>(e) adverse effects on historic heritage are managed in accordance with Policy 15.</u></i></p>	<p>No relief necessary</p> <p>The Hearing Panel recognises the concerns of the submitter but suggests that their concerns have already been provided for within the Plan.</p> <p>As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policy 15. Together these policies address the matters sought by the submitter, including those relating to the protection of historic heritage. It is not necessary to refer to historic heritage throughout the policies when a stand-alone policy provides the required protection already.</p>
Further submissions – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 44 – Extraction or deposition of material			
6 – Trans-Tasman Resources Ltd	603	Support	Accept
		Submitter supports Policy 44 (with the exception of Clause (f)) of the Plan as providing appropriate policy support and guidance for extraction and deposition activities in the coastal marine area.	General support for Policy 44 noted. Issues raised regarding Clause (f) are discussed in the following submission point.
Further submissions – Department of Conservation (29), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
6 – Trans-Tasman Resources Ltd	604	Amend	Decline
		Submitter seeks amendments to Policy 44 of the Plan to delete Clause (f): <i>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: [...]</i> <i>(f) where applicable and appropriate, ensure that the deposited material is of a similar size, sorting and parent material as the receiving sediments”.</i>	The submitter considers Clause (f) to be too subjective and provides no guidance as to when it may be applicable and appropriate to impose size and sorting requirements on the deposited material. Further, the submitter believes that there may be a range of circumstances when such requirements may not be appropriate. The Hearing Panel notes that Policy 44(f) includes a qualifier that, where applicable and appropriate, the deposition of material from any extractions from the foreshore or seabed must be of a similar size, sorting and parent material as the receiving sediments. As a general requirement, this is considered reasonable and appropriate. However, through the consenting process there is an opportunity to consider on a case-by-case basis any circumstances where such requirements may not be applicable or appropriate and set conditions relating to sizing and sorting requirements (after also referring to other policies that may be relevant).
9 – Karen Pratt	605	Amend	Accept in part
		Submitter seeks amendments to Policy 44 of the Plan to include additional considerations and read as follows: <i>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: [...]</i> <i>(c) generally not occur in close proximity to moderate to high relief offshore reefs;</i> <i>(d) have regard to unique geological features that drive benthic primary production in the South Taranaki Bight [...]</i>	The submitter wishes to 'strengthen' Policy 44 by including a new clause to acknowledge biodiversity 'hot-spots' that are moderate to high relief reefs known by the local community of divers and recreational fishermen. Conversely, Submitter (6) argued at the hearing against reference to “close proximity” and “moderate to high relief offshore reefs” on the basis that the terms were uncertain (and instead only refer to those reefs identified as outstanding in Schedule 2 of the Plan). The Hearing Panel agrees that there is merit in amending the Policy to generally require that the extraction or deposition of material on the seafloor (not otherwise

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	<p>provided for by Policies 40, 41 and 43) not to occur in close proximity to moderate or high relief offshore reefs. The Hearing Panel further notes that there are potentially many such reefs in the Taranaki coastal marine area other than those few identified in Schedule 2 that also merit protection. Issues raised by submitter (6) relating to the lack of certainty are able to be adequately addressed through the consenting process.</p> <p>The Hearing Panel recommends amending Policy 44 to include a new Clause (c) that reads as follows:</p> <p><i>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:</i></p> <p>[...]</p> <p><i>(ba) not occur close to moderate or high relief offshore reefs;</i></p> <p>In regards to the requested Clause (d), “unique geological features that drive benthic primary habitat” is already implicitly addressed in (a) and there is no advantage to confining the consideration of such matters to the South Taranaki Bight. The Hearing Panel declines the request as Clause (a) as currently worded provides a wider protection.</p>
Further submissions –Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Nga Motu Marine Reserve Society Inc (44). Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	606	Amend Submitter seeks amendments to Policy 44 of the Plan to exclude areas identified in Schedules 2, 4A and 4B, 5A and 5B and 6 plus areas subject to a crown application or settlement under the <i>Takutai Moana Act 2011</i> .	Decline The Hearing Panel notes that the relief sought would exclude any extraction or deposition of natural material from the foreshore and seabed from most if not all of the Taranaki coastal marine area regardless of the size of the activity and regardless of whether there are any environmental effects. For example, the whole coastal marine area is currently subject to a Crown application or settlement under the <i>Takutai Moana Act 2011</i> . The Hearing Panel recognises that there are areas where the extraction or disposition of material on the foreshore or seabed would clearly be inappropriate having regard to the values and sensitivity of the receiving environment. Further, policy direction is provided in the General Policies relating to the protection, maintenance and/or enhancement of particular values and uses plus the rules themselves may include standards, terms and conditions that would exclude the activity from areas identified in Schedules 2, 4A, 4B, 5A, 5B and 6. All Plan provisions need to be read together and in their entirety. They include the General Policies, relevant Activity-specific Policies, and the rules (which address the type, scale and location of the activity). Some extraction and deposition activities are
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	<p>The Hearing Panel notes that the relief sought would exclude any extraction or deposition of natural material from the foreshore and seabed from most if not all of the Taranaki coastal marine area regardless of the size of the activity and regardless of whether there are any environmental effects. For example, the whole coastal marine area is currently subject to a Crown application or settlement under the <i>Takutai Moana Act 2011</i>.</p> <p>The Hearing Panel recognises that there are areas where the extraction or disposition of material on the foreshore or seabed would clearly be inappropriate having regard to the values and sensitivity of the receiving environment. Further, policy direction is provided in the General Policies relating to the protection, maintenance and/or enhancement of particular values and uses plus the rules themselves may include standards, terms and conditions that would exclude the activity from areas identified in Schedules 2, 4A, 4B, 5A, 5B and 6.</p> <p>All Plan provisions need to be read together and in their entirety. They include the General Policies, relevant Activity-specific Policies, and the rules (which address the type, scale and location of the activity). Some extraction and deposition activities are</p>
Further submissions –Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			very minor with less than minor adverse effects that can be generally allowed as a permitted activity. Others are more appropriately considered through the consenting process where there is an opportunity to consider the application on a case-by-case basis and impose conditions on where, how and when an activity can be undertaken and what actions need to be taken to avoid, remedy or mitigate any adverse effects.
43 – Royal Forest and Bird Protection Society	607	Amend Submitter seeks amendments to Policy 44 of the Plan to read: <i>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 <u>will should</u>: [...];</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter, however, recommend using “ <i>must</i> ” instead of “ <i>will</i> ” to maintain consistency with relief sought by other submitters.
Further submissions – Port Taranaki Ltd (32)		Support	
57 – Heritage New Zealand	608	Amend Submitter seeks amendments to Policy 44 of the Plan by adding a further point to read: <i>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:</i> [...] <i>(h) manage adverse effects on historic heritage in accordance with Policy 15.</i>	No relief necessary The Hearing Panel recognises the concerns of the submitter but suggest that their concerns have already been provided for within the Plan. As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policy 15. Together these policies address the matters sought by the submitter, including those relating to the protection of historic heritage. It is not necessary to refer to historic heritage throughout the policies when a stand-alone Policy provides the required protection already.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	609	Amend Submitter seeks amendment to Policy 44 of the Plan to exclude areas and resources identified in Schedules 2, 4A, 4B, 5A, 5B and 6 areas subject to a Crown application or settlement under the <i>Takutai Moana Act 2011</i> .	Decline The Hearing Panel notes that the relief sought would exclude any extraction or deposition of natural material from the foreshore and seabed from most if not all of the Taranaki coastal marine area regardless of the size of the activity and regardless of whether there are any environmental effects. For example, the whole coastal marine area is currently subject to a Crown application or settlement under the <i>Takutai Moana Act 2011</i> . The Hearing Panel notes that there are areas where the extraction or disposition of material on the foreshore or seabed would clearly be inappropriate having regard to

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>the values and sensitivity of the receiving environment. Further, policy direction is provided in the General Policies relating to the protection, maintenance and/or enhancement of particular values and uses plus the rules themselves may include standards, terms and conditions that would exclude the activity from areas identified in Schedules 2, 4A, 4B, 5A, 5B and 6.</p> <p>All Plan provisions need to be read in their entirety. They include the General Policies, relevant Activity-specific Policies, and the rules (which address the type, scale and location of the activity). Some extraction and deposition activities are very minor with less than minor adverse effects that can be generally allowed as a permitted activity. Other are more appropriately considered through the consenting process where there is an opportunity to consider the application on a case-by-case basis and impose conditions on where, how and when an activity can be undertaken and what actions need to be taken to avoid, remedy or mitigate any adverse effects.</p>
Policy 45 – Appropriateness of reclamation or drainage			
26 – Transpower NZ Ltd	610	<p>Amend</p> <p>Submitter supports Policy 45(d) of the Plan but seeks amendment to Policy to read:</p> <p><i>Enable reclamation or drainage of land in the coastal marine area will not be allowed unless where:</i></p> <p><i>[...]</i></p> <p><i>(d) the activity provides significant public benefit with particular regard to the extent to which the reclamation or drainage and intended purpose would provide for the efficient operation of nationally and regionally important infrastructure including, but not limited to, ports, airports, coastal roads, pipelines, electricity transmission, railways, marinas and electricity generation.</i></p>	<p>Grant in kind</p> <p>The Hearing Panel notes the support for Policy 45(d) that recognises nationally and regionally important infrastructure. However, the submitter is concerned that the term “not be allowed” infers the decline of a resource consent and could be interpreted as predetermining the outcome of a resource consent process.</p> <p>The suggested wording provides an alternative that frames the policy more positively however arguably reverses the presumption whereby it pre-determines that the activity should be allowed. The Hearing Panel recommends an alternative relief involving slightly different wording that will achieve the same outcome. It will ensure that Policy 45 cannot be read separate to other policies of the Plan.</p> <p><i>Consider reclamation or drainage of land in the coastal marine area <u>where</u>: [...]</i></p>
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	611	Amend	Accept in part
		Submitter seeks amendment to Policy 45(a) and (b) of the Plan to refer to “functional need” so that this can be guided by Policy 5 in the Plan.	<p>The Hearing Panel recommends granting part of the relief sought by the submitter by amending Policy 45(b) to refer to “functional need”.</p> <p>With regards to also including the term in Policy 45(a), the Hearing Panel recommends declining that part of the relief sought given that all the policy clauses apply and it is not considered necessary to again refer to functional need in Clause (a).</p> <p>The amendment would read as follows:</p> <p>(b) <i>there is a functional need or operational need for the activity to be located in or adjacent to the coastal marine area</i></p>
43 – Royal Forest and Bird Protection Society	612	Amend	Grant in kind
		<p>The submitter considers Policy 45 to be uncertain in relation to determining “appropriateness”. It is the submitter's view that the <i>New Zealand Coastal Policy Statement</i> requires plans to provide direction in inappropriate locations/places.</p> <p>Submitter seeks amendment to Policy 45 of the Plan by including a new clause that states that the activity will be in an appropriate location.</p>	<p>At the hearing of submissions, the submitter identified an alternative relief that would address the concerns raised. The Hearing Panel considers the proposed relief to be appropriate as it clarifies the intent of the Policy to provide a number of considerations that need to be weighed against other policies of the Plan. The Hearing Panel notes that Policy 45 needs to be read in conjunction with all of the general policies and other relevant activity policies.</p> <p>The Hearing Panel recommend amending Policy 45 to read:</p> <p><i>Consider reclamation or drainage of land in the coastal marine area <u>only in circumstances</u> where: [...]</i></p>
43 – Royal Forest and Bird Protection Society	613	Amend	Decline
		Submitter seeks amendment to the Plan (Policy 5) to clarify that the activity in Policy 45 is subject to the protective policies in giving effect to the <i>New Zealand Coastal Policy Statement</i> .	<p>As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies. Together these Policies provide for and give effect to the <i>New Zealand Coastal Policy Statement</i>. Therefore, it is not necessary or appropriate to reference other Policies within the Plan or Policies within the <i>New Zealand Coastal Policy Statement</i>.</p>
59 – KiwiRail	614	Support	Accept
		Retain Policy 45 of the Plan as notified.	Support noted. Policy 45 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Policy 46 – Design of reclamation			
43 – Royal Forest and Bird Protection Society	615	Amend Submitter seeks amendment to Policy 46 of the Plan to provide for protection required by Policies 11, 13 and 14 of the <i>New Zealand Coastal Policy Statement</i> OR Alternatively retain Policy 46 as worded and amend Policies 5 and 45 as per the relief sought by the submitter in relation to those policies.	Accept in part The Hearing Panel suggests that the submitter's concerns have already been provided for within the Plan. As stated in the preamble of Section 5.1, Policy 46 must be read in conjunction with each of the other relevant policies, including all the General Policies, which address the natural character and indigenous biodiversity policies of the <i>New Zealand Coastal Policy Statement</i> referred to by the submitter. It is not necessary to continuously refer to indigenous biodiversity or natural character value throughout the Policies when General Policies already provide for the required protection. Notwithstanding the above, refer to submission points 281 and 607 for recommendations relating to granting in part reliefs sought by the submitter in relation to Policies 5 and 45 of the Plan.
Further submissions – Port Taranaki Ltd (32)		Oppose/Support in part	
57 – Heritage New Zealand	616	Amend Submitter seeks amendment to Policy 46 of the Plan by adding a new Clause (d) to read: <i>Subject to Policy 45, the design and form of any reclamation of land in the coastal marine area will:</i> [...] <u>(d) manage adverse effects on historic heritage in accordance with Policy 15.</u>	No relief necessary The Hearing Panel acknowledges the concerns of the submitter but suggest that their concerns have already been provided for within the Plan. As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policy 15. Together these policies address the matters sought by the submitter, including those relating to the protection of historic heritage. The Hearing Panel suggests that it is not necessary to refer to historic heritage throughout the policies when a stand-alone Policy provides the required protection already.
Policy 47 – Taking and use of coastal water			
6 – Trans-Tasman Resources Ltd	617	Support Submitter supports recognition in Policy 47 of the Plan that it is appropriate to take and use coastal water provided there are no adverse environmental effects.	Accept Support noted. Policy 47 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
33 - New Zealand Defence Force	618	Amend Submitter seeks amendment to Policy 47 of the Plan to ensure a connection between the policy and rule framework and to allow the taking and use of coastal water at a rate and volume where the taking results in an acceptable level of environmental effect.	Accept Submitter is concerned that Policy 47, as drafted, requires all adverse effects relating to the taking of coastal waters to be avoided. The submitter considers such a requirement impractical and in conflict with Rule 65 of the Plan. The Hearing Panel agrees and recommends granting the relief sought by the submitter by amending Policy 47 (plus minor inconsequential changes to align policy language with reliefs granted elsewhere) to read: <i>Allow the taking and use of coastal water and any taking of heat or energy from coastal water <u>subject to it being taken in a quantity or at a rate and in a manner that avoids, remedies or mitigates</u> adverse environmental effects..</i>
43 – Royal Forest and Bird Protection Society	619	Support Retain Policy 47 of the Plan as notified.	Accept Support noted. Policy 47 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
Policy 48 – Damming or diversion of coastal water			
43 – Royal Forest and Bird Protection Society	620	Amend The submitter does not believe that the use of “should” provides certainty and wishes to use “will” as a stronger directive. Submitter seeks amendment to Policy 48 of the Plan to read: <i>Damming or diversion of coastal water <u>will</u> should not cause adverse environmental effects.</i>	Decline The Hearing Panel notes that Policy 48, as currently worded, states that the general course of action is that any damming or diversion of coastal waters do not cause adverse environmental effects. However, the Policy also recognises that, in some circumstances, some adverse effects might be acceptable, especially if such effects are minor or transitory. The amendment sought by the submitter would preclude such considerations and would be unnecessarily excessive.
Policy 49 – Noise and vibration			
9 – Karen Pratt	621	Amend Submitter seeks amendment to Policy 49 of the Plan to adopt the same precautionary principles applied by the Environmental Protection Authority by adopting similar wording to Condition 10 for the Trans-Tasman Resources consent for ironsand mining and which states that there be “...no adverse effects	No relief necessary The Hearing Panel recognises the concerns of the submitter in regards to the protection of blue whales, mammals in the threat classification, or on the IUC red list. The Hearing Panel notes that Policy 44 [Extraction or deposition of material] would require the consideration of such matters and, consistent with the <i>New Zealand</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>at a population level' on blue whales, mammals in the threat classification, or on the IUC red list".</i>	<p><i>Coastal Policy Statement</i>, would require such activities to avoid adverse effects at a population level on blue whales and any other mammals in the threat classification, or on the IUC red list.</p> <p>The Hearing Panel further notes that Policy 14 (plus the other General Policies) would also be considered in conjunction with Policy 49, which is specific to noise and vibration activities in the coastal marine area. Therefore, it is not necessary to amend Policy 49 as the concerns raised are already adequately addressed within other areas of the Plan.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Nga Motu Marine Reserve Society Inc (44), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
33 - New Zealand Defence Force	622	Support	Accept
		Retain Policy 49 of the Plan as notified.	Support noted. Policy 49 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
43 – Royal Forest and Bird Protection Society	623	Amend	Accept in part
		<p>Submitter seeks amendment to Policy 49 of the Plan to read:</p> <p><i>Noise and vibration from activities undertaken in the coastal marine area, including underwater activities, will be managed to minimise adverse environmental effects.</i></p> <p><i><u>(a) avoid adverse effects on marine mammals and fish species consistent with policies 8, 9 and 14; and</u></i></p> <p><i><u>(b) be managed to avoid, remedy or mitigate other minimise adverse environmental effects.</u></i></p>	<p>There are two parts to the relief sought by the submitter,</p> <p>First, the submitter seeks explicit references to the avoidance of adverse effects on marine mammals and fish species that is consistent with Policies 8, 9 and 14. The Hearing Panel recommends declining this part of the relief sought given that this matter has already been addressed elsewhere in the Plan.</p> <p>The Hearing Panel notes that Policy 14 [Significant indigenous biodiversity] (plus the other General Policies) would be considered in conjunction with Policy 49, which is specific to noise and vibration activities in the coastal marine area. Therefore, it is not necessary to amend Policy 49 as the sought relief has already been addressed within other areas of the Plan.</p> <p>Second, the submitter seeks amendment to Policy 49 to refer to avoiding, remedying or mitigating adverse environmental effects (rather than the current focus on just minimising adverse effects). The Hearing Panel agrees and recommends granting this part of the relief sought.</p> <p>The amended Policy would read as follows:</p> <p><i>Noise and vibration from activities undertaken in the coastal marine area, including underwater activities, will be managed to <u>avoid, remedy or mitigate</u> adverse environmental effects.</i></p>
Further submissions – Trans Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
48 – Taranaki District Health Board	624	Support Retain Policy 49 of the Plan as notified	Accept Support noted. Policy 49 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
60 - Te Kaahui o Rauru	625	Amend Submitter seeks amendment to Policy 49 of the Plan to focus on avoiding and remedying adverse environmental effects before mitigating and emphasize the protection of biodiversity from adverse environmental effects.	Accept The submitter notes that section 8.6.3 [General standards – Air] of the Plan does not contain noise and vibration limits to manage effects on biodiversity values and seek amendments to the Plan that focuses on avoiding such effects.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	The Hearing Panel recommends granting the relief sought by the submitter by amending Policy 49 to refer to managing noise and vibration from activities in the coastal marine area in a manner that avoids, remedies or mitigates adverse environmental effects (rather than the current focus on just minimising adverse effects). This would strength alignment between this Policy and other policies, particularly Policy 14 [Indigenous biodiversity] where there may be a requirement to avoid such effects.
New Policy – National Grid			
26 – Transpower NZ Ltd	626	Amend As an alternative to reliefs sought by the submitter in relation to Policies 8, 14, and 19, amend Plan to include new policy specific to the National Grid that reads as follows: <u>(a) Managing activities, to the extent reasonably practicable, to avoid adverse effects, including reverse sensitivity effects, on the National Grid; and</u> <u>(b) Manage the adverse effects of new National Grid infrastructure by all of the following:</u> <u>(i) recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas.</u> <u>(ii) seeking to avoid adverse effects on the values of the following:</u> <u>a. areas of significant indigenous biodiversity</u> <u>b. areas of outstanding value</u> <u>c. places or areas containing historic heritage of regional or national significance</u>	Accept in part The submitter would like to see the Plan amended to include an additional policy specific to the National Grid in order to provide for the requirements of the <i>National Policy Statement for Electricity Transmission 2008</i> (NPSET). In particular, the submitter would like to see Policies 2,3,4,8 and 10 of the NPSET given effect to within the new policy. The Hearing Panel recommends accepting in part the reliefs requested by the submitter. The Hearing Panel recommends that a new policy, Policy 6A [Management of adverse effects of the National Grid], be included in the Plan that specifically addresses the management of adverse effects of the National Grid, particularly where there may be conflicting values and priorities between use and development and the protection of significant coastal values. The new Policy 6A will seek to reconcile national requirements in the NPSET that the Council recognise and provide for the National Grid against other national requirements set out in the <i>New Zealand Coastal</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>d. significant surf breaks</u></p> <p><u>(iii) where it is not reasonably practicable to avoid adverse effects on the value of the areas listed in d)ii) above because of the functional, operational, technical or locational needs of the National Grid, remedy or mitigate adverse effects on those values to the extent reasonably practicable;</u></p> <p><u>(iv) where reasonably practicable, avoiding, remedying or mitigating other adverse effects;</u></p> <p><u>(v) consider offsetting for residual adverse effects on indigenous biological diversity.</u></p>	<p>Policy Statement relating to natural character, indigenous biodiversity and surf breaks.</p> <p>While most of the suggested wording is recommended to be adopted by the Hearing Panel, some amendments are considered appropriate based on the view that many of the NPSET requirements are already separately recognised and/or addressed in other Plan policies such as Policy 5 [Appropriate use and development], Policy 6 [Benefits of regionally important infrastructure], Policy 31 [Structures that support safe public access and use, or public or environmental benefit], Policy 36 [Maintenance minor alteration or minor extension of existing structures] and Policy 37 [Major alteration or extension of existing structures].</p> <p>The new Policy 6A would read as follows:</p> <p><u>Policy 6A: Management of adverse effects of the National Grid</u></p> <p><u>Where the National Grid has a functional need or operational need to locate in the coastal environment, manage the adverse effects arising from their activities by:</u></p> <p><u>(a) recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas;</u></p> <p><u>(b) seeking to avoid adverse effects on:</u></p> <p><u>(i) areas of outstanding value;</u></p> <p><u>(ii) significant indigenous biodiversity;</u></p> <p><u>(iii) historic heritage as identified in schedules 5A and 5B; and</u></p> <p><u>(iv) nationally or regionally significant surf breaks as identified in Schedule 7A and B;</u></p> <p><u>(c) where it is not practicable to avoid adverse effects on the values of the areas listed in (b) above because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values; and</u></p> <p><u>(d) avoiding, remedying or mitigating other adverse effects.</u></p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

4.5 Methods

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Methods 1 to 7 – General			
2 – Federated Farmers	627	Support	Accept Support noted. The methods are retained subject to amendments to offer relief to other submitters' concerns where appropriate.
		Retain Implementation Methods 1 - 7 of the Plan as notified.	
Further submissions – Port Taranaki Ltd (32)		Support	
Method 1 – Advice and information			
41 – Te Korowai o Ngāruahine Trust	628	Amend	Accept The Hearing Panel recommends granting the relief sought by the submitter by including a new Clause (ab) that reads as follows: 1. <i>Provide advice and information, including guidelines to coastal users, consent holders and the public: [...]</i> <i>(ab) to promote awareness of the natural, cultural, historic, and amenity attributes and values of the coastal environment, including the cultural significance and importance of the coastal and marine environments to Māori and iwi/hapū. [...]</i>
		Submitter seeks amendment to Implementation Method 1 of the Plan to include the provision of advice and information about the cultural significance and importance of the coastal and marine environment to Māori and iwi/hapū.	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	629	Amend	Accept The Hearing Panel recommends granting the relief sought by the submitter by amending Implementation Method 1(g) to read: <i>(g) on responsibilities and processes under other legislation, for example, Fisheries Act 1996, Biosecurity Act 1993, Reserves Act 1977, Heritage New Zealand Pouhere Taonga Act 2014, <u>the Marine Mammal Protection Act 1978, Wildlife Act 1953 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.</u></i>
		Submitter seeks amendment to Implementation Method 1(g) of the Plan to include reference to the <i>Marine Mammal Protection Act 1978, Wildlife Act 1953 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.</i>	
Trans-Tasman Resources Ltd (6)		Oppose in part	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Methods 2 and 3 – Economic instruments and works and services			
41 – Te Korowai o Ngāruahine Trust	630	Amend The submitter believes that the instruments, works and services referred to in Methods 2 and 3 should be used where they enhance and protect coastal values. The submitter seeks to amend Implementation Methods 2 and 3 of the Plan to delete the word <i>consider</i> .	Decline The Hearing Panel notes that the use of economic instruments, and/or the Council undertaking works and services, may not necessarily be appropriate over the life of the Plan. Such methods need to be considered on a case-by-case basis recognising that the use of economic instruments and/or undertaking works and services will not be appropriate in all circumstances.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
49 – Cam Twigley	631	Amend Submitter seeks amendment to Implementation Methods 2 and 3 of the Plan so that commentary on economic instruments and works and services also references the significant surfing area (and not just surf breaks).	Accept The Hearing Panel agrees to the relief sought by the submitter and recommend amending Implementation Methods 2 and 3 of the Plan so that commentary on economic instruments and works and services refer to the Significant Surfing Area (and not just surf breaks).
Method 4 – State of the environment monitoring			
61 – Te Rūnanga o Ngāti Ruanui Trust	632	Amend Submitter seeks amendment to Implementation Method 4 of the Plan to explicitly include cultural state of the environment monitoring within Taranaki Regional Council's state of the environment monitoring programme.	Grant in kind The Hearing Panel notes that the level of detail sought by the submitter is not considered necessary or appropriate for this part of the Plan. However, the Hearing Panel notes that Section 10.1 does include additional detail relating to monitoring the Plan's efficiency and effectiveness and suggest that Section 10.1 is the more appropriate place to refer to incorporating mātauranga Māori into the Council's state of the environment monitoring. The Hearing Panel recommends an alternative relief by amending Section 10.1 of the Plan to investigate, develop and implement, where appropriate, monitoring methods for the incorporation of mātauranga Māori state of the environment monitoring within the Council's state of the environment monitoring programme.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Method – Spatial planning			
55 – Kiwis Against Seabed Mining	633	Amend Submitter seeks amendment to the Plan to include a new implementation method for the Taranaki Regional Council to use spatial planning to <ul style="list-style-type: none"> establish planning considerations which involves neighbouring rural nature, landscape, cultural history values and development-related interests identify conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance and incorporation of buffer zones include values-based framework that identifies, organises, and describes 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. 	Accept The submitter seeks the inclusion of marine spatial planning, as an implementation method, to inform decision making. The Hearing Panel recommends granting the relief sought by including a new Implementation Method 5A that reads as follows: <u>5A. Develop and implement spatial planning to achieve integrated management of the coastal environment, including the identification of sites and places with significant values, and, where appropriate, make this publicly available.</u>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
56 – Greenpeace	634	Amend Submitter seeks amendment to the Plan to include a new Implementation Method for the Council to use spatial planning to achieve integrated management of the marine environment that is collaborative and inclusive.	Accept The submitter seeks the inclusion of marine spatial planning, as an implementation method, to inform decision making. The Hearing Panel recommends granting the relief sought by including a new Implementation Method 5A that reads as follows: <u>5A. Develop and implement spatial planning to achieve integrated management of the coastal environment, including the identification of sites and places with significant values, and, where appropriate, make this publicly available.</u>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	635	Amend Submitter seeks amendment to the Plan to include a new Implementation Method for the Council to use spatial planning to <ul style="list-style-type: none"> establish planning considerations which involves neighbouring rural nature, landscape, cultural history values and development-related interests 	Accept The submitter seeks the inclusion of marine spatial planning, as an implementation method, to inform decision making. The Hearing Panel recommends granting the relief sought by including a new Implementation Method 5A that reads as follows:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none">identify conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance and incorporation of buffer zonesinclude values-based framework that identifies, organises, and describes 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.	<u>5A. Develop and implement spatial planning to achieve integrated management of the coastal environment, including the identification of sites and places with significant values, and, where appropriate, make this publicly available.</u>
Method 6 – Use and development of resources			
35 – Radio New Zealand Ltd	636	Support	Accept
		Retain as notified.	Support noted. Method 6 is retained as notified.
Method 8 – Coastal management framework			
43 – Royal Forest and Bird Protection Society	637	Amend	Grant in kind
		<p>Submitter seeks amendment to Implementation Method 8 of the Plan to read:</p> <p><i>Implement Plan objectives, policies and methods of implementation that recognise different coastal processes, values, and uses, and which allow, regulate or prohibit activities in:</i></p> <p><u>1. the following coastal management areas:</u></p> <p>a) Outstanding Value</p> <p>b) Estuaries Unmodified</p> <p>c) Estuaries Modified</p> <p>d) Open Coast</p> <p>e)Port; <u>and</u></p> <p><u>2. areas identified as having:</u></p> <p><u>a) significant indigenous biodiversity values under Policy 14</u></p> <p><u>b) areas with natural character values under Policy XX</u></p> <p><u>c) areas with natural features and landscapes under Policy XX;</u></p> <p><u>Consistent with policies in section 5.1.</u></p>	<p>The relief sought seeks to expand Implementation Method 8 to reference locations, sites and places (at a finer spatial scale to coastal management areas) with significant coastal values.</p> <p>The Hearing Panel recommends Implementation Method 8, which focuses on coastal management areas, be retained as is but propose an alternative relief whereby a new Method 8A is included that recognises significant sites and places at the finer spatial scale. The new method would read as follows:</p> <p><u>8A. Implement Plan objectives, policies and methods of implementation that allow, regulate or prohibit activities in locations, areas or places with significant values in a manner that avoids, remedies or mitigates adverse effects on:</u></p> <p><u>a) infrastructure of regional importance;</u></p> <p><u>b) natural character and natural features and landscapes;</u></p> <p><u>c) indigenous biodiversity;</u></p> <p><u>d) historic heritage, including sites of significance to Māori; and</u></p> <p><u>e) amenity values, including surf breaks.</u></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Oppose	
Method 12 – Implement Plan to recognise use and development			
35 – Radio New Zealand Ltd	638	Support Retain Implementation Method 12 as notified.	Accept Support noted. Policy 12 is retained as notified.
43 – Royal Forest and Bird Protection Society	639	Amend Submitter supports in part Implementation Method 12 of the Plan but is opposed to the use of the term “ <i>appropriate use and development</i> ”. The submitter seeks amendments to the Implementation Method to reflect reliefs sought by the submitter to Policy 5 of the Plan whereby appropriateness is determined on the basis of avoiding inappropriate locations.	No relief necessary The Hearing Panel does not believe any changes to Implementation Method 12 are necessary. The submitter has not specified what changes they are seeking to the Implementation Method. However, providing for use and development is consistent with the Section 5 sustainable management purpose of the RMA. The Hearing Panel notes that not all use and development in the coastal environment will be appropriate. In determining what is appropriate use and development the reader need to refer to the policies, which includes consideration of location plus other matters.
Further submissions – Transpower NZ Ltd (26), Radio New Zealand (35)		Oppose	
50 – Te Kāhui o Taranaki Trust	640	Amend Submitter seeks amendment to Implementation Method 12 of the Plan to read: <i>Implement Plan objectives, policies and methods of implementation that recognise and provide for appropriate use and development in the coastal environment where Māori cultural values are not adversely impacted on.</i>	Decline The Hearing Panel does not believe any changes to Implementation Method 12 are necessary or appropriate. The methods section of the Plan is broad reaching and identifies non regulatory methods for achieving all the Plan objectives, including those relating to Māori cultural values. What is appropriate and where certain activities will be allowed will be determined having regard to the relevant policies and rules within the Plan (not the methods). It is important to note that these policies address broader values and uses than just Māori values or historic heritage. The Hearing Panel does not consider it necessary or appropriate for Plan provisions to focus on one set of values, or unnecessarily restate all the values.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Methods 13 to 20 Natural heritage			
2 – Federated Farmers	641	Support Retain Implementation Methods 13 to 20 of the Plan as notified.	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Support	Support noted. Implementation Methods 13 to 20 are retained subject to minor and inconsequential amendments requested by other submitters.
29 – Department of Conservation	642	Amend The submitter is concerned by the number of blue penguins killed or injured by domestic dogs off leashes along Taranaki beaches and wishes to see bylaws to protect indigenous species encouraged through the Methods section. Submitter seeks amendment to Section 6.4 [Natural heritage] of the Plan to include a new Implementation Method to read: <u>Encourage district councils to enforce dog control bylaws to preserve indigenous biodiversity by reducing the risk of dogs killing or injuring native birds, marine mammals and other indigenous species.</u>	Accept in part The Hearing Panel recognises the threat posed by dogs to penguins and other indigenous species. However, the Hearing Panel suggests there are disadvantages to confining advocacy to single issues. Instead, the Hearing Panel recommends amending Implementation Method 14 to broaden its scope to advocacy for the purposes of protecting significant indigenous biodiversity, which includes territorial authorities, and could be for the purpose of encouraging the enforcement of dog control bylaws and to reduce the risk of dogs killing or injuring native birds, marine mammals and other indigenous species. Of note, advocacy would not be confined to that issue and could include other agencies, including the submitter, on other biodiversity related issues.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Method 15 – Integrated management			
56 – Greenpeace	643	Amend Submitter seeks amendment to Implementation Method 15 of the Plan to extend its scope to address not only marine protected areas but also integrated management of fisheries resources, marine eco-systems and other natural resources and to ensure that there is an integrated management of any activities that occur across jurisdictional boundaries and/or are managed by multiple regimes.	No relief necessary The submitter wishes to see integrated management extended beyond the scope of Implementation Method 15. The Hearing Panel notes that actions or methods promoting integrated management are not confined to this particular method. It is evident in the development of this Plan, in the setting of objectives and general policies, in the scheduling and identification of outstanding natural character, outstanding natural features and landscapes, biodiversity, and historic heritage. The Hearing Panel further notes that many of the methods of implementation may contribute to integrated management even if not explicitly stated. For example, the Council has significant extension and advocacy programmes involving active and passive protection of biodiversity on land, including coastal herbfields, wetlands and dunes. Similarly, the Council works with a wide variety of agencies and land occupiers under a range of statutes in order to achieve the requirements of the Coastal Plan and to improve our databases.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel does not believe that it is necessary to amend Implementation Method 15 to achieve the submitter's request as these matters are fully addressed in the relevant sections of the Plan as discussed. The Hearing Panel also notes that the achievement of integrated management is also dependent upon other agencies and Council may be limited in what it can influence yet alone achieve under other jurisdictions.
Method 16 – Natural heritage			
9 – Karen Pratt	644	Amend The submitter considers the term “coastal site” to be ambiguous and prefers to use the term “coastal marine areas” as this indicates an offshore component. Submitter seeks amendment to Implementation Method 16 of the Plan to read: <i>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.</i>	Decline Other submitters are encouraging the adoption of better spatial planning and Implementation Method 16 contributes to that deliverable. For the purposes of effective integrated management, the Hearing Panel suggests that it is appropriate for the Implementation Methods to apply to the wider coastal environment, not just the coastal marine area. Referring to the coastal marine area would limit the scope of the method to only areas within the coastal marine area, removing a considerable amount of onshore area that the Coastal Plan includes. The Hearing Panel does not believe that this is the intention of the submitter and reassures the submitter that “coastal sites” does include offshore reefs and sites within the coastal marine area in addition to the landward part of the coastal environment. The Council gathers considerable information across the broad suite of its activities (not just those that relate to this Plan or the RMA) and regularly maintains and updates relevant information on its GIS databases. These include its biodiversity and biosecurity programmes under the <i>Local Government Act</i> and the <i>Biosecurity Act</i> but may also include useful information from the Council's other regional plans and/or from other environmental agencies.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Method 19 – Natural heritage			
60 - Te Kaahui o Rauru	645	Amend Submitter seeks amendment to Implementation Method 19 to include mana whenua alongside landowners.	Accept The Hearing Panel recommends including mana whenua alongside landowners. The amended Implementation Method 19 would read as follows: <i>19. Promote active restoration of sand dunes and coastal herb fields, wetlands and forests through working with landowners and <u>tangata whenua</u> and providing advice and funding for planting, weed and pest control and other related matters.</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Methods 21 to 31 – Historic heritage			
28 – Grant Knuckey	646	Amend Submitter seeks amendment to Implementation Methods 21 - 31 of the Plan to require reports mandated by mana whenua and including cultural dimensions applying matauranga Māori.	Accept in part The Council is currently investigating the incorporation of matauranga Māori principles into its monitoring strategies. Although these changes are taking place, the Hearing Panel does not consider it necessary or appropriate to amend the Plan to require reporting prior to the outcomes of that process. The Hearing Panel notes that such reporting requirements and protocols are an operational matter best addressed outside the Plan.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
28 – Grant Knuckey	647	Amend Submitter seeks amendment to Implementation Methods 21 - 31 of the Plan to require for all applications for resource consent policy; or plan changes; or variations are to be reported on by cultural adviser(s) mandated by tangata whenua of Taranaki with costs to be borne by proponents.	Decline The Hearing Panel recommends declining the relief sought noting that such matters are operational detail that is not appropriate to be included in the Plan. Notwithstanding the above, the Hearing Panel notes Implementation Method 30 which states that the Council will work with iwi authorities to develop memoranda of understanding that establish and maintain an effective working relationship. In particular, Mana Whakahono a Rohe agreements between the Council and iwi represent an opportunity to set out agreements on Council/iwi relationships, including any requirements for resource consent applications, policy; or plan changes; or variations to be reported on by cultural advisers.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
28 – Grant Knuckey	648	Amend Submitter seeks amendment to Implementation Methods 21 – 31 of the Plan to require memoranda of understanding with mana whenua.	No relief necessary The Hearing Panel notes Implementation Method 30 already provides for the relief sought by the submitter. Method 30 states that the Council will work with iwi authorities to develop memoranda of understanding that establish and maintain an effective working relationship.
28 – Grant Knuckey	649	Amend Submitter seeks amendment to Implementation Methods 21 - 31 of the Plan to require marine spatial planning - incorporating matauranga Māori in collaboration with mana whenua.	Accept in part The submitter seeks the inclusion of marine spatial planning, as an implementation method, to require marine spatial planning that incorporates matauranga Māori in collaboration with manawhenua inform decision making.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	The submitter has not provided specific details as to what this relief looks like or how matauranga Māori is incorporated into a spatial framework. The Hearing Panel notes that the Council already gathers considerable information, including spatial information, across the broad suite of its activities (not just those that relate

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>to this Plan or the RMA) and regularly maintains and updates relevant information on its GIS databases. The Council is further investigating the incorporation of matauranga Māori principles into its monitoring strategies with opportunities of incorporating some or all of that information into spatial planning.</p> <p>The Hearing Panel recommends granting the relief sought in part by including a new Implementation Method 5A that reads as follows:</p> <p><i><u>5A. Develop and implement spatial planning to achieve integrated management of the coastal environment, including the identification of sites and places with significant values, and, where appropriate, make this publicly available.</u></i></p>
39 – Maniapoto Māori Trust Board	650	<p>Other</p> <p>Submitter encourages Council to uphold the principles of the Treaty of Wāitangi and to actively look at Māori representation on its standing committees.</p>	<p>No relief necessary</p> <p>The submitter's comments are noted.</p> <p>The Hearing Panel directs the submitter to Implementation Method 31 which provides for tangata whenua to be represented on the Council's Policy and Planning Committee, the Consents and Regulatory Committee and other committees arising out of Treaty of Waitangi settlements. In addition, Objective 10 [Treaty of Waitangi] and Policy 16 [Relationship of tangata whenua] also ensure that the Treaty of Waitangi is part of the Plan's policy framework.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	651	<p>Support</p> <p>Submitter support Implementation Methods 21 to 31 of the Plan as a useful basis to support implementation of the Plan in line with tangata whenua values.</p>	<p>Accept</p> <p>Support noted. Implementation Methods 21 – 31 are retained subject to minor and inconsequential amendments requested by other submitters to Implementation Methods 24, 25 and 27.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
57 – Heritage New Zealand	652	<p>Amend</p> <p>Submitter seeks amendment to Section 6.5 of the Plan by adding a new Method within the section to read:</p> <p><i><u>Regularly review and update Schedule 7 [Historic Heritage] to reflect the latest information; for example, new entries on the New Zealand heritage list/Rārangī Kōrero and new sites of significance identified by iwi and/or hapū.</u></i></p>	<p>No relief necessary</p> <p>The Hearing Panel does not believe the relief sought by the submitter is appropriate or necessary.</p> <p>Methods of implementation are optional content matters under Section 67 of the RMA. The Plan methods are deliberately high level to broadly capture the suite of coastal uses and values addressed by the Plan. The Hearing Panel does not believe it is necessary for Implementation Methods to provide the specificity sought by the submitter.</p> <p>The Hearing Panel suggests that Implementation Method 16 already sets out that the Council will maintain and update GIS databases of all known coastal sites with</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41) Te Atiawa		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
(58), Te Rūnanga o Ngāti Ruanui Trust (61)			regionally significant values, including historic significance. Section 10.2 [Review of the Plan] further states that a review of the relevant parts or provisions of the Plan may be carried out if a new issue arises, or if regional monitoring or research programmes show that a review would otherwise be appropriate.
57 – Heritage New Zealand	653	Amend Submitter seeks amendment to Section 6.5 of the Plan by adding a new Method within the section to read: <u>Consider opportunities for collaboration with stakeholders on the protection and conservation of historic heritage.</u>	No relief necessary The Hearing Panel directs the submitter to Implementation Method 22, which already addresses supporting and, where appropriate, being involved in surveys, research and investigations involving historic heritage.
Method 24 – Identification of wāhi tapu and other taonga			
42 – Ngati Rahiri Hapū	654	Amend Submitter seeks amendment to Implementation Method 24 of the Plan to include the definition “waahi taonga” noting the submitter will provide the Taranaki Regional Council with GIS data of sites that they are willing to share.	Accept The submitter notes that it has GIS data on sites of significance in its rohe. Through the pre-hearing process the submitter has worked with the Council to identify sites of significance in their rohe, which have subsequently been included in the Plan and associated planning maps (where this is appropriate). The Hearing Panel further agrees to amend Implementation Method 24 (and other consequential amendments) to include “waahi taonga” within the Method. The amended method would read as follows: 24. Support and assist iwi as appropriate, <u>to identify sites and places of special cultural and traditional value associated with the coastal environment, including the identification of wāhi tapu, wāhi taonga and other taonga through the development of electronic wāhi tapu inventories, registers or ‘silent files’.</u>
Method 25 – Iwi involvement or partnership			
41 – Te Korowai o Ngāruahine Trust	655	Amend Submitter suggests Implementation Method 25 of the Plan refers to two distinct forms of implementation and involvement and seeks that it be amended to separate those activities relating to databases and information (which is already addressed in Method 24).	Accept The Hearing Panel agrees to the relief sought by the submitter. The Hearing Panel recommends amending Implementation Methods 24 and 25 to read: 24. Support and assist iwi <u>to develop iwi and Council databases and records that identify sites and places of special cultural and traditional value associated with the coastal environment, including the identification of wāhi tapu, wāhi taonga and</u>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>other taonga through the development of electronic wāhi tapu inventories, registers or 'silent files'.</p> <p>25. Consider iwi involvement or partnerships in Taranaki Regional Council resource investigations and projects associated with the coastal environment.</p>
42 – Ngati Rahiri Hapū	656	<p>Amend</p> <p>Submitter seeks amendment to Implementation Method 25 of the Plan by deleting and replacing the word “consider” (in relation to Iwi involvement or partnerships in Council resource investigations and projects) with a stronger word to show a stronger commitment from the Council.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter noting that involvement or partnerships with other parties (not just iwi) on Council investigations and projects necessarily need to be considered on a case-by-case basis.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41) Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
Method 27 – Promote public awareness of wāhi tapu and other taonga			
42 – Ngati Rahiri Hapū	657	<p>Amend</p> <p>Submitter seeks amendment to Implementation Method 27 of the Plan to also refer to “waahi taonga”.</p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought by the submitter. It is recommended the Implementation Method 27 be amended to read:</p> <p>27. Provide advice and information to generally promote awareness of wāhi tapu, <u>wāhi taonga</u> and other taonga and the importance and values of such sites and values.</p>
Method 29 – Historic heritage			
57 – Heritage New Zealand	658	<p>Amend</p> <p>Submitter seeks amendment to Implementation Method 29 of the Plan due to the potential issues with silent files and the accessibility of the public. The submitter suggests to consider using indicative markers on planning maps and consultation with iwi and/or hapū instead.</p>	<p>No relief necessary</p> <p>The Hearing Panel notes the concerns of the submitter are around a sensitive area of information to iwi/hapū. However, this level of detail is not considered appropriate to specify in Plan methods. Such matters are currently being worked through in this Plan review process.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	Operational details to address potential issues with silent files and the use of indicative markers might be a matter to be addressed in Mana Whakahono a Rohe agreements. Although it is noted that in the engagement with iwi and hapū to date

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			there is general agreement that polygons are the more appropriate planning tool which has been implemented as a result of such consultations with iwi/hapū. The methodology and appropriateness of using indicative markers to identify culturally sensitive sites of significance will be determined only in consultation with the affected tangata whenua.
Method 31 – Historic heritage			
57 – Heritage New Zealand	659	Amend	Decline
		Submitter seeks amendment to Implementation Method 31of the Plan to include how the Council will provide guidance on how tangata whenua representatives will be chosen.	The Hearing Panel does not recommend granting the relief sought by the submitter. The Hearing Panel considers this level of detail inappropriate for Plan methods noting that such matters have already been addressed with the agreements of the iwi authorities.
Method 32 – Resource consents			
50 – Te Kāhui o Taranaki Trust	660	Amend	No relief necessary
		Submitter seeks amendment to Implementation Method 32 of the Plan to read: <i>As appropriate, require new or renewed resource consents for the use or development of the coastal marine area to include a condition addressing public access <u>where Māori cultural values are not adversely impacted on.</u></i>	The Hearing Panel recognises the submitter’s concerns regarding Māori cultural values and public access. The Hearing Panel would like to reassure the submitter that such issues are already addressed in the Policies section. The Hearing Panel further notes that the qualifier for including consent conditions addressing public access is it must be “appropriate”. Policy 17 (c) sets out directions where public access might not be appropriate and it includes, amongst other things, where restrictions necessary to protect historic heritage and sites and activities of cultural value to Māori.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	As the requested relief is already contained within the relevant policies and will be implemented on such instances where public access and cultural values coincide, the Hearing Panel does not consider it appropriate or necessary to repeat the provisions already provided for.
Method 34 – Public use and enjoyment			
2 – Federated Farmers	661	Support	Accept
		Retain Implementation Method 34 of the Plan as notified.	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Support	Support noted. Implementation Method 34 is retained subject to minor and inconsequential amendments requested by another submitter.
5 – Point Board Riders	662	Support Submitter supports Implementation Method 34 of the Plan establishing a working group of stakeholders for the designated Significant Surfing Area and suggest the concept could be expanded to other parts of the coastline if the model is successful.	Accept Support and comments noted.
15 – Surfbreak Protection Society	663	Support Submitter supports Implementation Method 34 of the Plan establishing a working group of stakeholders for the designated Significant Surfing Area and seeks key surfing groups be involved.	Accept Support and comments noted.
50 – Te Kāhui o Taranaki Trust	664	Amend The submitter comments that Implementation Method 34 is premature and contend that the Council has not gone through appropriate consultation on the surf breaks designations. Submitter seeks amendment to the Plan by deleting Implementation Method 34 of the Plan relating to the establishment of a working group to look at protecting and enhancing recreational values.	Grant in kind The Hearing Panel notes that through the Coastal Plan review there has already been considerable consultation and engagement on the issue of surf break protection. An initial list of regionally significant surf breaks was adopted in the current <i>Regional Policy Statement for Taranaki</i> , which was adopted in 2010. However, through the Coastal Plan review additional investigations and engagement occurred. This included the commissioning of reports on Regional significance criteria for the assessment of surfbreaks and Taranaki surf breaks of national significance, consultation and seeking of feedback on draft Plan policies, further consultation on a draft Plan and, more recently, public notification for the Proposed Plan. As part of the review, an innovative 'wave survey' was also carried out that allowed the community to tell Council which surf breaks had specific values and why. In relation to Implementation Method 34, the Hearing Panel notes there is wide spread support for the establishment of a working group to look at not only protecting and enhancing recreational values in the Significant Surfing Area but also to address wider issues associated with public access, tourism promotion, the management of over-crowding, freedom camping, district council bylaws and the protection of other values in the area. This is an example of reliefs sought by other submitters, on other issues, where greater collaboration and integrated

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>management is sought to address issues that are much broader than those covered by this Plan.</p> <p>Iwi and hapū are seen as integral to this concept working. If the submitter sees no merit in establishing and participating in a working group that includes relevant agencies, landowners, iwi, hapū and interest groups to protect and enhance the recreational values of the Significant Surfing Area as described in Schedule 7B, then the Council will not proceed. Accordingly, the Hearing Panel recommends amending Implementation Method 34 to <u>investigate</u> the establishment of a working group.</p>
Method 35 – Public Access			
42 – Ngati Rahiri Hapū	665	<p>Amend</p> <p>Submitter suggests that the reference to the <i>Queen Elizabeth the Second National Trust Act 1977</i> is in conflict with the intent of Implementation Method 35 to promote public access along the coast as the Queen Elizabeth II covenants generally exclude public access. Submitter seeks amendment to Implementation Method 35 of the Plan to delete reference to “<i>Queen Elizabeth the Second National Trust Act 1977</i>”.</p>	<p>Accept</p> <p>The Hearing Panel agrees to the submitters request to remove the reference to “<i>Queen Elizabeth the Second National Trust Act 1977</i>”. The revised method would read as follows:</p> <p>35. <i>Promote</i> the enhancement of public access to and along the coast through agreements or covenants with landowners under the Walking Access Act 2008, the Reserves Act 1977, or through the voluntary creation of esplanade strips under the RMA.</p>
Method 43 – Implement Plan			
50 – Te Kāhui o Taranaki Trust	666	<p>Amend</p> <p>Submitter seeks amendment to Implementation Method 43 of the Plan to read: <i>Promote industrial, domestic, and agricultural discharge and treatment systems, siting, design, installation, operation and maintenance procedures to avoid or mitigate adverse effects on coastal water or air quality <u>where Māori cultural values are not adversely impacted on.</u></i></p>	<p>No relief necessary</p> <p>The Hearing Panel recognises that the submitter wishes to protect their cultural values from adverse effects associated with discharge systems. However, the Hearing Panel notes that the rationale for avoiding or mitigating adverse effects on coastal water or air quality includes wider resource management considerations and is not confined to Māori cultural values. It is not appropriate to limit or restrict Implementation Method 43 in such a manner. The Hearing Panel refers the submitter to the relevant policies, including General Policies, to see the level of protections provided for under such matters.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Method 47 – Notify Medical Officer of Health			
48 – Taranaki District Health Board	667	Amend	Accept
		Submitter seeks amendment to Implementation Method 47 of the Plan to read: <i>Notify the Medical Officer of Health for Taranaki and the relevant territorial authority if water quality shows that coastal water is unfit for contact recreation or gathering of shellfish for human consumption. <u>The Taranaki Regional Council will also conduct an investigation to determine the cause of the poor water quality if it is practicable.</u></i>	The submitter wishes to include a method component that emphasises the investigation into the cause of the poor water quality if it is practicable to do so. The Hearing Panel agrees and recommends amending Implementation Method 47 as sought.
Method 48 – Advocate or encourage			
9 – Karen Pratt	668	Amend	No relief necessary
		The submitter is concerned about the potential adverse environmental effects of ballast water and seeks amendment to Implementation Method 48 of the Plan to reference Maritime New Zealand Marine Protection Rules and Craft Risk Management Standard and suggest looking at the wording in conditions of consent included in the recent granting to mine ironsand off New Zealand.	The Hearing Panel suggests that the relief sought by the submitter is a matter to be considered when applying the rules although care needs to be taken to ensure the matters being considered relate to the Council's jurisdictional responsibilities under the RMA and do not derogate from the Ministry for Primary Industries border control responsibilities, which includes ballast water. The Hearing Panel notes that Implementation Method 48 is a non-regulatory method to achieve Plan objectives (in this case advocacy and encouragement).
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
29 – Department of Conservation	669	Support	Accept
		Retain Method 48 of the Plan as notified.	Support noted. Implementation Method 48 is retained as notified.
Method 50 – Regional marine oil responses			
7 – Waikato Regional Council	670	Support	Accept
		Submitter supports Implementation Method 50 of the Plan relating to marine oil spill responses.	Support noted. Implementation Method 50 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Method 51 – Noise standards			
43 – Royal Forest and Bird Protection Society	671	Amend Submitter seeks amendment to Implementation Method 51 of the Plan to delete reference to New Zealand Standards and replace with: <i>[...] <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></i>	Decline The Hearing Panel recommends declining the relief sought by the submitter noting that the <i>New Zealand Standards NZS 6802:2008 Acoustics - Environmental noise</i> and <i>NZS 6803: 1999 Acoustics – Construction Noise</i> have been adopted and underpin the limits set in Section 8.6.3 [General standards – Noise] of the Plan.
Further submissions – Trans-Tasman Resources Ltd (6), Port Taranaki Ltd (32)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
48 – Taranaki District Health Board	672	Amend Submitter seeks amendment to Implementation Method 51 of the Plan to read: <i>Consideration of the general standards in this Plan, and of New Zealand Standards NZS 6802:2008 Acoustics - Environmental noise and NZS 6803: 1999 Acoustics – Construction Noise when:</i> <i>(a) considering applications for coastal permits; or</i> <i>(b) determining whether noise <u>is unreasonable levels are excessive</u> for the purpose of enforcement action under Part 12 of the RMA.</i> <i><u>Note “excessive noise” is subject to special provisions of the RMA under sections 326-328 of the Act. Council enforcement Hearing Panel may exercise powers to investigate complaints that noise is excessive and take appropriate actions under s.327 of the Act.</u></i>	Accept in part The Hearing Panel recommends amending Implementation Method 51 in part to read: <i>Consideration of the general standards in this Plan, and of New Zealand Standards NZS 6802:2008 Acoustics - Environmental noise and NZS 6803: 1999 Acoustics – Construction Noise when:</i> <i>(a) considering applications for coastal permits; or</i> <i>(b) determining whether noise levels are <u>in breach</u> for the purpose of enforcement action under Part 16 of the RMA.</i> Hearing Panel suggest the explanatory note would be more appropriately placed in Section 8.6.3 of the Plan.
NEW Method Natural hazard management			
7 – Waikato Regional Council	673	Amend Submitter seeks that Council consider incorporating an adaptive pathways planning approach to natural hazards as a new Implementation Method.	Decline No precise details of amendments sought to the Plan have been provided and seems to be an unnecessary level of detail given that the Coastal Plan would be

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			only one of the elements necessary to deliver adaptive pathways planning approach to natural hazards with other agencies (such as territorial authorities) having the key role.

4.6 Rules

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
General – Plan			
43 – Royal Forest and Bird Protection Society	674	Amend Submitter seeks amendment to rules to change “ <i>effects on ecological values</i> ” to “ <i>effects on indigenous biodiversity</i> ” in matters for control.	Accept The term “ <i>ecological values</i> ” means relating to or concerned with the relation to organisms to one another and their physical surroundings. As such it has a broad application and potentially captures other matters of control identified in relevant rules such as water quality but is potentially unclear as to what other constituent parts of the environment are also captured in the term. For the purposes of certainty and clarity, the Hearing Panel recommends changing reference to “ <i>effects on ecological values</i> ” to “ <i>effects on indigenous biodiversity</i> ” plus other consequential changes (addressing natural character) within the rules section to better align with Plan policies addressing natural form and functioning and indigenous biodiversity. This relief will better align language between the rules and language already adopted in the objectives and policies of the Plan.
Further submissions – Port Taranaki Ltd (32)		Oppose	
43 – Royal Forest and Bird Protection Society	675	Amend Submitter seeks amendment to permitted activity rules of the Plan by replacing references to avoiding adverse effects on Policy 11 of the <i>New Zealand Coastal Policy Statement</i> 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 achieving Policy 11 of the <i>New Zealand Coastal Policy Statement</i> .	Decline At the hearing, the submitter highlighted concerns over subjective rule standards, term and conditions. It was their view that standards, terms and conditions for permitted (or controlled) activities should only be provided where it is known that the potential effects will be not more than minor and in these instances the conditions should be clear. The Hearing Panel agrees but notes that, as far as is practicable, this has been done. It is the Hearing Panel's view that all rules give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the <i>New Zealand Coastal Policy Statement</i> . Permitted activity rules are already proposed that are believed to be of a scale, type and location that any adverse effects on biodiversity will be less than minor and is consistent with community expectations set out in the Plan policies – particularly Policies 14, 14A and 14B the Plan, which, in turn give effect to Policy 11 of the <i>New Zealand Coastal Policy Statement</i> . Notwithstanding any permitted activity classification, undertaking such activities is still subject to compliance with the standards, terms and
Further submissions – Powerco (45)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>conditions of the rule, which will ensure that such activities are carried out in a manner that will avoid, remedy or mitigate effects on significant indigenous biological diversity. There may be isolated circumstances where a permitted activity could occur at a time or place that might have potential adverse effects on significant indigenous biodiversity. In such cases, the activity is not 'allowed' as there is a standard, term and condition that requires adverse effects to be avoided.</p> <p>This is part of a precautionary approach that may require a higher level of protection than otherwise provided for under Policy 14). Also as part of the precautionary approach, Rules 18, 20, 21 and 22 include notification clauses whereby the activity must notify the Council prior to commencing the activity so that there is an opportunity if necessary to confirm that the type, scale and location of the permitted activity should indeed be able to comply with the relevant standards, terms and conditions.</p> <p>Further to this, the Hearing Panel notes that, in response to other reliefs sought by the submitter and others, the Panel has recommended additional standards, terms and conditions to be included in permitted and controlled activity rules that address other wider biodiversity considerations, for example, protection of taonga species and aquatic life</p>
43 – Royal Forest and Bird Protection Society	676	Amend	No relief necessary
		Submitter seeks amendment to rules of the Plan to avoid adverse effect on natural character as required by Policies 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> .	No precise details of amendments sought to the Plan have been provided. However, it is the Hearing Panel's view that all rules give effect to Policies 13 [Preservation of natural character] and 15 [Natural features and natural landscapes] of the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	Permitted activity rules are believed to be of a scale, type and location that any adverse effects on natural character and natural features and landscapes will be less than minor and is consistent with community expectations set out in the Plan policies – particularly Policies 8 to 13 of the Plan, which, in turn give effect to Policies 13 and 15 of the <i>New Zealand Coastal Policy</i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Powerco (45)		Oppose in part	<p><i>Statement.</i> Any permitted activity is subject to compliance with the standards, terms and conditions of the rule, which will ensure permitted activities are carried out in a manner that will avoid, remedy or mitigate effects on natural character and natural features and landscapes.</p> <p>Where activities are of a scale, type and location that any adverse effects on natural character and natural features and landscapes will likely to be more than minor a resource consent is required. Through the consenting process, all General Policies are considered, including Policies 8 to 13, when determining whether the activity will be allowed and, in the event that it is consented, what conditions will be imposed to avoid, remedy or mitigate effects on natural character and natural features and landscapes. The Hearing Panel further notes that controlled and restricted discretionary rules generally include, as a matter of control/discretion, effects on natural character, features and landscape values.</p>
55 – Kiwis Against Seabed Mining	677	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include rules prohibiting and restricting fishing activities and protect coastal values as identified through spatial planning.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter noting that jurisdictional responsibilities for marine fishing lies with the Ministry for Primary Industries under the <i>Fisheries Act</i>. Regional councils are therefore not responsible for fishing activities <i>per se</i> within the coastal marine area.</p> <p>Notwithstanding the above, the Hearing Panel recognises that activities in the coastal marine area may result in the disturbance or destruction of marine habitat. However, such activities are already addressed via Plan rules. Any other prohibitions or restrictions targeting fishing activities are considered inappropriate.</p>
56 – Greenpeace	678	<p>Amend</p> <p>Submitter seeks amendment to the Plan (rules) to ensure that fishing activities are managed so as to avoid, remedy or mitigate adverse effects to environmental bottom lines and policies of the <i>New Zealand Coastal Policy Statement</i> and/or values identified in the Regional Policy Statement and Coastal Plan.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. noting that jurisdictional responsibilities for marine fishing lies with the Ministry for Primary Industries under the <i>Fisheries Act</i>. Regional councils are therefore not responsible for fishing activities <i>per se</i> within the coastal marine area.</p> <p>Notwithstanding the above, the Hearing Panel recognises that activities in the coastal marine area may result in the disturbance or destruction of marine habitat. However, such activities are already addressed via Plan rules. Any other prohibitions or restrictions targeting fishing activities are considered inappropriate.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Ahiawa (58)		Support	<p>Notwithstanding the above, the Hearing Panel recognises that activities in the coastal marine area may result in the disturbance or destruction of marine habitat. However, such activities are already addressed via Plan rules. Any other prohibitions or restrictions targeting fishing activities are considered inappropriate.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	679	Amend Submitter seeks amendment to the Rules of the Plan to clearly articulate tangata whenua participation.	No relief necessary No precise details of amendments to the Plan have been provided and the Hearing Panel is unclear as to what amendments to rules would be appropriate to clearly articulate tangata whenua participation (presumably in relation to RMA matters). The Hearing Panel does not believe operational details relating to the implementation of the Plan are appropriate to be included within a Plan yet alone in the rules section. The Hearing Panel does not recommend making any changes to the rules section of the Plan in response to the relief sought. However, the Hearing Panel notes consequential amendments have been made to relevant Plan objectives, policies and methods articulating tangata whenua values and relationships. Further opportunities to address operational detail exists outside the Plan. In particular, the Hearing Panel notes that, through Mana Whakahono a Rohe agreements, such matters can be addressed and further detail provided. The Council will be seeking to work with tangata whenua in order to address these issues in the appropriate setting and format through Mana Whakahono a Rohe agreements.
Further submissions - Te Korowai o Ngāruahine Trust (41)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	680	Other Submitter seeks that more details are provided with respect to the nature and scope of the word “ <i>minor</i> ” to avoid confusion.	No relief necessary The word “ <i>minor</i> ” has been used in several contexts. The most common instance is in relation to describing the effects of an activity. In general, the magnitude of the effects of an activity are determined on a case-by-case basis as it is not appropriate to make a blanket statement that covers so many variables, environmental locations and sensitive environments. For example, what is considered a minor effect in one location may produce a significant effect in another due to the nature of that specific location and the associated values and uses. The criteria for determining “ <i>minor adverse effects</i> ” is whether the activity will cause an adverse effect and the level of that effect and the time it would take for that effect to be remedied (either naturally or through remedial processes). Generally, minor effects are small and transitory such that they do not require avoiding, remedying or mitigating in order to maintain the values of that location, whether those be biological, environmental, historic, cultural, visual, etc.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	681	Amend Submitter seeks amendment to the Rules section of the Plan that monitoring programmes referred to within the Rules section of the Plan include cultural or mauri indicators/values.	No relief necessary The Hearing Panel does not believe the rules section is the appropriate place to introduce or detail cultural monitoring requirements. The submitter has not stated which rules need to be amended or the precise amendments sought. However, the Hearing Panel notes that for discretionary and non-complying activities, cultural monitoring programmes that include cultural or māori indicators/values may be considered on a case-by-case basis as part of the consenting process. Similarly, controlled activity rules already include, as matters of control, monitoring considerations. Monitoring is a broad term that is used in the Plan to include all aspects of monitoring including cultural monitoring and there is no advantage in confining monitoring to particular forms. Again, through the consenting process, there is the opportunity to consider and include cultural or mauri indicators/values on a case-by-case basis as part of any compliance programme.
Further submissions - Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	682	Amend Submitter seeks amendment to the Rules section of the Plan to reference adverse effects on Schedules 1, 2, 4C, 5B and Appendix 2 of the Plan.	No relief necessary The Hearing Panel notes that the appropriate references to Plan schedules have already been included within the rules section and no further additions are required. The Hearing Panel further notes that the submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The inclusion of such matters in the rule is not considered appropriate with conditions being developed on a case-by-case basis through the consenting process having regard to the relevant policies, which in turn contain the necessary reference to the schedules sought by the submitter.
Rule 1 – Stormwater discharge			
29 – Department of Conservation	683	Amend Submitter seeks amendment to Rule 1 of the Plan to exclude its application to coastal management areas, Outstanding Value and Estuaries Unmodified.	Decline The submitter believes that the permitted classification of stormwater discharge into Outstanding Value coastal management areas and Estuaries Unmodified is inappropriate.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Stormwater is defined within the Plan (in accordance with the <i>National Planning Standards</i>) and means "...runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within."</p> <p>The Hearing Panel does not recommend granting the relief sought by the submitter.</p> <p>The Hearing Panel does not consider it appropriate to require consents from all premises to simply authorise the discharge of rainfall runoff from their land. Coastal monitoring over the life of the current Coastal Plan has identified no issues with stormwater contributing to more than minor adverse effects to coastal water quality. Therefore, to now require all properties (urban, rural, industrial and trade premises) because they are adjacent to Outstanding Value and Estuaries Unmodified coastal management areas to get a resource consent, regardless of having less than minor adverse effects, imposes significant added compliance cost without any net environmental gain.</p> <p>The Hearing Panel notes that any permitted activity to discharge stormwater into the coastal marine area is still subject to compliance with the standards, terms and conditions of the rule, which will ensure permitted activities are carried out in a manner that will avoid, remedy or mitigate effects on coastal water quality and associated values and uses.</p>
40 – Te Rūnanga o Ngāti Mutunga	684	<p>Amend</p> <p>Submitter seeks amendment to Rule 1 of the Plan by deleting Activity Description (b)(i) in Rule 1 of the Plan to read:</p> <p><i>Stormwater discharge into water or onto land in the coastal marine area that either:</i></p> <p><i>(a) does not convey stormwater from any industrial or trade premises, or</i></p> <p><i>(b) conveys stormwater from industrial or trade premises that:</i></p> <p><i>(i) cover a total area of 2 ha or less; and</i></p> <p><i>(ii) do not use or store hazardous substances.</i></p>	<p>Decline</p> <p>The submitter believes that any stormwater discharge from an industrial or trade premises should be monitored for its possible adverse effects on the environment irrespective of the size of the trade or industrial premises.</p> <p>Stormwater is defined within the Plan (in accordance with the <i>National Planning Standards</i>) and means "...runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within."</p> <p>The relief sought by the submitter will significantly increase compliance costs on a range of businesses by including a requirement to obtain a consent to discharge stormwater. The RMA definition of 'industrial or trade premises' includes a large variety of premises such as surf lifesaving clubs, dairies etc. Stormwater discharges to the coastal marine area from these premises</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>(recognising that they cannot use or store hazardous substances) are expected to have less than minor adverse environmental effects.</p> <p>In terms of managing adverse effects and not imposing unnecessary (and disproportionate costs) on resource users, it is considered inappropriate to require consents from all industrial or trade premises to simply authorise the discharge of rainfall runoff from their land. The Hearing Panel recommends retaining the activity description (b)(i) of Rule 1 as notified.</p>
40 – Te Rūnanga o Ngāti Mutunga	685	<p>Amend</p> <p>The submitter is not convinced that, even with the conditions listed, there is not a possibility of contamination of the water in these areas where stormwater discharges are allowed as a permitted activity.</p> <p>Submitter seeks amendment to amend Rule 1 of the Plan to make stormwater discharges a discretionary activity in Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>Stormwater is defined within the Plan (in accordance with the <i>National Planning Standards</i>) and means “...runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within.”</p> <p>The Hearing Panel notes there are significant urban areas that would be affected by the relief sought by the submitter such as New Plymouth, Waitara, Urenui and Patea. Coastal monitoring over the life of the current Coastal Plan has identified no issues with stormwater contributing to more than minor adverse effects to coastal water quality. Therefore, to now require all properties (urban, rural, industrial and trade premises) to get a resource consent regardless of having less than minor adverse effects is not considered appropriate and would unnecessarily restrict activities without any net environmental impacts.</p>
40 – Te Rūnanga o Ngāti Mutunga	686	<p>Amend</p> <p>Submitter seeks amendment to Condition (i) of Rule 1 of the Plan to read:</p> <p>(i) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaihai reefs/resources; [...]</p>	<p>Accept</p> <p>The submitter identifies that there are difficulties in mapping all of the mātaihai areas within the Ngāti Mutunga rohe and requests that the condition be expanded to include all marine organisms.</p> <p>The Hearing Panel recommends granting the relief sought by the submitter by amending condition (i) to read:</p> <p><i>(i) the activity does not render marine organisms unsuitable for human consumption.</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	687	<p>Amend</p> <p>Submitter seeks amendment to Condition (k) of Rule1 of the Plan to read: <i>(k) 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 <u>or any changes that cause it to exceed 25 degrees Celsius.</u></i></p>	<p>Decline</p> <p>The submitter supports setting an upper temperature limit to the increase any discharge can have on water temperature due to the detrimental effect it can have on life.</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. A review of coastal water temperatures at coastal recreational monitoring sites between 2015 to 2018 shows that temperatures may naturally reach 25 degrees celsius. Including a threshold of 25 degrees celsius when such temperatures can be 'naturally' exceeded would unnecessarily restrict stormwater discharges at certain times of the year for no net environmental benefit.</p> <p>The Hearing Panel suggests that the Condition (k) already adequately addresses the effects of temperature through the requirement that the discharge does not cause the natural temperature to be changed by more than three degrees from normal seasonal water temperature fluctuations.</p>
41 – Te Korowai o Ngāruahine Trust	688	<p>Amend</p> <p>Submitter supports Rule 1 and specifically the inclusion of Condition (e) in Rule 1 of the Plan addressing historic heritage, but seeks further dialogue on how adverse effects will be considered in practice. The submitter is uncertain if the Council is best placed to determine if Condition (e) is met.</p> <p>If an agreement cannot be reached, submitter seeks amendment to Rule 1 to make stormwater discharges a discretionary activity (rather than Permitted activity).</p>	<p>Decline</p> <p>The issue is one of managing adverse effects from normal incidental discharges of stormwater. In most cases, allowing stormwater discharges associated with residential premises, production land, parks and reserves, and smaller benign industrial and trade premises adjacent to the coastal marine area can be permitted as they will generally be of a scale, type and location that any adverse effects on historic heritage values (and other values) are less than minor. However, in isolated circumstances this might not be the case – hence the need for Condition (e) addressing no adverse effects on scheduled historic heritage values that would apply if an activity was having unexpected/unintended impacts.</p> <p>In terms of who is best placed to make that determination as to the significance of any effects, the Council has the regulatory responsibilities to monitor and enforce its regional plans. However, Hearing Panel note that in making that determination it will be informed by the advice and guidance by others, including tangata whenua where the values associated with sites of significance are potentially being impacted upon. Some of this guidance would be set out in the Plan, through its policies or scheduled of sites of</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			significance, while on other occasions it might be informed by further individual engagement with iwi or hapū. With regards to changing the Activity classification from Permitted to Discretionary, the Hearing Panel recommends declining the relief sought.
42 – Ngati Rahiri Hapū	689	Amend Submitter expresses concern for conflicting activities between Activity Description (a) and (b) of Rule 1 of the Plan and seeks amendment to Activity Description (b) to read: <i>Stormwater discharge into water or onto land in the coastal marine area that either:</i> <i>(a) does not convey stormwater from any industrial or trade premises, or</i> <i>(b) conveys stormwater from industrial or trade premises that:</i> (i) cover a total area of 2 ha or less; and (ii) do not use or store hazardous substances [...]	Decline Stormwater is defined within the Plan (in accordance with the <i>National Planning Standards</i>) and means "...runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within." The Hearing Panel recommends declining the relief sought by the submitter in that granting the relief would significantly increase compliance costs (for no net environmental gain) on a range of businesses by including a requirement for small industrial and trade premises (less than 2 ha) to obtain a consent to discharge stormwater. The definition of industrial or trade premises includes a large variety of premises such as surf lifesaving clubs, dairies etc. Stormwater discharges to the coastal marine area from these premises (recognising that they cannot use or store hazardous substances) are expected, based on previous coastal monitoring, to have less than minor adverse effects.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	690	Support Retain Rule 1 of the Plan as notified.	Accept Support noted. Rule 1 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
48 – Taranaki District Health Board	691	Support Retain Rule 1 of the Plan as notified.	Accept Support noted. Rule 1 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
53 - Taranaki Regional Council	692	Amend Submitter seeks amendment to the activity classification of Rule 1 of the Plan to include a schedule of hazardous substances, the type and quantity of which would warrant regulating through the resource consent process. Refer to threshold values that trigger controls under <i>Hazardous Substances and New Organisms Act 1996</i> .	Accept The definition of hazardous substances is very broad and includes many normal day-to-day items and products such as detergents, household cleaners etc. As a result, Rule 1 is likely to unnecessarily capture all industrial or trade premises regardless of quantities and risk to the environment.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	<p>The Hearing Panel recommends granting the relief sought by the submitter to include a schedule of hazardous substances limits (setting out for the reader's information hazardous property threshold criteria under the <i>Hazardous Substances and New Organisms Act</i>) and amending Rule 1 to read:</p> <p><i>Stormwater discharge into water or onto land in the coastal marine area that either:</i></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 <u>in quantities or of a type that exceed any of the hazardous property threshold criteria identified in Schedule 8AA.</u></p> <p>As well as the inclusion of an additional Schedule identifying the hazardous substances and quantities which are identified in Schedule 8AA [Hazardous substance thresholds].</p>
58 – Te Atiawa	693	<p>Amend</p> <p>Submitter suggests that storm water discharged from an industrial or trade premises should be assessed in terms of discharge constituents, volume and frequency, and the associated environmental impacts. They contend that land size should not be a consideration when assessing discharges of this nature.</p> <p>Amend Rule 1 by deleting activity description (b)(i) cover a total area of 2 ha or less;.</p>	<p>Decline</p> <p>Stormwater is defined in the Plan and means "...runoff that has been channelled, diverted, intensified or accelerated by human modification of the land surface or runoff from the external surface of any structure as a result of precipitation (rainfall) and includes entrained contaminants and sediment (including that generated during construction or earthworks)."</p> <p>The Hearing Panel recommends declining the relief sought by the submitter in that granting the relief would significantly increase compliance costs (for no net environmental gain) on a range of businesses by including a requirement for small industrial and trade premises (less than 2 ha) to obtain a consent to discharge stormwater. The RMA definition of industrial or trade premises includes a large variety of premises such as surf lifesaving clubs, dairies etc. Stormwater discharges to the coastal marine area from these premises (recognising that they cannot use or store hazardous substances) are expected to have less than minor adverse effects.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	694	Amend	Accept
		Submitter seeks amendment to Condition (i) of Rule 1 of the Plan to read: <i>(i) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaihai reefs/resources.</i>	The submitter notes that full extent of mātaihai reefs/resources have not been mapped and therefore requests that Rule 1 be applied to all marine organisms. The Hearing Panel recommends granting the relief sought by the submitter.
58 – Te Atiawa	695	Amend	Decline
		Submitter seeks amendment to Rule 1 of the Plan by amending the activity classification to a discretionary activity (rather than a permitted activity) in order to provide iwi the opportunity to be involved in the decision making process to ensure conditions of consent are monitored.	The Hearing Panel recommends declining the relief sought by the submitter. To change the activity classification to discretionary activity would require all industrial or trade premises to require a resource consent. This would capture (and impose unnecessary consenting and compliance costs) on all surf lifesaving clubs, dairies and small trade premises that generally have no or less than minor adverse effects. The Hearing Panel further notes the number of premises likely to face these increased costs given the significant urban areas adjacent to the coast including New Plymouth, Waitara, Oakura, Urenui and Patea. The Hearing Panel notes that coastal monitoring over the life of the current Coastal Plan has identified no issues with stormwater contributing to more than minor adverse effects to coastal water quality. Therefore, to now require all properties (urban, rural, industrial and trade premises) to get a resource consent regardless of having less than minor adverse effects is not considered appropriate. The Hearing Panel considers the current activity classification is sufficient and should be retained as currently notified.
61 – Te Rūnanga o Ngāti Ruanui Trust	696	Amend	Accept in part
		Submitter seeks amendment to Rule 1 of the Plan by making several amendments to the standards, terms and conditions to read: [...] <i>(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];</i>	The submitter has made multiple requests to amend the conditions of Rule 1. Each of these requests are addressed point by point in the following: <ul style="list-style-type: none"> The Hearing Panel agrees to include reference to taonga species as requested but suggest that a new condition be included to read: <i><u>(ee) the discharge does not have a significant adverse effect on the values associated with taonga species as identified in Schedule 4C [Taonga species];</u></i>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(e) the discharge 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>(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>	<ul style="list-style-type: none"> The Hearing Panel does not consider the inclusion of “cultural” necessary or useful within Condition (e). The definition of historic heritage includes cultural considerations and captures sites of significance. The Hearing Panel is uncertain as to what else needs to be captured or could be captured by including “cultural”. With regards to other cultural aspects these are better addressed separately, e.g. Condition (ee) covers taonga species. Hearing Panel recommend retaining Condition (e) as currently notified within the Proposed Plan. The Hearing Panel does not believe that the inclusion of Schedules 1 and 2 adds any value to the rule. The Rule covers small standard stormwater discharge activities and any effects must be localised, minor and transitional. Certainty not at a scale that they would have an impact on an entire coastal management area or have an impact on the significant values and attributes of areas with outstanding natural character or natural features and landscapes. The Hearing Panel recommends declining the inclusion of proposed Condition (f). By definition, historic heritage includes sites of significance to Māori, therefore, the Hearing Panel does not consider it appropriate to create a standalone condition since it is already provided for within Condition (e). The Hearing Panel recommends declining the request for a new proposed Condition (g).
Rules 1 to 17 – Discharges			
52 – Emily Bailey	697	<p>Amend</p> <p>Submitter seeks amendments to Rules 1 to 17 of the Plan that reference point source contaminant discharges, to make discharging into the coastal environment a prohibited activity.</p>	<p>Decline</p> <p>Stormwater is defined within the Plan (in accordance with the <i>National Planning Standards</i>) and means “...runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within.”</p> <p>Rules 1 to 17 capture many different activities most of which involve point source discharges. It is appropriate that a coastal management regime be in</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			place to manage adverse effects based upon the size and the significance of those adverse effects rather than banning all discharge activities outright. This is why the Plan includes a number of different rules relating to point source contaminant discharges as each rule regulates a different kind of discharge or location type. Some discharges have minor risks that do not warrant requiring people going through the consents process. Other point source discharges to the coastal marine area may also be provided for subject to going through the consenting process to ensure risks are fully assessed and specific conditions imposed to avoid, remedy or mitigate any adverse effects. Prohibiting such activities outright is not considered appropriate and is likely to be inconsistent with both the RMA and the <i>New Zealand Coastal Policy Statement</i> .
NEW Rule 1A – Stormwater discharges			
29 – Department of Conservation	698	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include a new rule, which makes stormwater discharge in the Outstanding Value and Estuaries Unmodified coastal management areas a controlled activity. The submitter seeks that the matters of control should be to the same effect as the conditions of Rule 1.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. Stormwater is defined within the Plan and means “...runoff that has been channelled, diverted, intensified or accelerated by human modification of the land surface or runoff from the external surface of any structure as a result of precipitation (rainfall) and includes entrained contaminants and sediment (including that generated during construction or earthworks).”</p> <p>The Hearing Panel does not believe it would be appropriate to require consents from all premises to authorise the discharge of rainfall runoff from their land. The requested relief would capture a large number of premises and businesses such as camping grounds, dairies and small trading premises (and impose unnecessary consenting and compliance costs) immediately adjacent to Outstanding Value and Estuaries Unmodified coastal management areas.</p> <p>Coastal monitoring over the life of the current Coastal Plan has identified no issues with stormwater contributing to more than minor adverse effects in these areas to coastal water quality. Therefore, to now require all properties (urban, rural, industrial and trade premises) immediately adjacent to Outstanding Value and Estuaries Unmodified coastal management areas to get a resource consent, regardless of having less than minor adverse effects, is not considered appropriate.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel notes that any permitted activity is still subject to compliance with the standards, terms and conditions of the rule, which will ensure permitted activities are carried out in a manner that will avoid, remedy or mitigate effects on coastal water quality and associated values and uses.
Rule 2 – Stormwater discharges			
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	699	Support Retain Rule 2 of the Plan as notified.	Accept Support noted. Rule 2 is retained as notified, subject to minor inconsequential amendments that do not change the Rule's scope.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	700	Support Retain Rule 2 of the Plan as notified.	Accept Support noted. Rule 2 is retained as notified, subject to minor inconsequential amendments that do not change the Rule's scope.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	701	Amend Submitter seeks amendment to Rule 2 (discretionary activity) of the Plan to include standards, terms and conditions to read: <i><u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></i> <i><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i> <i><u>(c) discharge is consistent with iwi management plan.</u></i> AND Include the following notification note: <i><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></i>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief sought by the submitter noting that it is not standard planning practice for discretionary or non-complying rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22 and 27 being given effect to. In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately
Further submissions - Trans-Tasman Resources (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. The Hearing Panel highlights the risks that including unnecessary operational detail in the Plan might make the Plan overly verbose plus are likely to be subject to change over the life of the Plan. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion". The Hearing Panel notes recommendations to delete such notification requirements from the Plan and notes that the relevant notification requirements are set out in sections 95A to 95G of the RMA.
Rule 3 – Stormwater discharges			
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	702	Support Retain Rule 3 of the Plan as notified.	Accept Support noted. Rule 3 is retained as notified, subject to minor inconsequential amendments that do not change the Rule's scope.
61 – Te Rūnanga o Ngāti Ruanui Trust	703	Amend Submitter seeks amendment to Rule 3 (non-complying activity) to include standards, terms and conditions to read: <u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> <u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) discharge is consistent with iwi management plan.</u> AND Include the following notification note: <u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22 and 27 being given effect to. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly
Further submissions – Trans-Tasman Resources (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	<p>changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to “matters of control/discretion”. The Hearing Panel notes recommendations to delete such notification requirements from the Plan and notes that the relevant notification requirements are set out in sections 95A to 95G of the RMA.</p> <p>The Hearing Panel further notes that, in addition to the requirements of the RMA, notification to iwi can also be addressed through Mana Whakahono a Rohe agreements without the need to be included in the Plan rules.</p>
Rule 4 – Petroleum dispersal use in the Port			
21 – Climate Justice Taranaki	704	<p>Amend</p> <p>Submitter opposes the use of petroleum dispersant in any of the coastal management areas and certainly not as a permitted activity. Notes that two dispersants approved for use by Maritime NZ – Corexit 9500 and Corexit 952 – are extremely toxic to humans and the environment and seek that:</p> <ul style="list-style-type: none"> the use of the above-mentioned and other toxic petroleum dispersants be Prohibited in all coastal management areas; and the use of non-toxic dispersants be Discretionary (require a resource consent). 	<p>Grant in kind</p> <p>Petroleum dispersants are used in the event of an oil spill in order to aid oil spill response. They are very much a tool for avoiding, remedying or mitigating adverse effects in the event that capital dredging in Port Taranaki results in a natural marine oil seepage event. The rule covers an emergency situation not planned or foreseen as part of their consented activities.</p> <p>The Council recognise that the use of petroleum dispersants can, in some cases, lead to adverse environmental effects. Accordingly, their use in an emergency event would only be used where other alternatives (including inaction) would have worst environmental consequences. The Hearing Panel notes that Gamalin is generally the preferred dispersant as it is less toxic and has been approved by Maritime NZ for most crude oil treatment. Corexit 9500 and Corexit 952 would only be used in very limited situations where other alternatives are unsuitable.</p> <p>Notwithstanding the above, the submitter and others have highlighted a broader issue of duplicating regulatory controls addressed by Maritime New Zealand under other legislation. The Hearing Panel therefore recommends that Rule 4 be deleted.</p>
40 – Te Rūnanga o Ngāti Mutunga	705	<p>Amend</p> <p>Submitter opposes permitting the use of petroleum dispersants in the Port and seeks amendment to Rule 4 of the Plan that such activities be a discretionary activity.</p>	<p>Grant in kind</p> <p>Petroleum dispersants are used in the event of an oil spill in order to aid oil spill response. They are very much a tool for avoiding, remedying or mitigating adverse effects in the event that capital dredging in Port Taranaki</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>results in a natural marine oil seepage event. The rule covers an emergency situation not planned or foreseen as part of their consented activities.</p> <p>The Council recognise that the use of petroleum dispersants can, in some cases, lead to adverse effects. Accordingly, dispersants are only used in an emergency event where other alternatives (including inaction) would have worst environmental consequences.</p> <p>Notwithstanding the above, the submitter and others have highlighted a broader issue of duplicating regulatory controls addressed by Maritime New Zealand under other legislation. The Hearing Panel therefore recommends that Rule 4 be deleted.</p>
41 – Te Korowai o Ngāruahine Trust	706	Amend	No relief necessary
		Submitter supports Rule 4 as a permitted activity, however, seeks the inclusion of a new condition that would require the notification of appropriate iwi authorities as soon as practicable after an event.	The Hearing Panel notes that, in response to other submitters' requests, it is recommended that the Council delete Rule 4 as it is addressed under other legislation.
42 – Ngati Rahiri Hapū	707	Amend	Decline
		Submitter noted concerns that rules relating to the use of petroleum dispersants is confined to the Port coastal management area and suggest that the rule apply to all coastal management areas (specifically those of outstanding value). Submitter seeks amendment to Rule 4 to include all coastal management areas.	<p>The submitter's comments are noted.</p> <p>Rule 4 addresses a quite discreet activity associated with capital dredging in Port Taranaki that results in a natural marine oil seepage event. Oil seepage associated with maritime accidents are separately addressed under maritime legislation. The Hearing Panel suggests that the use of dispersants in an emergency event in other coastal management areas is less likely and in which case can be adequately under maritime legislation (or the emergency provisions of the RMA).</p> <p>Notwithstanding the above, other submitters have highlighted a broader issue of duplicating regulatory controls addressed under other legislation. The Hearing Panel therefore recommends that Rule 4 be deleted.</p>
54 – Maritime New Zealand	708	Amend	Accept
		Submitter seeks amendment to the Plan by deleting Rule 4, OR Alternatively, amend Rule 4 by replacing the term "petroleum dispersant" with "oil spill control agent" to clarify the difference between a dispersant to be used on	The submitter and others have highlighted a broader issue of duplicating regulatory controls addressed under other legislation. The submitter notes that under Part 132 of the <i>Marine Protection Rules</i> the definition of "oil spill"

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		petroleum products (spilt in the marine environment) and petroleum based dispersants.	reads " <i>an actual or probable release, discharge or escape of oil</i> " and encompasses natural oil seeps resulting from dredging activities.
Further submissions – Port Taranaki Ltd (32)		Oppose/Support in part	<p>Part 132.20 of the <i>Marine Protection Rules</i> also identifies who may discharge an Oil spill Control Agent (OSCA) for which petroleum dispersants are one type in the event of an oil spill. Of note, the discharge must be authorized under a marine oil spill contingency plan on by an on-scene commander.</p> <p>Port Taranaki (submitter 32) have outline concerns (further submission and at the hearing of submissions) for the deletion of Rule 4, in particular how this might affect dredging operations at the Port for which the Port holds a consent. Of note, one of the consent conditions requires the Port to provide the Council with a contingency plan outlining measures to be taken in the event of an unforeseen spill or discharge of oil. The Port are concerned that the removal of the rule would inhibit the Port from undertaking the procedures for oil spill response should a spill occur and are concerned that they would subsequently be required to obtain a resource consent or disperse using emergency works under the RMA.</p> <p>Of note, the <i>Port Oil Spill Contingency Plan</i> focuses on containment and recovery and no petroleum dispersants are listed under the spill response equipment as available should a spill occur. Therefore, Rule 4 is potentially misleading as it would appear to allow their use when (for the Port) this would not be appropriate under Part 132.20 of the <i>Marine Protection Rules</i>.</p> <p>In addition, should a spill warrant the use of a petroleum dispersant (under a tier II spill) the <i>Marine Protection Rules</i> would supercede the rules in the Coastal Plan to ensure that necessary oil response procedures are fulfilled.</p> <p>The Hearing Panel therefore considers that Rule 4 is unnecessary and does not provide any value to Plan users and that the necessary provisions are addressed through other means. The Hearing Panel recommends that Rule 4 be deleted.</p>
55 – Kiwis Against Seabed Mining	709	Support	Decline
		Submitter supports Rule 4 of the Plan as a permitted activity.	Support noted. However, in response to requests by other submitters, the Hearing Panel recommends deleting Rule 4 to avoid duplicating regulatory controls addressed under other legislation.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
56 – Greenpeace	710	Support	Decline
		Submitter supports Rule 4 of the Plan as a permitted activity.	Support noted. However, in response to requests by other submitters, the Hearing Panel recommends deleting Rule 4 to avoid duplicating regulatory controls addressed under other legeslation.
58 – Te Atiawa	711	Amend	No relief necessary
		Submitter seeks amendment to Rule 4 of the Plan by adding a new condition (d) to read: <i><u>(d) iwi are notified as soon as practicable after the event.</u></i>	The Hearing Panel notes that in response to requests by other submitters, it is recommended that Rule 4 be deleted to avoid duplicating regulatory controls addressed under other legeslation.
Rule 5 – Untreated human sewage			
5 – Point Board Riders	712	Support	Accept
		Retain Rule 5 of the Plan prohibiting untreated human sewage into the coastal marine area.	Support noted. Rule 5 is retained as notified.
21 – Climate Justice Taranaki	713	Support	Accept
		Retain Rule 5 of the Plan as notified.	Support noted. Rule 5 is retained as notified.
29 – Department of Conservation	714	Support	Accept
		Retain Rule 5 of the Plan as notified.	Support noted. Rule 5 is retained as notified.
40 – Te Rūnanga o Ngāti Mutunga	715	Support	Accept
		Retain Rule 5 of the Plan as notified.	Support noted. Rule 5 is retained as notified.
48 – Taranaki District Health Board	716	Support	Accept
		Retain Rule 5 of the Plan as notified.	Support noted. Rule 5 is retained as notified.
58 – Te Atiawa	717	Support	Accept
		Retain Rule 5 of the Plan as notified.	Support noted. Rule 5 is retained as notified.
Rule 6 – Wastewater treatment plant discharges			

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
8 – Silver Fern Farms	718	Support	Accept
		Retain Rule 6 of the Plan to provide for existing discharges of contaminants to coastal waters.	Support noted. Rule 6 is retained as notified.
Further submissions – Federated Farmers (2)		Support	
21 – Climate Justice Taranaki	719	Amend	Decline
		The submitter opposes allowing an existing wastewater discharge that contains human sewage to discharge to the coastal management area after its consent expires and seeks that once existing consents expire, that the activity be Prohibited in all coastal management areas.	The Hearing Panel recommends declining the relief sought. The relief sought would immediately preclude existing lawful discharges of municipal waste discharges to the coastal marine area in the absence of any other practicable options. To divert the quantities of waste onto land or other receiving environments is likely to be impracticable plus result in worse environmental outcomes due to the quantities involved and the lack of suitable locations to ensure the waste can be properly and safely assimilated to avoid, minimise or mitigate adverse environmental effects. The Hearing Panel notes Taranaki only has three municipal wastewater discharges. The resource consents for these marine outfalls include conditions that the consent holder must adhere to. These conditions are designed to minimise adverse effects by including limits on the discharge (pertaining to quality and quantity) and managing impacts on the receiving environment. Consent holders must regularly reassess whether the current system remains to be the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents.
Further submissions – Royal Forest and Bird Protection Society (43)		Support	The Hearing Panel suggests that some provision must be made in the rules to provide for the discharge of wastewater that contains treated human sewage. Most New Zealand cities discharge water directly or indirectly into the coastal marine area. However, this rule is a discretionary activity, which means a resource consent may be granted or declined subject to the Plan's policies. A discharge consent application is subject to meeting the directions and guidance set out in General Policies 1 to 21 and Activity-specific Policies 22, 24 and 26. With these policies any discharge of treated wastewater must be of an acceptable quality and can only be considered when more appropriate alternatives have been considered. This rule is in line with the requirements

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>of the <i>New Zealand Coastal Policy Statement</i> Policy 23 [Discharge of contaminants] (2) and (3) and meets the requirements of the RMA.</p> <p>It is the Hearing Panel's view that providing the option to consider discharges of treated wastewater into the coastal marine area is necessary in order to provide for the requirements of the general public. The Hearing Panel is satisfied that through the resource consents process, adverse environmental effects can be appropriately avoided, remedied or mitigated. Policy 26 in particular is highlighted whereby it is Council's expectation that the best practicable option be adopted to improve the quality of the discharge and reduce the quantity of the discharge over time.</p>
23 – New Plymouth District Council	720	Support	Accept
		Retain Rule 6 of the Plan as a discretionary activity to support the continuation of wastewater discharges at the Waiwhakaiho.	Support noted. Policy 6 is retained as notified.
38 – Nigel Cliffe	721	Other	No relief necessary
		Submitter notes opposition (in relation to the toilet at Paora Road) to discharges of fluids or solids to the ocean. The submitter does not wish the toilet to discharge any fluids or solids either directly or indirectly by way of ground water. The submitter wishes to have the location of the toilet reassessed.	<p>Submitter's comments are noted and have been passed on to the Inspectorate section of the Council for further investigation.</p> <p>The Hearing Panel have been advised by Council officers that the toilet at Paora Road has previously been investigated for compliance and that samples indicated the toilet is compliant with relevant regional rules. The Council will conduct further monitoring to ensure that there are no unconsented discharges.</p>
40 – Te Rūnanga o Ngāti Mutunga	722	Amend	Decline
		<p>Submitter does not support the disposal of treated or untreated human sewage to any water body due to the effect this will have on the mouri and wairua of the receiving water body. The submitter would prefer to see alternative disposal to land of the wastewater from the New Plymouth District Council's Treatment station at Waiwakaiho before the end of the current consent in 2041.</p> <p>Submitter seeks amendment to Rule 6 of the Plan to make all discharges of treated wastewater to the coastal marine area a prohibited activity (rather than a discretionary activity).</p>	<p>The Hearing Panel recommends declining the relief sought whereby the continuation of existing consented activities to discharge treated human sewage is prohibited.</p> <p>The relief sought would immediately preclude existing lawful discharges of municipal wastewater discharges to the coastal marine area in the absence of any other practicable options. To divert the quantities of waste onto land or other receiving environments is likely to be impracticable plus result in worst environmental outcomes due to the quantities involved and the lack of suitable locations to ensure the waste can be properly and safely assimilated to avoid, minimise or mitigate adverse environmental effects.</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>The Hearing Panel notes Taranaki only has three municipal wastewater discharges. Their discharges are located a significant distance offshore. The resource consents for these marine outfalls include conditions that the consent holder must adhere to. These conditions are designed to minimise adverse effects by including limits on the discharge (pertaining to quality and quantity) and managing impacts on the receiving environment. Consent holders must regularly reassess whether the current system remains to be the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents.</p> <p>The Hearing Panel suggest that some provision must be made in the rules to provide for the discharge of wastewater that contains treated human sewage. Most New Zealand cities discharge water directly or indirectly into the coastal marine area. However, this rule is a discretionary activity, which means a resource consent may be granted or declined subject to the Plan's policies. A discharge consent application is subject meeting the directions and guidance set out in General Policies 1 to 21 and Activity-specific Policies 22, 24 and 26. With these policies the discharge must be of an acceptable quality and can only be considered when more appropriate alternatives have been considered. This rule is in line with the requirements of the <i>New Zealand Coastal Policy Statement</i> Policy 23 [Discharge of contaminants] (2) and (3) and meets the requirements of the RMA.</p> <p>It is Hearing Panel's view that providing the option to consider discharges of treated wastewater into the coastal marine area is necessary in order to provide for the requirements of the general public. The Hearing Panel is satisfied that through the resource consents process, adverse environmental effects can be appropriately avoided, remedied or mitigated. Policy 26 in particular is highlighted whereby it is Council's expectation that the best practicable option be adopted to improve the quality of the discharge and reduce the quantity of the discharge over time.</p>
47 – Fonterra	723	Support	Accept
		Retain Rule 6 of the Plan as notified.	Support noted. Policy 6 is retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	724	Amend Submitter seeks amendment to Rule 6 of the Plan to make all discharges of treated wastewater to the coastal marine area a prohibited activity (rather than a discretionary activity).	Decline The Hearing Panel recommends declining the relief sought. The relief sought would immediately preclude existing lawful discharges of municipal wastewater discharges to the coastal marine area in the absence of any other practicable options. To divert the quantities of waste onto land or other receiving environments is likely to be impracticable plus potentially result in worst environmental outcomes due to the quantities involved and the lack of suitable locations to ensure the waste can be properly and safely assimilated to avoid, minimise or mitigate adverse environmental effects. The Hearing Panel notes Taranaki only has three municipal wastewater discharges. Their discharges are located a significant distance offshore. The resource consents for these marine outfalls include conditions that the consent holder must adhere to. These conditions are designed to minimise adverse effects by including limits on the discharge (pertaining to quality and quantity) and manage impacts on the receiving environment. Consent holders must regularly reassess whether the current system remains to be the best practicable option, in light of technological advances and changing circumstances. Community involvement in the monitoring and management of these discharges, through involvement plans and stakeholder meetings, is also required in the resource consents. The Hearing Panel suggests that some provision must be made in the rules to provide for the discharge of wastewater that contains treated human sewage. Most New Zealand cities discharge water directly or indirectly into the coastal marine area. However, this rule is a discretionary activity, which means a resource consent may be granted or declined subject to the Plan's policies. A discharge consent application is subject meeting the directions and guidance set out in General Policies 1 to 21 and Activity-specific Policies 22, 24 and 26. With these policies, the discharge must be of an acceptable quality and must consider the best alternatives. This rule is in line with the requirements of the <i>New Zealand Coastal Policy Statement</i> Policy 23 [Discharge of contaminants] (2) and (3) and meets the requirements of the RMA.
Further submissions – Climate Justice Taranaki Inc (21)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			It is Hearing Panel's view that providing the option to consider discharges of treated wastewater into the coastal marine area is necessary in order to provide for the requirements of the general public. The Hearing Panel is satisfied that through the resource consents process, adverse environmental effects can be appropriately avoided, remedied or mitigated. Policy 26 in particular is highlighted whereby it is Council's expectation that the best practicable option be adopted to improve the quality of the discharge and reduce the quantity of the discharge over time.
61 – Te Rūnanga o Ngāti Ruanui Trust	725	<p>Amend</p> <p>Submitter seeks amendment to Rule 6 (discretionary activity) of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Grant in kind</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>Notwithstanding the above, the Hearing Panel notes that all matters identified by the submitter would generally be considered through any consenting process with Policies 1 to 21, 22 24 and 26 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel further notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. Hearing Panel note that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amend the headings throughout the rules section to refer only to "matters of control/discretion" and to delete any reference to notification requirements in the Plan (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		<p>Support</p>	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>The Hearing Panel further notes that, in addition to the requirements of the RMA, notification to iwi can also be addressed through Mana Whakahono a Rohe agreements without the need to be included in the Plan rules.</p> <p>At the hearing of submissions, submitter (41) further presented on Rule 6 and considers that if Rule 6 is to remain then clearer wording should be used to ensure that only lawfully established discharges be authorised by this rule. The Hearing Panel consider this relief is consistent with the intent of the rule and adds clarity for plan users. The Hearing Panel recommends amending the gateway to refer to “existing <i>lawfully established</i> wastewater discharges”.</p> <p>For consistency, the Hearing Panel also recommend similar wording be incorporated into Policy 24 which addresses existing discharges of wastewater containing human sewage.</p>
Rule 7 – Wastewater treatment plant discharges			
21 – Climate Justice Taranaki	726	Amend Submitter opposes allowing new wastewater discharge that contains human sewage to discharge to the coastal management area and request that the activity be a prohibited activity in all coastal management areas.	Accept The Hearing Panel recommends accepting the relief requested by the submitter. The Hearing Panel notes that previous recommendations to prohibit <u>new</u> discharges of treated human sewage to the CMA would not affect currently consented discharges of treated human sewage but would limit the region to utilizing the three existing discharges at the New Plymouth, Hawera and Pātea outfalls into the future or finding land-based solutions.
Further submissions - Royal Forest and Bird Protection Society (43)		Support	<p>The Hearing Panel suggests prohibiting new discharges of treated wastewater containing human sewage to the CMA is in line with Policy 11 [Coastal water quality] of the Plan, which directs that coastal water quality be maintained where it is good. The change is broadly supported by other submitters including tangata whenua.</p> <p>The amendment sought would be reflected by deleting Rule 7 and including the Open Coast in coastal management areas addressed under Rule 8.</p>
40 – Te Rūnanga o Ngāti Mutunga	727	Amend Submitter seeks amendment to Rule 7 of the Plan to make all new discharges of treated wastewater to the coastal marine area a prohibited activity (rather than a discretionary activity).	Accept The Hearing Panel recommends accepting the relief requested by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21)		Support	<p>The Hearing Panel notes that the recommendation to prohibit <u>new</u> discharges of treated human sewage to the coastal marine area would not affect currently consented discharges of treated human sewage but would limit the region to utilizing the three existing discharges at the New Plymouth, Hawera and Pātea outfalls into the future or finding land-based solutions.</p> <p>The Hearing Panel suggests prohibiting new discharges of treated wastewater containing human sewage to the coastal marine area is in line with Policy 11 [Coastal water quality] of the Plan, which directs that coastal water quality be maintained where it is good. The change is broadly supported by other submitters including tangata whenua.</p> <p>The amendment sought would be reflected by deleting Rule 7 and including the Open Coast in coastal management areas addressed under Rule 8.</p>
41 – Te Korowai o Ngāruahine Trust	728	<p>Amend</p> <p>Submitter seeks amendment to the Plan by deleting Rule 7 that makes new wastewater discharges to the coastal marine area a discretionary activity.</p>	<p>Accept</p> <p>The Hearing Panel recommends accepting the relief requested by the submitter.</p> <p>The Hearing Panel notes that the recommendation to prohibit <u>new</u> discharges of treated human sewage to the coastal marine area would not affect currently consented discharges of treated human sewage but would limit the region to utilizing the three existing discharges at the New Plymouth, Hawera and Pātea outfalls into the future, or finding land-based solutions.</p> <p>The Hearing Panel suggests prohibiting new discharges of treated wastewater containing human sewage to the coastal marine area is in line with Policy 11 [Coastal water quality] of the Plan, which directs that coastal water quality be maintained where it is good. The change is broadly supported by other submitters, including tangata whenua.</p> <p>The amendment sought would be reflected by deleting Rule 7 and including the Open Coast in coastal management areas addressed under Rule 8.</p>
58 – Te Atiawa	729	<p>Amend</p> <p>Submitter seeks amendment to Rule 7 of the Plan to make new discharges of treated wastewater to the coastal marine area a prohibited activity (rather than a discretionary activity).</p>	<p>Accept</p> <p>The Hearing Panel recommends accepting the relief requested by the submitter.</p> <p>The Hearing Panel notes that the recommendation to prohibit <u>new</u> discharges of treated human sewage to the coastal marine area would not affect currently consented discharges of treated human sewage but would limit the region to</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>utilizing the three existing discharges at the New Plymouth, Hawera and Patea outfalls into the future, or finding land-based solutions.</p> <p>The Hearing Panel suggests prohibiting new discharges of treated wastewater containing human sewage to the coastal marine area is in line with Policy 11 [Coastal water quality] of the Plan, which directs that coastal water quality be maintained where it is good. The change is broadly supported by other submitters including tangata whenua.</p> <p>The amendment sought would be reflected by deleting Rule 7 and including the open coast in coastal management areas addressed under Rule 8.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	730	<p>Amend</p> <p>Submitter seeks amendment to Rule 7 (discretionary activity) of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>No relief necessary</p> <p>The Hearing Panel notes that, in response to other submitters' requests, the Panel recommends deleting Rule 7, which relates to authorising new discharges of treated human sewage to the Open Coast.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 8 – Wastewater treatment plant discharges			
5 – Point Board Riders	731	<p>Support</p> <p>Retain Rule 8 of the Plan prohibiting new wastewater discharges in the designated coastal management areas.</p>	<p>Accept</p> <p>Support noted. Rule 8 is retained subject to the addition of the Open Coast coastal management area as requested by other submitters.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
21 – Climate Justice Taranaki	732	Support Retain Rule 8 of the Plan prohibiting new wastewater discharges in the designated coastal management areas (but seek that the activity be prohibited in the other coastal management areas as well).	Accept Support noted. Rule 8 is retained subject to the addition of the Open Coast coastal management area as requested by other submitters.
Further submissions - Royal Forest and Bird Protection Society (43)		Support	
40 – Te Rūnanga o Ngāti Mutunga	733	Support Retain Rule 8 of the Plan prohibiting new wastewater discharges in the designated coastal management areas.	Accept Support noted. Rule 8 is retained subject to the addition of the Open Coast coastal management area as requested by other submitters.
41 – Te Korowai o Ngāruahine Trust	734	Amend Submitter seeks amendment to Rule 8 of the Plan to include any new wastewater discharge to the Open Coast thereby making all such discharges in the coastal marine area a prohibited activity.	Accept The Hearing Panel recommends accepting the relief requested by the submitter. The Hearing Panel notes that the recommendation to prohibit <u>new</u> discharges of treated human sewage to the coastal marine area would not affect currently consented discharges of treated human sewage but would limit the region to utilizing the three existing discharges at the New Plymouth, Hawera and Pātea outfalls into the future, or finding land-based solutions. The Hearing Panel suggests prohibiting new discharges of treated wastewater containing human sewage to the coastal marine area is in line with Policy 11 [Coastal water quality] of the Plan, which directs that coastal water quality be maintained where it is good. The change is broadly supported by other submitters, including tangata whenua. The amendment sought would be reflected by deleting Rule 7 and including the Open Coast in coastal management areas addressed under Rule 8.
Further submissions – Climate Justice Taranaki Inc (21)		Support	
58 – Te Atiawa	735	Support Retain Rule 8 prohibiting new wastewater discharges in the designated coastal management areas.	Accept Support noted. Rule 8 is retained subject to the addition of the open coast coastal management area as requested by other submitters.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 9 – Sampling and biofouling in the Port			
16 – Ministry for Primary Industries	736	<p>Amend</p> <p>Submitter seeks amendment to Rule 9 in order to refine how the Australian/New Zealand Anti-Fouling and In Water Cleaning Guidelines (2013) are translated into the Rules. In particular, to the description of fouling and the activity description.</p> <p>Amend permitted activity rule for in-water cleaning of biofouling to read:</p> <p><u>Activity:</u></p> <p><u>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:</u></p> <p><u>(a) deposition on the foreshore or seabed.</u></p> <p><u>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</u></p> <p><u>Standards, terms and conditions:</u></p> <p><u>(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;</u></p> <p><u>(b) microfouling may be cleaned without capture;</u></p> <p><u>(c) goose barnacles may be cleaned without capture;</u></p> <p><u>(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));</u></p> <p><u>(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</u></p> <p><u>(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:</u></p> <p><u>i. any cleaning activities commenced shall cease immediately, and</u></p>	<p>Accept</p> <p>The intention of Rule 9 is to provide for additional hull cleaning activities that are currently prohibited under the current Plan. Hull cleaning currently excludes ships that are greater than 25 metres in length and any ships that have been outside the exclusive economic zone since their last hull cleaning. Many second-generation coastal plans have provisions that allow the cleaning of these hulls provided the appropriate standards, terms and conditions are met.</p> <p>It is Hearing Panel's view that the requested amendments provide additional information that strengthens Rule 9 and aligns with industry requirements and procedures. The Hearing Panel further notes that capture of macrofoul will be an important condition to ensure that the Port and surrounding areas (of note, the nearby area of outstanding value) are safeguarded against any possible invasive marine species introduction.</p> <p>The Hearing Panel recommends granting the relief requested subject to minor inconsequential word changes to align the reading of rules with the remainder of the Plan. The amended rule would read as follows:</p> <p><u>Activity</u></p> <p><u>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface into water in the coastal marine area and any associated:</u></p> <p><u>(deposition on the foreshore or seabed.</u></p> <p><u>Note (1) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</u></p> <p><u>Note (2) For the purposes of this rule, further guidance is provided in the Anti—fouling and In-water Cleaning Guidelines (June 2013).</u></p> <p><u>Note (3) 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).</u></p> <p><u>Standards, terms and conditions:</u></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>ii. the Taranaki District Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and</u></p> <p><u>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.</u></p> <p><u>Notes</u></p> <p><u>1. For the purposes of the above, further guidance is provided in the Anti—fouling and In-water Cleaning Guidelines (June 2013).</u></p> <p><u>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).</u></p> <p><u>Footnotes</u></p> <p><u>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.</u></p>	<p><u>(a) the anti—foul coating on the ship, moveable object or navigation 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;</u></p> <p><u>(c) the activity does not involve any species designated as unwanted organisms or pest species under the Biosecurity Act 1993;⁴</u></p> <p><u>(d) macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid is less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005));⁵ and</u></p> <p><u>(e) all biological material that cannot pass through a 50 micron sieve that is dislodged during cleaning (other than goose barnacles) is captured and disposed of at an approved landfill (microfouling and goose barnacles may be cleaned without capture).</u></p> <p>⁴ <u>If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species are present, that person should cease the activity immediately and notify the Ministry for Primary Industries without unreasonable delay. Cleaning should not recommence until notified by the Ministry for Primary Industries.</u></p> <p>⁵ <u>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.</u></p>
Further submissions – Port Taranaki Ltd (32)		Oppose	
33 – New Zealand Defence Force	737	<p>Amend</p> <p>Submitter highlights that cleaning of biofoul is an important measure in controlling undesirable foreign organisms contaminating local waters and seeks amendment to Rule 9 of the Plan to provide for biofouling activities in the Open Coast and Estuaries Modified Coastal Management Areas as a discretionary activity (rather than a non-complying activity).</p>	<p>Decline</p> <p>The Hearing Panel recognises the importance of regular hull cleaning in preventing the spread of invasive biota. However, it is important that the cleaning of biofoul is undertaken in a manner and location where the potential adverse effects of contamination can be addressed in an appropriate and timely manner. This can only be achieved if cleaning practices are undertaken in the appropriate location which minimises the risk of contamination to other locations. The Port is the chosen location for these activities to be undertaken as it is already a largely modified environment, it has high traffic flow so is an ideal place to undertake the activity, plus, it is also the only location within the region that is routinely monitored for invasive marine species.</p> <p>To perform cleaning in locations other than the Port introduces additional and unacceptable risks to those locations and the benefits of providing for the activity do not outweigh the potential risks. The Hearing Panel recommends</p>
Further submission – Royal Forest and Bird Protection Society (43)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			adopting a precautionary approach to minimise the risks of contamination by foreign and invasive organisms to local waters outside the Port by declining the relief sought.
33 – New Zealand Defence Force	738	<p>Amend</p> <p>Submitter generally supports Rule 9 but seeks to amend the standards, terms and conditions of Rule 9(c) to read:</p> <p><i>(c) the Ministry for Primary industries, or subsequent replacement Ministry, is advised <u>immediately without unreasonable delay</u> if a suspected invasion or non-indigenous aquatic species is encountered.</i></p>	<p>Grant in kind</p> <p>The Hearing Panel agrees that immediate contact may not be reasonable and recommend granting the relief in kind (as well as other amendments sought by other submitters) by including guidance in a footnote to the rule. The submitter has highlighted a standard, term and condition that is legally uncertain with reference to 'suspects' which is addressed by amending the condition and inserting guidance in a footnote to read as follows:</p> <p><u><i>(c) The activity does not involve any species designated as unwanted organisms or pest species under the Biosecurity Act 1993; ⁴</i></u></p> <p><u><i>⁴ If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species are present, that person should cease the activity immediately and notify the Ministry for Primary Industries without unreasonable delay. Cleaning should not recommence until notified by the Ministry for Primary Industries.</i></u></p>
40 – Te Rūnanga o Ngāti Mutunga	739	<p>Amend</p> <p>Submitter seeks amendment to the permitted activity rule for in-water cleaning of biofouling in the Port and make such activities a controlled activity.</p>	<p>Decline</p> <p>The regular cleaning of biofoul is a desirable activity and should be encouraged to be undertaken in a timely fashion and provided for in appropriate locations, i.e. the Port. Regular biofouling reduces the risk of foreign organisms contaminating New Zealand waters and are best undertaken in places where the activity can be monitored, controlled and the appropriate actions can be taken immediately if necessary. In this instance, the Port is the only appropriate location and, as such, it is a non-complying activity elsewhere.</p> <p>The Hearing Panel would like to point out that the risks associated with sampling and cleaning of biofouling have been assessed by the Ministry for Primary Industries who have legislative biosecurity responsibilities, including those relating to border control and the enforcement of import health standards. The rule is consistent with their advice and good practice.</p> <p>Changing the permitted activity classification to Controlled may become a potential deterrent to people following best practice and could ultimately discourage people from cleaning and/or slow down the cleaning process. This, in turn, increases the risk to the environment by allowing biofoul</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – New Zealand Defence Force (33)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			communities time to grow or proliferate before they are removed from the vessel.
58 – Te Atiawa	740	Amend Submitter opposes permitting in-water cleaning of biofouling in the Port as, in their view, there is no way of monitoring the activity and they are not convinced that the conditions stated will be adhered to. Submitter seeks amendment to Rule 9 of the Plan to make biofouling in the Port a controlled activity (rather than a permitted activity) and that the Council exercise control over such matters to ensure these matters are met by users of the Plan.	Decline The regular cleaning of biofoul is a desirable activity and should be encouraged to be undertaken in a timely fashion and provided for in appropriate locations, i.e. the Port. Regular biofouling reduces the risk of 'dirty' boats and other crafts unintentionally bringing foreign harmful organisms (as hitch-hikers) into the region where they can then establish in our territorial waters. Bio-fouling is best undertaken in places where the activity can be monitored, controlled and the appropriate actions can be taken without delay if necessary. In this instance, the Port is considered the only appropriate location for this activity and, as such, it is a non-complying activity elsewhere. The Hearing Panel would like to point out that the risks associated with sampling and cleaning of biofouling have been assessed by the Ministry for Primary Industries who have legislative biosecurity responsibilities, including those relating to border control and the enforcement of import health standards. The rule is consistent with their advice and good practice. Changing the permitted activity classification to Controlled may become a potential deterrent to people following best practice and could ultimately discourage people from cleaning and/or slow down the cleaning process. This, in turn, increases the risk to the environment by allowing biofoul communities time to grow or proliferate before they are removed from the vessel.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – New Zealand Defence Force (33)		Oppose	
Rule 10 – Sampling and biofouling			
9 – Karen Pratt	741	Amend Submitter seeks amendment to Rule 10 to cover operations such as the recently granted consent for ironsand mining in the EEZ, i.e. artificial structures.	No relief necessary No precise details of amendments sought to Rule 10 have been provided. The Hearing Panel notes that Rule 10 applies to all biofouling activities in the relevant coastal management areas and no further change is considered necessary.
Further submissions – Trans-Tasman Resources (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
16 – Ministry for Primary Industries	742	<p>Amend</p> <p>Submitter seeks amendment to Rule 10 of the Plan by removing the word “scraping” from the activity classification, and to include the term “in-water” to describe where the cleaning is taking place and the words “involving” be replaced with “resulting in”, to read:</p> <p><i>In water cleaning 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 resulting in involving a discharge of a contaminant substance into water in the coastal marine area and any associated:</i></p> <p><i>(a) deposition on the foreshore or seabed.</i></p>	<p>Accept in part</p> <p>Hearing Panel agrees that scraping is only one method of cleaning of biofouling and that a more general approach is necessary to keep the activity description broad.</p> <p>The Hearing Panel notes that in the Taranaki scenario, the Port wharves and breakwaters are within the coastal marine area and there may be need to remove objects to be cleaned (for example, navigation aids and buoys) from the water to be cleaned on the wharves. The inclusion of “in-water cleaning” would preclude this kind of activity from occurring even though this method offers greater possibility of capture and removal of material.</p> <p>The Hearing Panel further notes that the activity should focus on the discharge rather than the cleaning itself as this is the activity to be managed and recommend restructuring the activity classification of Rule 10 to read as follows:</p> <p><i>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, into water in the coastal marine area and any associated:</i></p> <p><i>(a) deposition on the foreshore or seabed.</i></p>
Further submissions – Trans-Tasman Resources (6)		Support	
21 – Climate Justice Taranaki	743	<p>Support</p> <p>Retain Rule 10 of the Plan so that any discharges from biofoul cleaning into all coastal management areas, excluding the Port, be a non-complying activity.</p>	<p>Accept</p> <p>Support noted.</p>
Further submissions – Royal Forest and Bird Protection Society (43)		Support	
29 – Department of Conservation	744	<p>Amend</p> <p>Scraping is one type of cleaning that that is used when cleaning biofoul from a ship hull, in addition, it is a method that should not be used with many types of antifoul coatings used on vessels. Sampling is another activity, and should not be included alongside the cleaning of biofoul. Submitter seeks amendment to Rule 10 of the Plan to delete the words “Sampling, scraping and/or” from the activity description.</p>	<p>Accept</p> <p>The Hearing Panel recommends amending the activity classification of Rule 10 with minor changes to accommodate the requests of other submitters to read:</p> <p><i>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, into water in the coastal marine area and any associated:</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>(a) deposition on the foreshore or seabed.</i>
33 - New Zealand Defence Force	745	Amend Submitter seeks amendment to Rule 10 of the Plan to provide for biofouling activities in the Outstanding Value and Estuaries Unmodified Coastal Management Areas as a discretionary activity (rather than a non-complying activity).	Decline The Hearing Panel recommends declining the relief sought by the submitter. The request would introduce a high level of risk that the Hearing Panel considers unreasonable and unnecessary. An appropriate place for this activity to occur has been provided for in Port Taranaki. Through Rule 10 a resource consent may be granted as a non-complying activity but subject to the activity proving that effects are minor and not in conflict with the objectives and policies of the Plan.
41 – Te Korowai o Ngāruahine Trust	746	Amend Submitter seeks amendment to Rule 10 of the Plan to make any sampling, scraping and/or cleaning of biofouling in coastal management areas, other than the Port, a prohibited activity (rather than non-complying activity).	Decline The Hearing Panel recommends declining the relief sought by the submitter. Recent case law has confirmed that non-complying activities are subject to a high gateway test where the Council (under section 104D RMA) would need to be satisfied that the adverse effects of the activity will be minor or the activity will not be contrary to the objectives and policies of the Plan. The presumption is that effects must be so minor that it is not likely to matter. However, its classification does allow some activities to at least be considered on a case-by-case basis to see if exceptions apply and could be provided for. prohibited activity status would unnecessarily preclude the consideration of any exceptional circumstances.
Further submissions – Trans-Tasman Resources (6), New Zealand Defence Force (33)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	747	Amend Submitter seeks amendment to Rule 10 (non-complying activity) of the Plan to include standards, terms and conditions to read: <u><i>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</i></u> <u><i>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</i></u> <u><i>(c) discharge is consistent with iwi management plan.</i></u> AND Include the following notification note: <u><i>Resource consent applications under this Rule will be notified to tangata whenua.</i></u>	Decline The submitter has sought the inclusion of standards, terms and conditions for Rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. Notwithstanding the above, the Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22 and 28 being given effect to.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources (6)		Oppose	In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and to delete references to notification requirements from the Plan, which are set out in sections 95A to 95G of the RMA.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 11 – Abrasive blasting discharges			
26 – Transpower NZ Ltd	748	Amend Submitter supports Rule 11 of the Plan but notes that the <i>National Environmental Standards for Electricity Transmission</i> only applies to existing structures and since there are no existing National Grid structures in the coastal marine area (as identified in the Proposed Coastal Plan for Taranaki) and therefore subject to the Plan, the reference is not required. Further, the <i>National Environmental Standards for Electricity Transmission</i> is not applicable when erecting or placing new structures. Submitter seeks amendment to Rule 11 to delete reference to <i>National Environmental Standards for Electricity Transmission Activities</i> : [...]excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter by removing the reference.
32 – Port Taranaki	749	Amend Submitter suggests that within the Port coastal management area the effects of abrasive blasting discharges are well known and understood. Therefore, submitter seeks amendment to Rule 11 of the Plan to make the activity a controlled activity in	Decline The Hearing Panel recommends declining the relief sought by the submitter. Abrasive blasting is capable of having significant adverse environmental effects. Given the amount of industrial and trade premises in the vicinity of the Port, the storage and transfer of dangerous and hazardous cargos and other

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		the Port coastal management area and draft an appropriate set of matters over which control shall be restricted to.	materials, it is appropriate that such matters be considered on a case-by-case basis as a discretionary activity to ensure adverse effects are appropriately avoided, remedied or mitigated.
41 – Te Korowai o Ngāruahine Trust	750	Amend Submitter seeks amendment to Rule 11 of the Plan to make abrasive blasting discharges in the coastal marine area a non-complying activity (rather than discretionary activity).	Decline The Hearing Panel recommends declining the relief sought by the submitter. Recent case law has confirmed that non-complying activities is a high gateway test where Council (under section 104D of the RMA) would need to be satisfied that the adverse effects of the activity will be minor or the activity will not be contrary to the objectives and policies of the Plan. The presumption is that effects must be so minor that it is not likely to matter. However, it is the Hearing Panel's view that abrasive blasting is an often necessary and routine activity for the maintenance, repair or alterations to existing structures, including wharves, mooring and berthing structures, and bridges. As such, it needs to be provided for. The Hearing Panel recommends retaining the Rule's discretionary activity status to consider abrasive blasting activities on a case-by-case basis to, and if approved, ensure there are conditions addressing the avoidance, remedying or mitigating of adverse effects. prohibited activity status would preclude these considerations.
61 – Te Rūnanga o Ngāti Ruanui Trust	751	Amend Submitter seeks amendment to Rule 11 (discretionary activity) of the Plan to include standards, terms and conditions to read: <u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> <u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) discharge is consistent with iwi management plan.</u> AND Include the following notification note: <u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 30, 39, 40 and 41 being given effect to. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Ngāruahine Trust (41), Te Atiawa (58)			<p>changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and to delete references to notification requirements from the Plan (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p> <p>The Hearing Panel further notes that, in addition to the requirements of the RMA, notification to iwi can also be addressed through Mana Whakahono a Rohe agreements without the need to be included in the Plan rules.</p>
Rule 12 – Seismic surveying and bathymetric testing			
6 – Trans-Tasman Resources Ltd	752	Support	Decline
		Retain Rule 12 of the Plan noting surveys and tests are important and useful for establishing or monitoring key aspects of the coastal environment and that the effects are minor and transitory.	Support noted. However, the Hearing Panel notes that Rule 12 is recommended to be split into two rules, a permitted activity for bathymetric testing and an additional rule (Rule 12A) for seismic surveying as a controlled activity.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support	Adverse effects of bathymetric testing are less than minor and can be appropriately managed through the permitted activity. However, adverse effects of seismic testing (particularly in relation to indigenous biodiversity) may be more uncertain. The controlled activity classification is therefore recommended so that the Council can ensure that adverse effects on indigenous biodiversity are appropriately considered and addressed through a consenting process.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	At the hearing, the submitter presented further on Rule 12 noting that the rule had been broken into two rules addressing bathymetric testing and seismic surveying separately. The submitter requested that standards, terms and conditions addressing taonga species be deleted and that reference to Schedule 4 only refer to those species that are 'threatened', 'at risk', or 'regionally distinctive', as well as the ecosystems which are rare or uncommon. The Hearing Panel notes that standards, terms and conditions relating to taonga species have been included as it is considered necessary to recognise and provide protection for those species that hold significant value to local iwi. These species were identified through the iwi deeds of settlement

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			and are considered necessary to give effect to Objectives 4, 8, 9, 10, 11 and 12 and Policies 14B, 15, 16 and 18 of the Plan.
21 – Climate Justice Taranaki	753	Amend Submitter opposes further petroleum prospecting and exploration and seek that the Plan be amended to make all seismic surveying for petroleum in any coastal management area a prohibited activity.	Decline The Hearing Panel recommends declining the relief. The Hearing Panel notes that seismic surveying and bathymetric testing provide useful and important insights into crustal activities that occur within the Taranaki region and are not limited to industrial uses within the petroleum industry. Not only are these insights useful but they are also necessary as they provide information relating to the tectonic situation of the region, including faults, flexure and crustal thickening relating to the overarching tectonic regime of the Zealandia continent. Such information is necessary for hazard mitigation and preparation including earthquake, tsunami and volcanic activity as well as providing insights into the past events that occurred in geologic time. The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not addressed by the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel suggests a higher level of regulatory control and recommend that seismic surveying be made a controlled activity in all coastal management areas (rather than to prohibit it entirely as requested by the submitter). A Controlled activity rule, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to significant indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
29 – Department of Conservation	754	Support Retain Rule 12 of the Plan as notified but reconsider rule should a potential whale sanctuary in the Taranaki coastal environment eventuate.	Accept in part Support noted. However, the Hearing Panel notes that Rule 12 is recommended to be split into two rules, a permitted activity for bathymetric testing and an additional rule (Rule 12A) for seismic surveying as a controlled activity.
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	The controlled activity classification for seismic testing is recommended so that the Council can ensure that adverse effects on significant indigenous biodiversity are appropriately considered and addressed through a consenting process. At the hearing, the submitter presented in support of this change.
37 – Petroleum Exploration and Production Association of NZ	755	Support	Decline/Grant in kind
		Retain Rule 12 of the Plan as notified.	Support noted. However, the Hearing Panel notes that Rule 12 is recommended to be split into two rules, a permitted activity for bathymetric testing and an additional rule (Rule 12A) for seismic surveying as a controlled activity.
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	The controlled activity classification for seismic testing is recommended so that the Council can ensure that adverse effects on significant indigenous biodiversity are appropriately considered and addressed through a consenting process.
Further submissions – Port Taranaki Ltd (32)		Support	In relation to retaining Rule 12 of the Plan as notified, the Hearing Panel therefore recommends declining that part of the relief. However, at the hearing, the submitter subsequently recommended amending Rule 12A (should the Council choose to adopt the Section 42A Report recommendations relating to seismic testing). In particular, the submitter recommended amending the 'gateway' to Rule 12A to refer to the placement of associated monitoring equipment which was provided for in the original wording of Rule 12. The Hearing Panel agrees and recommends that Rule 12A provide for the placement of associated monitoring equipment. In addition, the submitter requested that the standards terms and conditions of Rule 12A be replaced with a requirement that the activity not occur within 1,000 m of mean high water springs. The Hearing Panel recommends declining this relief as it does not address environmental effects outside the 1,000 m restricted area and considers that indigenous biodiversity may potentially be impacted upon if this approach is adopted. It is further suggested that this approach derogates from the precautionary approach as required by Policy 3 of the Plan. Further to this, in relation to Rule 12 as amended [Bathymetric testing] and Rule 12A [Seismic surveying], the submitter requested that subjective conditions relating to significant indigenous biodiversity and taonga species be deleted. The Hearing Panel recommends declining the relief sought noting that as part of a precautionary approach these conditions are considered

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			appropriate and give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the <i>New Zealand Coastal Policy Statement</i> and other policies of the Plan. The Hearing Panel notes that for certainty, and to assist Plan users, species and habitats identified as significant indigenous biodiversity and taonga species of concern have been included in Schedules 4A, 4B and 4C. The Hearing Panel notes that it is not uncommon for plans to include values based assessments for permitted and controlled activities and that similar conditions are included in the current <i>Coastal Plan for Taranaki</i> and have been successfully implemented and enforced over the life of the Plan.
40 – Te Rūnanga o Ngāti Mutunga	756	Amend Submitter seeks amendment to Rule 12 of the Plan to make seismic surveying or bathymetric testing activity a discretionary activity (rather than a permitted activity). The submitter is concerned about the impacts of seismic surveying on one of their taonga species the korora (little blue penguin).	Accept in part Impacts of seismic testing on marine mammals are managed through the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). However, the code only addresses the effects on marine mammals and seabirds (specifically effects on seabirds from on-board lights), the code does not address any effects that may occur to penguins or other 'non mammal' marine fauna. The South Taranaki Bight is an important foraging area for blue penguins of the Marlborough Sounds breeding colony listed in Schedule 4A as "at risk (declining)". Effects from seismic surveying have been shown to significantly affect penguin foraging patterns, which in turn, may adversely affect reproductive output and result in displacement. Any threats to the population would be considered significant. The Hearing Panel does not consider that the permitted activity classification provides the necessary certainty for the Council to ensure adverse effects impacting on marine taxa (not covered by Department of Conservation's code of conduct) are being appropriately managed. The Hearing Panel therefore recommends removing seismic surveying from Rule 12 and creating a new rule (Rule 12A) to make seismic surveying a controlled activity in all coastal management areas. The recommended rule contains additional standards, terms and conditions that address effects on species identified in Schedule 4A, taonga species identified in Schedule 4C as well as requiring the activity to comply with the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> .
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	757	Amend Submitter seeks amendment to Rule 12 of the Plan to amend Condition (a) to delete reference to: <i>any subsequent applicable Code of Conduct</i> .	Accept The Hearing Panel recommends granting the relief sought by the submitter, noting that this amendment is addressed under Rule 12A.
Further submissions – Trans-Tasman Resources (6)		Neutral	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
41 – Te Korowai o Ngāruahine Trust	758	Amend Submitter seeks amendment to Rule 12 of the Plan to require a higher level of regulatory control for seismic surveying or bathymetric testing activity (currently a permitted activity).	Accept in part Submitter opposes seismic surveying or bathymetric testing activities on the basis that the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct') is flawed and that, in their view, research evidence clearly cites the harm that is caused to marine mammals, larvae development and zooplankton. The submitter suggests that the marine mammal guidelines do not assess the total effects on the marine environment and do not mitigate the risks to the marine environment. The submitter suggests that the rule's reliance on the guidelines as the basis to afford permitted activity status neglects the impact on fish, larvae and invertebrates and Māori customary and commercial fishing rights. The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying and bathymetric testing, primarily in relation to disturbance of marine organisms. While the effects of seismic and bathymetric testing are generally minor and transitory. The Hearing Panel also recognise that there are vulnerable species susceptible to the impacts of seismic surveying that are not addressed in the Department of Conservation's code of conduct. The Hearing Panel therefore recommends amending Rule 12 to require a higher level of regulatory control for seismic surveying but not for bathymetric testing. Bathymetric testing is the more benign of the two activities with adverse effects always likely to be less than minor. However, adverse effects of seismic testing (particularly in relation to indigenous biodiversity) maybe more uncertain. The controlled activity classification is therefore recommended so
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			that the Council can ensure that adverse effects on indigenous biodiversity are appropriately considered and addressed through a consenting process.
41 – Te Korowai o Ngāruahine Trust	759	Amend Submitter seeks amendment to Rule 12 to include a condition that ensures no adverse effects on the cultural interests of sites specified in Schedule 5B.	Grant in kind The Hearing Panel are unaware of any adverse effects likely to result on the sites of significance. Impacts on aquatic life tends to be temporal with fish being able to avoid the area of disturbance and returning once the activity ceases or moves on. Notwithstanding the above, the Hearing Panel notes that, in response to other submitters' requests, seismic surveying is recommended to become a controlled activity under new Rule 12A. It is the view of the Hearing Panel that sites of significance identified in Schedule 5B are unlikely to be affected, however, it is noted that standard, term and condition (c) provides protection for taonga species which includes taonga species identified in significant mahinga kai areas indicated within the planning layers. The Hearing Panel considers that the protection of taonga species within the standards, terms and conditions provides a high level of protection for such areas.
42 – Ngati Rahiri Hapū	760	Amend Submitter questions how an event such as a rahui could be considered when Rule 12 makes no mention of iwi/hapū involvement. Submitter seeks amendment to Rule 12 to make seismic surveying or bathymetric testing activity a controlled activity (rather than a permitted activity) and to include iwi/hapū in the consideration process.	Accept in part The Hearing Panel notes that seismic surveying is recommended to become a Controlled activity under new Rule 12A to address effects on indigenous biodiversity as requested by other submitters. Then Hearing Panel notes that a rahui is not provided for or governed by the RMA (or any other legislation) and is therefore not enforceable through the Plan, however, there may be opportunity to explore these issues further through Mana Whakahono a Rohe agreements in conjunction with the consenting process and the development of more formal relations.
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	761	Amend Submitter seeks amendment to Rule 12 of the Plan to make seismic surveying and bathymetric testing: <ul style="list-style-type: none"> • a discretionary activity in the Open Coast and Port • a non-complying activity in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas (rather than a permitted activity). 	Accept in part The submitter believes that seismic testing has adverse effect including significant adverse effects on marine mammals and fish species. In addition, it is their view that a permitted activity classification would not enable the Council to give effect to the <i>New Zealand Coastal Policy Statement</i> . Further, the 2013 standards are inadequate and have been under review since 2015 and cannot be relied on to ensure the Council gives effect to the <i>New Zealand Coastal Policy Statement</i> . The submitter suggests that the Council will need to consider expert advice on the generation of noise and vibration on marine species. It is noted that the submitter presented on this further at the hearing of submissions and amended their original position to seek restricted discretionary and non-complying activity classifications. The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end the Hearing Panel considers it is necessary to increase the activity classification for seismic surveying to a controlled activity in all coastal management areas (rather than restricted discretionary, or discretionary and non-complying as requested by the submitter). A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for. The recommended amendments, including additional standards, terms and conditions, as well as matters of control, are included in new Rule 12A.
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
44 – Nga Motu Marine Reserve Society Inc	762	Amend The submitter believes there is insufficient information published about the affected species in Taranaki waters, and discussion about the effects. Submitter seeks amendment to Rule 12 of the Plan to require a higher level of regulatory control and prohibit seismic surveying or bathymetric testing activity (currently a permitted activity).	Accept in part The Hearing Panel recommends granting in part the relief sought. The Hearing Panel notes that seismic surveying and bathymetric testing provide useful and important insights into crustal activities that occur within the Taranaki region and are not limited to industrial uses within the petroleum industry. Not only are these insights useful but they are also necessary as

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>they provide information relating to the tectonic situation of the region, including faults, flexure and crustal thickening relating to the overarching tectonic regime of the Zealandia continent. Such information is necessary for hazard mitigation and preparation including earthquake, tsunami and volcanic activity as well as providing insights into the past events that occurred in geologic time.</p> <p>Notwithstanding the above, the Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel agrees that a higher level of regulatory control is required and considers it is necessary to increase the activity classification for seismic surveying to Controlled in all coastal management areas (rather than to prohibit it entirely as requested by the submitter).</p> <p>A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
51 - Taranaki Energy Watch	763	Amend	Accept
		Submitter seeks amendment to Rule 12 of the Plan to incorporate a precautionary approach.	<p>The submitter has not given precise details as to the amendments sought. However, the Hearing Panel believes that the submitter is concerned with potential adverse effects on marine taxa not addressed through the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct').</p> <p>The Hearing Panel recommends amending Rule 12 to make seismic surveying a controlled activity under Rule 12A to ensure that any adverse effects can be considered through the consenting process. This also reflects a precautionary approach.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
52 – Emily Bailey	764	Amend	Decline
		Submitter seeks amendment to Rule 12 of the Plan so that seismic surveying is a prohibited activity within the coastal environment.	The Hearing Panel recommends declining the relief requested.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources, Petroleum Exploration and Production Association of New Zealand (37)		Oppose	<p>The Hearing Panel notes that seismic surveying and bathymetric testing provide useful and important insights into crustal activities that occur within the Taranaki region and are not limited to industrial uses within the petroleum industry. Not only are these insights useful but they are also necessary as they provide information relating to the tectonic situation of the region, including faults, flexure and crustal thickening relating to the overarching tectonic regime of the Zealandia continent. Such information is necessary for hazard mitigation and preparation including earthquake, tsunami and volcanic activity as well as providing insights into the past events that occurred in geologic time.</p> <p>The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel agrees that a higher level of regulatory control is required and considers it is necessary to increase the activity classification for seismic surveying to controlled activity in all coastal management areas (rather than to prohibit it entirely as requested by the submitter).</p> <p>A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support	
56 – Greenpeace	765	Amend	<p>Accept</p> <p>The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel agrees that a higher level of regulatory control is required and considers it is necessary to increase the activity classification for seismic surveying to controlled activity in all coastal management areas.</p> <p>A Controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity</p>
		Submitter opposes Rule 12 of the Plan in which the activity classification for testing and bathymetric testing is a permitted activity.	
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.
57 – Kiwis Against Seabed Mining	766	Amend Submitter opposes Rule 12 of the Plan in which the activity classification for testing and bathymetric testing is a permitted activity.	Accept The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel agrees that a higher level of regulatory control is required and considers it is necessary to increase the activity classification for seismic surveying to Controlled in all coastal management areas. A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
58 – Te Atiawa	767	Amend Submitter is concerned that noise and vibration associated with seismic surveying and bathymetric testing may result in adverse impacts on taonga species such as kororā (little blue penguin) and tohorā (whales). Submitter seeks amendment to Rule 12 by changing the activity classification to discretionary activity (currently a permitted activity) to provide iwi the opportunity to be involved in the decision making process and ensure conditions of consent are monitored. AND Add a further condition to ensure no adverse effects on cultural values associated with sites identified in Schedules 5A and 5B.	Accept in part Impacts of marine mammals are managed through the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). However, the code only addresses the effects on marine mammals and seabirds (specifically effects on seabirds from on board lights), the code does not address any effects that may occur to penguins or other 'non mammal' marine fauna. The South Taranaki Bight is an important foraging area for blue penguins that nest along the Taranaki coastline as well as for the Marlborough Sounds blue penguin breeding colony. Blue penguins are listed in Schedule 4A as "at risk (declining)" and any threats to the population considered significant. Effects from seismic surveying have been shown to significantly affect penguin foraging patterns which may adversely affect reproductive output and result in displacement. The Hearing Panel does not consider that the permitted activity classification allows the Council to monitor and effectively address potential adverse effects on marine taxa not covered by Department of Conservation's code of conduct.
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>Therefore, the Hearing Panel recommends a higher level of regulatory control that makes seismic surveying a controlled activity in all coastal management areas.</p> <p>A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity and 'taonga species are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	768	<p>Amend</p> <p>Submitter seeks amendment to Rule 12 of the Plan to make seismic surveying or bathymetric testing activity a discretionary activity (rather than a permitted activity) and include standards, terms and conditions to read:</p> <p>(a) survey complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations or any subsequent applicable Code of Conduct; discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informecouncil discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan;</p> <p>with regards to bathymetric testing:</p> <p>(c) activity does not have an adverse effect on marine mammals; discharge is consistent with iwi management plan.</p> <p>AND</p> <p>Include the following notification note:</p> <p>Resource consent applications under this Rule will be notified to tangata whenua.</p>	<p>Accept in part</p> <p>The Hearing Panel notes that seismic surveying and bathymetric testing provide useful and important insights into crustal activities that occur within the Taranaki region and are not limited to industrial uses within the petroleum industry. Not only are these insights useful but they are also necessary as they provide information relating to the tectonic situation of the region, including faults, flexure and crustal thickening relating to the overarching tectonic regime of the Zealandia continent. Such information is necessary for hazard mitigation and preparation including earthquake, tsunami and volcanic activity as well as providing insights into the past events that occurred in geologic time.</p> <p>The Hearing Panel recognises that a number of submitters are concerned by the potential effects of seismic surveying, primarily in relation to disturbance of marine organisms not identified in the Department of Conservation's <i>Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations 2013</i> (the 'code of conduct'). To this end, the Hearing Panel agrees that a higher level of regulatory control is required and considers it is necessary to increase the activity classification for seismic surveying to Controlled in all coastal management areas (rather than to prohibit it entirely as requested by the submitter).</p> <p>A controlled activity pathway, with additional standards, terms and conditions, will allow the Council to ensure that adverse effects to indigenous biodiversity are addressed appropriately, while still ensuring that those seeking to undertake the activity are appropriately provided for.</p> <p>The Hearing Panel notes that the standards, terms and conditions suggested by the submitter are not considered appropriate due to being unenforceable and not consistent across the region. However, the recommended standards, terms and conditions identified in Rule 12A may go some way to addressing</p>
Further submissions – Trans-Tasman Resources (6), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			the submitters concerns with additional considerations given to significant species and ecosystems identified in Schedule 4A and taonga species identified in Schedule 4C.
Rule 13 – Other discharges			
8 – Silver Fern Farms	769	Support	Accept
		Retain Rule 13 of the Plan as a 'catch-all' to provide for discharges to coastal waters not otherwise covered by other rules.	Support noted. Rule 13 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
Further submissions – Federated Farmers (2)		Support	
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	
26 – Transpower NZ Ltd	770	Amend	Accept
		Submitter supports Rule 13 of the Plan but explains that the <i>National Environmental Standards for Electricity Transmission</i> activities only applies to existing National Grid structures and since there are no existing National Grid structures in the coastal marine area (as identified in the Proposed Coastal Plan for Taranaki) and therefore subject to the Plan, the reference is not required. Further, the <i>National Environmental Standards for Electricity Transmission</i> is not applicable when erecting or placing new structures so is redundant to mention within the Plan. Submitter seeks ament to Rule 13 to delete reference to <i>National Environmental Standards for Electricity Transmission Activities</i> : [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	771	Amend	Accept
		Retain Rule 13 of the Plan subject to amendment and the addition of a note as follows: <u><i>A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</i></u>	The Hearing Panel agrees to the requested amendment as it provides useful guidance for Plan users.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	
Further submissions – Transpower NZ Ltd (26)		Support	
47 – Fonterra	772	Support	Accept
		Retain Rule 13 of the Plan as notified.	Support noted. Rule 13 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	
Rules 13 and 14 – Other discharges			
6 – Trans-Tasman Resources Ltd	773	Support	Accept
		Retain Rules 13 and 14 of the Plan as these rules appropriately recognise and provide for other discharge activities to be assessed as either discretionary in open coast or non-complying in the more sensitive outstanding value areas and are consistent with the activity status given to 'other' activities (Rules 33, 34, 42 and 43).	Support noted. Rules 13 and 14 are retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
21 – Climate Justice Taranaki	774	Amend	Decline
		Submitter opposes Rules 13 and 14 of the Plan.	No precise details of amendments sought to the Plan have been provided and the submitter is seeking clarification/examples of the types of contaminants that would fall under these 'catch-all' rules. The submitter questions whether Rules 13 and 14 are designed to capture contaminant discharge from industrial facilities such as Fonterra and Methanex plants. The Hearing Panel notes that the intent of Rules 13 and 14 is to provide a consenting pathway for discharge activities that do not come within or comply with other rules in the Plan. It acknowledges that plans will rarely be able to predict all foreseeable and unforeseeable activities that might occur over the
Further submissions – Trans-Tasman Resources (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>life of the Plan and allows unforeseen activity types to be considered as part of a consenting regime. It is not feasible to identify contaminant types but would potentially cover discharges from larger industrial premises (so long as they do not trigger other rules, e.g. wastewater rules).</p> <p>Of note, together Rules 13 and 14 provide a much higher level of protection than otherwise provided by the RMA, where, in the absence of a rule, a resource consent is required (as a discretionary activity). Discharges to Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas are a non-complying activity pursuant to Rule 14.</p>
21 – Climate Justice Taranaki	775	<p>Amend</p> <p>Submitter questions compliance and enforcement responses and seeks that if such 'catch-all' rules are to remain, then Rule 13 of the Plan for the relevant discharge activities should be Publicly Notified.</p>	<p>No relief necessary</p> <p>The Hearing Panel does not consider it appropriate to include this level of operational detail in the Plan but notes that in accordance with its standard operating procedures, such discharge activities are already publicly notified. The Hearing Panel notes that the Council is consistently identified in the National Monitoring System, and elsewhere, as having very strong and best practice compliance and enforcement responses.</p>
33 – New Zealand Defence Force	776	<p>Amend</p> <p>Submitter seeks amendment to Rules 13 and 14 of the Plan by inserting a new rule permitting minor discharges (similar to Rule 53 regarding minor disturbance and removal), which would provide for the operation of the portable water units; OR inserting a new rule specifically permitting discharges from the operation of portable water treatment units, such as: <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>	<p>Grant in kind</p> <p>The submitter notes that New Zealand Defence Force training within the coastal environment can involve the use of portable water treatment units and it is important that personnel are fully trained in the use of these units. Minor discharges to the coastal marine area associated with these types of activities should have little effect on coastal water quality. For example, tidal wave action in the coastal marine area will rapidly disperse the discharges and will generally result in no noticeable difference in water quality within a few metres of the discharge point.</p> <p>The Hearing Panel believes there is merit in these and other similar type discharge activities being provided for as a permitted activity rule. Other discharges of this nature could include cooling water use on vessels or discharges from waterblasting activities (note that abrasive blasting is separately addressed in Rule 11).</p> <p>The Hearing Panel recommends granting the relief sought in kind by including a new rule, Rule 1A, that allows, as a permitted activity, the temporary discharge of water (and minor incidental contaminants, e.g. salt associated with concentrated seawater from a desalination process) into the coastal</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>marine area. This would be the equivalent of a rule in the current Freshwater Plan and is consistent with approaches adopted by other regional councils.</p> <p><u>Activity description</u></p> <p><u>Temporary discharge of water and minor contaminants on the foreshore, seabed or into waters of the coastal marine area and any associated disturbance of the foreshore or seabed.</u></p> <p><u>Standards, terms and conditions</u></p> <p><u>(a) The activity does not cause any scouring or erosion beyond the point of discharge;</u></p> <p><u>(b) after reasonable mixing the activity does not cause:</u></p> <p><u>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</u></p> <p><u>(ii) any conspicuous change of colour or visual clarity;</u></p> <p><u>(iii) any emission of objectionable odour;</u></p> <p><u>(iv) any significant change to salinity;</u></p> <p><u>(v) any change in the temperature of the receiving environment by more than 3° C; or</u></p> <p><u>(iv) any significant change to the turbidity;</u></p> <p><u>(c) the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</u></p> <p><u>(d) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u></p> <p><u>(e) the activity does not have a significant adverse effect on aquatic life; and</u></p> <p><u>(f) the activity does not exceed 31 days or part days during any 12 month period.</u></p>
44 – Nga Motu Marine Reserve Society Inc	777	<p>Amend</p> <p>Submitter seeks amendment to Rules 13 and 14 to require a higher level of regulatory control and prohibit seismic surveying or bathymetric testing activity (currently a discretionary activity in the Open Coast and Port and a non-complying activity in the other coastal management areas).</p>	<p>Decline</p> <p>Refer to submission point 760 in relation to the Hearing Panel's response on prohibiting seismic surveying or bathymetric testing activities.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>In relation to amending Rules 13 and 14 to provide a higher level of regulatory control, the Hearing Panel notes that the rules are already very restrictive.</p> <p>The Hearing Panel notes that the intent of Rules 13 and 14 is to provide a consenting pathway for discharge activities that do not come within or comply with other rules in the Plan. It acknowledges that regional plans will rarely be able to predict all foreseeable and unforeseeable activities that might occur over the life of the Plan and allows unforeseen activity types to be considered as part of a consenting regime. It is not feasible to identify contaminant types but would potentially cover discharges from industrial premises (so long as they do not trigger other rules, e.g. wastewater rules).</p> <p>Of note, together Rules 13 and 14 provide a much higher level of protection than otherwise provided by the RMA, where, in the absence of a rule, a resource consent is required (as a discretionary activity). Under the Plan, discharges to Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas are a non-complying activity pursuant to Rule 14.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	778	<p>Amend</p> <p>Submitter seeks amendment to Rules 13 (discretionary activity) and 14 (non-complying activity) of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary and non-complying activities are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 30, 39, 40 and 41 being given effect to.</p>
Further submissions – Trans-Tasman Resources (6)		Oppose	<p>In relation to notification requirements proposed by the submitter, Hearing Panel note that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te		Support	<p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Korowai o Ngāruahine Trust (41), Te Atiawa (58)			in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting reference to notification requirements in the Rule (noting that relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 14 – Other discharges			
26 – Transpower NZ Ltd	779	Amend Submitter supports Rule 14 of the Plan but explains that the <i>National Environmental Standards for Electricity Transmission</i> activities only applies to existing National Grid structures and since there are no existing National Grid structures in the coastal marine area (as identified in the Proposed Coastal Plan for Taranaki) and therefore subject to the Plan, the reference is not required. Further, the <i>National Environmental Standards for Electricity Transmission</i> is not applicable when erecting or placing new structures so is redundant to mention within the Plan. Submitter seeks amend to Rule 14 to delete reference to <i>National Environmental Standards for Electricity Transmission Activities</i> : [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	780	Amend Retain Rule 14 of the Plan subject to the addition of a note to read: <u><i>A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</i></u>	Accept The Hearing Panel recommends granting the relief sought by the submitter as it provides useful direction for Plan users.
Further submissions – Transpower NZ Ltd (26)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 15 – Storage or transfer of cargo materials within the Port air zone			
32 – Port Taranaki	781	<p>Amend</p> <p>Submitter seeks amendment to Rule 15 of the Plan to:</p> <ul style="list-style-type: none"> read: <i>Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air <u>and water</u>.</i> amend the standard/terms/conditions to refer to discharges to water as per G2.11 of the operative Plan. <p>OR</p> <p>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 (such a rule could be placed before Rule 13).</p>	<p>Accept</p> <p>The submitter recognises that Rule 15 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 ship cranes to the wharves. The operative Coastal Plan provides for the discharge of this product in the same circumstances to air and water via the 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 food.</p> <p>The Hearing Panel recommends granting the relief sought by amending the Activity Description of Rule 15 to read as follows:</p> <p><i><u>Discharge of contaminants to air and water during the storage or transfer of cargo materials within the Port Air Zone that does not come within or comply with Rule 15.</u></i></p> <p>The Hearing Panel further recommends consequential amendments to broaden the scope of the rule to include water discharges and to include additional conditions specific to water discharges. These include conditions on effects on aquatic life, and water quality after reasonable mixing.</p>
Rule 16 – Storage or transfer of cargo materials within the Port air zone			
32 – Port Taranaki	782	<p>Amend</p> <p>Submitter seeks amendment to Rule 16 of the Plan to:</p> <ul style="list-style-type: none"> read: <i>Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air <u>and water</u> that does not come within or comply with Rule 15.</i> amend the standard/terms/conditions to refer to discharges to water as per G2.11 of the operative Plan. <p>OR</p>	<p>Accept</p> <p>For the same reasons outlined in the submitter's requested relief for Rule 15, the submitter is seeking an equivalent change in Rule 16.</p> <p>The Hearing Panel recommends granting the relief sought by amending the Activity Description of Rule 15 to read as follows:</p> <p><i><u>Discharge of contaminants to air and water during the storage or transfer of cargo materials within the Port Air Zone that does not come within or comply with Rule 15.</u></i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		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 (such a rule could be placed before Rule 13).	
Rule 17 – Other discharges to air			
37 – Petroleum Exploration and Production Association of NZ	783	Amend	Decline
		<p>Support treating flaring as a discretionary activity but seek that it be amended or a new rule be included that allows miscellaneous air emissions that have less than minor effects as a permitted activity.</p> <p>Submitter highlights such a rule provided in the Greater Wellington Regional Coastal Plan that reads as follows:</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><i>Conditions</i></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> <p>In addition, the submitter points out 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 trade purposes”.</p>	<p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The Hearing Panel suggests these activities would be canvassed and addressed as part of the consenting process for other discharges into the coastal marine area.</p> <p>The Hearing Panel are not aware of any currently existing activities that would be affected by this rule.</p> <p>The Hearing Panel also notes that discharges from vessles are already addressed under the <i>Resource Management (Marine Pollution Regulations) 1998</i> and should not be addressed under this rule.</p>
Further submissions – Climate Justice Taranaki Inc (21), Taranaki Energy Watch (51)		Oppose	
47 – Fonterra	784	Support	Accept
		Retain Rule 17 of the Plan as notified.	Support noted.
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	785	<p>Amend</p> <p>Submitter seeks amendment to Rule 17 of the Plan to include standards, terms and conditions to read:</p> <p><i><u>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment</u></i></p> <p><i><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i></p> <p><i><u>(c) discharge is consistent with iwi management plan.</u></i></p> <p>AND</p> <p>Include the following notification note:</p> <p><i><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21 and 20, 29 and 30 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) have highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting reference to notification requirements in the Rule (noting that relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41)		Support	
Rule 18 – Outfall structure placement			
21 – Climate Justice Taranaki	786	<p>Amend</p> <p>Submitter opposes permitting the placement of outfall structures in the coastal marine area and seek that such activities be prohibited or non-complying activities in coastal management areas: Outstanding Value and Estuaries Unmodified, and Discretionary in the other areas.</p>	<p>Decline</p> <p>The submitter contends that without a resource consent it is impossible to know whether the standards, terms and conditions are met.</p> <p>The Hearing Panel notes that this rule is specific to managing the effects of a structure rather than the effects of a discharge. The placement of such</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>structures generally has less than minor effects and (as for any permitted activity) is still subject to compliance with standards, terms and conditions. The discharge of stormwater and wastewater is addressed by other rules.</p> <p>In relation to the management of small outfall <u>structures</u>, the Hearing Panel notes that the rule includes a notification requirement so that the Council can monitor the activity if need be.</p> <p>Notwithstanding the above, the Council operates a process where any member of the public is able to notify the Council of a suspected breach of compliance. Elevating the activity classification and requiring a resource consent would not be cost or time efficient and the Hearing Panel does not believe the risks of the activity are sufficient to warrant this.</p>
29 – Department of Conservation	787	Amend Submitter seeks amendment to Rule 18 of the Plan to exclude its application to Outstanding Value and Estuaries Unmodified coastal management areas.	Decline The Hearing Panel recommends declining the relief sought as being unnecessarily restrictive.
Further submissions – Climate Justice Taranaki Inc (21), Royal Forest and Bird Protection Society (43), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>The Hearing Panel notes that this rule is specific to managing the effects of a structure rather than the effects of a discharge. The placement of such structures generally has less than minor effects and (as for any permitted activity) is still subject to compliance with standards, terms and conditions. The discharge of stormwater and wastewater is addressed by other rules.</p>
32 – Port Taranaki	788	Amend Submitter seeks amendment to Rule 18(a) of the Plan to read: <i>(a) structure has a maximum internal diameter of 450300mm and extends a maximum of 0.5m seaward of the line of mean high water springs; [...]</i>	Accept The submitter considers the maximum outfall diameter threshold is unreasonably low and seeks amendment to Rule 18(a). The submitter noted, in pre-hearing engagement that the current Plan allowed an internal diameter of 600mm. The Hearing Panel agrees with the views of the submitter and suggest that the environmental effects of the placement of small (i.e. less than 300mm diameter) outfall structures can be adequately addressed through the standards, terms and conditions of the permitted activity rule. The Hearing Panel notes that the discharge itself will be addressed under different rules. The Hearing Panel therefore recommends amending Rule 18 as requested by the submitter.
	789	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga		<p>Submitter has concerns regarding the complexity of this permitted activity and feel that this activity may be better managed as a discretionary or controlled activity to ensure that the associated conditions are fully understood and can be monitored by the Council. With regards to contacting the Council before the commencement of the activity, the submitter is unsure what the process would be should the activity be found to be non-compliant with the conditions. The submitter feels that this issue would be better managed and monitored through the consent process which provides for longer timelines and means that hapū/iwi can be involved in the decision making process and subsequent monitoring if appropriate.</p> <p>Submitter opposes allowing the placement of outfall structures in the coastal marine area as a permitted activity and seek that such activities be a discretionary activity.</p>	<p>The Hearing Panel notes that Rule 18 is specific to managing the effects of a structure rather than the effects of a discharge. The discharge of stormwater and wastewater is addressed by other rules.</p> <p>In relation to the management of small outfall structures, the Hearing Panel notes that the rule includes a notification requirement so that the Council can monitor the activity if need be. Notwithstanding the above, the Council operates a process where any member of the public is able to notify the Council of a suspected breach of compliance. Elevating the activity classification will not be cost or time efficient and the Hearing Panel does not believe the risks are sufficient to warrant this.</p> <p>The Hearing Panel does not consider it appropriate to require a consent to place small outfall structure. This activity is considered fairly standard and routine with any adverse effects generally being temporary and minor. The Council has not encountered significant issues with the placement as governed by the current Plan and therefore the Panel does not consider it appropriate or necessary to require all outfall structures to be a discretionary activity.</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	790	<p>Amend</p> <p>Submitter supports the inclusion of Condition (e) in Rule 18 of the Plan addressing historic heritage but seek further dialogue on how adverse effects will be considered in practice. If agreement cannot be reached amend Rule 18 to make this rule a discretionary activity (rather than permitted activity).</p>	<p>No relief necessary</p> <p>The Hearing Panel notes that Rule 18 is specific to managing the effects associated with the placement of a structure rather than the effects of a discharge. The discharge of stormwater and wastewater is addressed by other rules.</p> <p>The submitter further presented on this</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
42 – Ngati Rahiri Hapū	791	<p>Amend</p> <p>Submitter does not accept that structures may be placed over kaimoana reefs as a permitted activity without iwi/hapū consideration notwithstanding the standards, terms and conditions that are in place.</p> <p>Submitter seeks amendment to Rule 18 of the Plan to make outfall structure placement a discretionary activity or at least a controlled activity (rather than a permitted activity)</p> <p>AND</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought noting that concerns relating to potential impacts are already addressed in the standards, terms and conditions. In particular, Condition (e) would restrict the activity from occurring in areas identified as significant under Schedule 5A and B including nearshore reefs identified as having kai moana values.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		that there be iwi/hapū consultation in all cases.	<p>The Hearing Panel further notes that this rule is specific to managing the effects of a structure rather than the effects of a discharge. Discharges of stormwater and wastewater are separately addressed by other rules.</p> <p>In relation to the management of small outfall structures, the Hearing Panel notes that this activity is considered fairly standard and routine with any adverse effects generally being temporary and less than minor. The standards, terms and conditions require that the Council be notified of the instalment of the structure which would subsequently be notified to iwi authorities. This notification process allows the Council to be aware of the exact location of such structures and to follow up, if necessary, with any concerns or issues that may arise.</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	792	<p>Amend</p> <p>Submitter is concerned that the conditions of Rule 18 do not manage cumulative effects. Of particular concern are areas of Outstanding Value where structures can have adverse effects on natural character and natural features and landscapes.</p> <p>Submitter seeks amendment to Rule 18 of the Plan to:</p> <ul style="list-style-type: none"> • identify sites/areas of significant indigenous biodiversity and include a condition that the structure is not within those areas • amend Condition (c) by adding: activity, and no more than 1m width of surface area is distributed • add a <i>Note: this rule does not authorise a discharge from the outfall structure.</i> 	<p>Accept in Part</p> <p>The Hearing Panel acknowledges the submitter's concerns relating to cumulative effects. It is the experience of the Council that the majority of any effects that occur as a result of placement of small outfall structures are transitory and less than minor. Such activities are considered routine and result in minimal disturbance. To date, the Council has not experienced any issues arising from the cumulative effects of placing an outfall structure.</p> <p>The Hearing Panel believes that the submitter's request to identify sites/areas of significant indigenous biodiversity is unnecessary and infers that the placement of outfall structures and the presence of significant indigenous biodiversity are mutually exclusive. The Hearing Panel does not agree with this view. Notwithstanding that, the Hearing Panel notes that Condition (f) provides a high level of protection to significant indigenous biodiversity as already identified in Schedule 4. If this is an issue of mapping (which has been raised by the submitter previously), the submitter is referred to Hearing Panel's previous comments on the difficulties and limitations of mapping habitats of significant indigenous biodiversity in the coastal marine area.</p> <p>The Hearing Panel further notes that the <u>placement</u> of small outfall structures is a fairly routine activity that has not, in the experience of the Council, resulted in noticeable adverse effects on the high natural character associated with Outstanding Value and Estuaries Unmodified coastal management areas.</p> <p>The Hearing Panel does not consider the requested addition to Condition (c) necessary.</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>The Hearing Panel agrees to include the requested note as it provides useful guidance for Plan users with minor amendment to read:</p> <p><u>Note: this rule does not authorise a discharge from the outfall structure. The discharge rules are Rules 1A to 3 and 5 to 8.</u></p>
58 – Te Atiawa	793	<p>Amend</p> <p>Submitter seeks amendment to Rule 18 of the Plan by including in the standards, terms and conditions a clause that refers to Schedules 5A and 5B</p> <p>AND</p> <p>amend the activity classification to a controlled activity (rather than a permitted activity).</p>	<p>Accept in part</p> <p>The submitter supports the inclusion of Schedule 5A and 5B of the Plan, however, is uncertain as to how the Council will ensure that these requirements are being met.</p> <p>The placement of small outfall structures is a fairly routine activity that has not, in the experience of the Council, resulted in noticeable adverse effects. The Hearing Panel is therefore confident that the permitted activity classification is reasonable for this activity. The Council requires notification prior to the commencement of the activity and will maintain a record of all outfall structures placed, this allows for routine check-ups. The Council has additional measures in place to deal with any non-compliance issues that may arise and operates a public notification system that allows any member of public to notify the Council of non-compliance. If non-compliance is recognised the Council will take swift and appropriate enforcement action and the activity will require a consent to continue operation where all non-compliance issues will be dealt with accordingly.</p> <p>Notwithstanding the above, the Hearing Panel notes that Rule 18 only covers the placement of a small outfall structure, not the discharge. Any discharge will be governed by the appropriate rule depending on the content of the discharge, and likely invoke the consenting process as a result.</p> <p>The Hearing Panel recommends amending reference to Schedule 5 to be Schedules 5A and 5B as requested by the submitter.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	794	<p>Amend</p> <p>Submitter seeks amendment to Rule 18 of the Plan to include new and amended standard, term and condition to read:</p> <p>[...]</p> <p>(e) <u>the discharge is not placed placement of the structure does not have an adverse effect on the values associated with within cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 18 is specific to managing the effects associated with the placement of a structure rather than the effects of a discharge. The discharge of stormwater and wastewater is addressed by other rules.</p> <p>In relation to the management of small outfall structures, the Hearing Panel is concerned that the effect of the new and amended conditions would make the</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(f) 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><u>(g) structure does not have adverse effect on Schedules 1 and 2</u></p> <p><u>(h) placement of the structure does not have an adverse effect the structure is not placed at any site with any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] [...]</u></p>	<p>rule unnecessarily restrictive and by default redundant in that they preclude the placement of these small outfall structures in any part of the Taranaki coastal marine area.</p> <p>The Hearing Panel does not consider it appropriate to require a consent to place a small outfall structure. This activity is considered fairly standard and routine with any adverse effects generally being temporary and having less than minor effects. Specific comments on the new and amended proposed conditions are as follows:</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41)		Support	<ul style="list-style-type: none"> The Hearing Panel notes that this Rule does not deal with the discharge of the structure, only the placement. Discharge impacts would be more appropriately addressed through the appropriate discharge rule. The Hearing Panel recommends amending the Rule to include a guidance note to clarify that rule relationship between the placement of outfall structures and discharges. The submitter proposes to include a new Condition (f), however, the reference to sites of significance to Māori located in Schedule 5B has already been included within Condition (e) and it is not necessary to repeat. Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. The condition effectively precludes the placement of small outfall structures in any part of the coastal marine area thereby making the rule redundant. In regards to requested Condition (h), the Hearing Panel does not believe that it is necessary to prohibit the location of outfall structures due to the presence of threatened or at risk, or regionally distinctive species. As long as any negative effects towards these species are managed then there is no reason why the structure should not be placed. It is the opinion of the Hearing Panel that, if well regulated and managed, the two can co-exist without any adverse effects to either. Notwithstanding that, the Hearing Panel recommends amending Condition (f) to expand its scope to include reference to scheduled taonga species.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Rule 18A – Outfall structure placement			
29 – Department of Conservation	795	Amend Submitter seeks amendment to the Plan to include a new controlled activity rule that specifically addresses outfall structure placement in Outstanding Value and Estuaries Unmodified coastal management areas. The submitter further seeks that Conditions (a), (b), (c), and (d) of Rule 18 should also be conditions for this new rule and that the matters of control should, at a minimum, address any effects on natural character, significant species, historic heritage, and any mitigation of effects on these values.	Decline The Hearing Panel recommends declining the relief sought. Refer to submission point 785.
Rule 19 – Mooring structure placement in the Port			
43 – Royal Forest and Bird Protection Society	796	Amend Submitter seeks amendment to the Activity Description of Rule 19 of the Plan to delete the activity provisions for associate disturbance, deposition and discharge.	Decline The disturbance, deposition and discharge activities referred to in the Activity Description of Rule 19 are incidental to the activity of placing mooring structures in the Port. The Hearing Panel recognises that a small amount of disturbance and deposition is likely to be an inevitable consequence of any work on the foreshore and seabed but the effects will be less than minor and transitory. The Rule therefore seeks to bundle associated activities given that the effects are considered minor, temporary and low risk to the environment.
43 – Royal Forest and Bird Protection Society	797	Amend Submitter seeks amendment to Rule 19 of the Plan to make mooring structure placement in the Port (and not requiring excavation of the seafloor or seabed) a controlled activity (rather than a permitted activity).	Decline The submitter does not believe that the effects with difference scale of mooring structures and cumulative effects are adequately managed through a permitted activity rule. The submitter wishes this activity to be a controlled activity so that the Council can assess whether the conditions are met. As previously noted, the Port is a highly modified area and mooring structures are considered common place for such a location. The Hearing Panel believes that placement of mooring structures in a port is fairly standard and routine and will produce less than minor effects if there are any effects at all. Requiring such activities to get a resource consent is both unnecessary and restrictive noting that the Port is regionally important infrastructure. Possible effects on indigenous biodiversity and historic heritage values in the vicinity are acknowledged and addressed in Conditions (c) and (d). If the activity

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			cannot appropriately comply with those conditions, a resource consent would be required.
43 – Royal Forest and Bird Protection Society	798	Amend	No relief necessary
		The Port is adjacent to an outstanding landscape and character area, therefore, the submitter seeks amendment to Rule 19 of the Plan to add a condition that the mooring structure does not have an effect on Outstanding Value areas.	The Hearing Panel note that the Port is already a highly modified environment that is located adjacent to an area of Outstanding Value. Both areas co-exist and the placement of any additional mooring structures will not impact on the natural character of the Sugar Loaf Islands as the activity will be confined to the Port coastal management area within the breakwaters.
43 – Royal Forest and Bird Protection Society	799	Amend	No relief necessary
		Submitter seeks amendment to Rule 19 of the Plan to add a condition that the mooring structure must not have adverse effects on the values of scheduled sites and areas in the coastal marine area with significant indigenous biodiversity values.	The Hearing Panel notes that this relief is already provided for under Condition (f), which states that the placement of the mooring structure must 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 4 [Significant species and ecosystems].
58 – Te Atiawa	800	Support	Accept
		Retain Rule 19 of the Plan as notified.	Support noted. Rule 19 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
Further submissions – Port Taranaki Ltd (32)		Support	
NEW Rule 19A – Mooring structure placement in the Port			
43 – Royal Forest and Bird Protection Society	801	Amend	Accept in part
		Submitter seeks amendment to the Plan to include a new rule for mooring structure placement in the Port that cannot comply with Rule 19 as a Restricted Discretionary (or discretionary activity) and include a matter of discretion to consider the effects on indigenous biodiversity values.	The Hearing Panel refers the submitter to Rules 23 and 33 which are the catch-all rule for mooring structures not meeting the activity description or all the standards, terms and conditions. Rule 23 is a controlled activity rule for the Port and the Hearing Panel notes that control is reserved over ecological values as directed in Condition (f). Rule 33 is a discretionary activity for any structure erection or placement that does not come within or comply with previous relevant rules.
Further submissions – Port Taranaki Ltd (32)		Oppose	The Hearing Panel recognises that the term “ecological effects” is meant to cover the protection of indigenous biodiversity. The Hearing Panel

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			recommends replacing the term "ecological values" with "indigenous biodiversity" to clarify that intent.
Rule 20 – Mooring structure placement			
6 – Trans-Tasman Resources Ltd	802	Support	Accept
		Retain Rule 20 as this rule recognises that some monitoring and sampling activities will be requiring mooring structures, and appropriately provides for them as a permitted activity.	Support noted. Rule 20 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
29 – Department of Conservation	803	Support	Accept
		The Department of Conservation often uses monitoring moorings in the coastal environment during its operations and supports the permitted classification of mooring structure placement for monitoring or sampling equipment. Retain Rule 20 as notified.	Support noted. Rule 20 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.
Further submissions – Port Taranaki Ltd (32)		Support	
40 – Te Rūnanga o Ngāti Mutunga	804	Amend	Decline
		Submitter is opposed to permitting the mooring structures in the coastal marine area for monitoring and sampling purposes and seek that such activities be a discretionary activity.	The submitter has concerns regarding the complexity of this permitted activity rule and feel that this activity may be better managed as a discretionary activity or controlled activity to ensure that the associated conditions are fully understood and can be monitored by the Council. With regards to contacting the Council before the commencement of the activity, the submitter is unsure what the process would be should the activity be found to be non-compliant with the conditions. The submitter feels that this issue would be better managed and monitored through the consent process which provides for longer timelines and means that hapū/iwi can be involved in the decision making process and subsequent monitoring if appropriate.
Further submissions – Trans-Tasman Resources (6)		Oppose	The Hearing Panel notes that the placement of mooring structures is fairly routine and uncomplicated producing less than minor, if any, adverse effects. Due to the straight forward nature of the activity and the low impact that it has, the Hearing Panel does not believe that this activity requires further monitoring or the need to impose unnecessary restrictions and costs on people to obtain a resource consent.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Notwithstanding the above, the Hearing Panel are aware that iwi/hapū will be interested to know when such activities are being undertaken and note that the Council has an arrangement with iwi authorities who have requested to be informed of this activity as cited in the activity description.</p> <p>The Hearing Panel notes that if an activity is to be commenced in a location that is not considered appropriate after having regard to the standards, terms and conditions listed, the Council will advise those undertaking the activity that a resource consent is required under Rules 33 (discretionary) or 34 (non-complying) depending on the coastal management area. If any issues of non-compliance arise the Council will take swift and appropriate enforcement action.</p>
41 – Te Korowai o Ngāruahine Trust	805	<p>Amend</p> <p>Submitter supports the inclusion of Condition (b) addressing historic heritage but seek further dialogue on how adverse effects will be considered in practice. If agreement cannot be reached, submitter seeks amendment to Rule 20 of the Plan to make this rule a discretionary activity (rather than permitted activity).</p>	<p>No relief necessary</p> <p>The Hearing Panel notes that the purpose of Rule 20 is to allow the use of moorings in the coastal marine area for monitoring or sampling purposes. Effects are generally less than minor. However, standards, terms and conditions do apply to ensure that in the event that an activity must avoid, remedy or mitigate potential adverse effects on historic heritage or indigenous biodiversity values.</p> <p>The Hearing Panel notes that if an activity is to be commenced in a location that is not considered appropriate, the Council will advise those undertaking the activity that a resource consent is required under Rules 33 (Discretionary) or 34 (non-complying) depending on the coastal management area.</p>
42 – Ngati Rahiri Hapū	806	<p>Amend</p> <p>Submitter cannot accept that structures may be placed on or over kaimoana reefs as a permitted activity without iwi/hapū consideration notwithstanding the standards, terms and conditions that are in place.</p> <p>Submitter seeks amendment to Rule 20 of the Plan to make mooring structure placement a Discretionary or at least a controlled activity (rather than a permitted activity)</p> <p>AND</p> <p>that there be iwi/hapū consultation in all cases.</p>	<p>Decline</p> <p>The submitter is seeking a high level of protection for their reefs. At the hearing, the submitter presented further on this issue. While generally acknowledging that the Plan policies and the standards, terms and conditions of rules may provide for this high level of protection, nevertheless it is the submitter's view that the placement of mooring structure on or over their kaimoana reefs must be regulated as a discretionary or at least a controlled activity (rather than a permitted activity).</p> <p>In relation to the management of the activity itself, the Hearing Panel notes that the placement of small mooring structures associated with monitoring and sampling equipment (and which does not involve any mechanical excavation) is a fairly standard and routine activity with any adverse effects generally</p>
Further submissions – Trans-Tasman Resources (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>being temporary and less than minor. For example, the mooring structure and the monitoring or sampling equipment must not occupy an area exceeding 5 m² of the coastal marine area.</p> <p>The Hearing Panel acknowledges the concerns of the submitter and notes that Conditions (a), (b) and (c) would generally restrict the activity from occurring in areas identified as significant under Schedule 4 [Significant indigenous biodiversity], Schedule 4C [Taonga species] and Schedule 5A and B [Historic heritage]. Nearshore reefs are identified in Policy 14(b) as sites of significant indigenous biodiversity. Nearshore reefs may also be a site of significance to Māori in relation to historic heritage. Of note, virtually the entire coastal length of the submitter's rohe is identified in the Plan and associated coastal maps as having kaimoana values.</p> <p>As part of a precautionary approach, the standards, terms and conditions require that the Council be notified of the instalment of any mooring structure. This notification process allows the Council to be aware of the exact location of such structures and to follow up, if necessary, with any concerns or issues that may arise. The Hearing Panel notes that the Council has further agreed that upon notification it will notify the relevant iwi authority of the activity occurring in their rohe.</p> <p>The Hearing Panel further notes that if an activity cannot comply with all the standards, terms and conditions listed, the Council will advise those undertaking the activity that a resource consent is required under Rules 33 (discretionary) or 34 (non-complying) depending on the coastal management area.</p>
43 – Royal Forest and Bird Protection Society	807	<p>Amend</p> <p>Submitter seeks amendment of the heading for Rule 20 of the Plan by adding the word “<i>monitoring</i>”.</p>	<p>Decline</p> <p>The Hearing Panel sees no need to include a specific heading for Rule 20. The Plan headings deliberately bundles main activities at a high level to capture a suite of rules.</p>
43 – Royal Forest and Bird Protection Society	808	<p>Amend</p> <p>Submitter supports the 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. However, the provisions for associated disturbance, deposition and discharge are uncertain and</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel does not consider it necessary to remove the reference to associated disturbance, deposition or discharge as covered by activity descriptions (b), (c) and (d).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>could result in adverse effects that are not addressed by the permitted standards, terms and conditions.</p> <p>Submitter seeks amendment to Rule 20 of the Plan by deleting the Activity provisions for associate disturbance, deposition and discharge.</p>	<p>The Hearing Panel notes that the disturbance, deposition and discharges referred to in the Activity Description of Rule 20 are those incidental to the placement of mooring structures.</p> <p>The Rule recognises that, during the installment of mooring monitoring structures, there may be minor and transitory disturbances as a result. The impacts are generally very minor with the associated effects being similar in kind and magnitude to that associated with a vessel dropping anchor. The Rule therefore seeks to bundle associated activities given they are low risk and likely to produce no or, at the most, less than minor effects (i.e. the receiving environment can generally handle the activity with effects being naturally and promptly remedied without the need for further intervention).</p>
43 – Royal Forest and Bird Protection Society	809	<p>Amend</p> <p>Submitter seeks amendment of Rule 20 of the Plan by adding to the Activity Description as follows:</p> <p><u>The placement or removal of a mooring structure placement for monitoring [...]</u></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. Rule 20 specifically relates to the placement of the structure. Removal of structures is separately addressed under Rules 44, 45 and 46.</p> <p>The Hearing Panel notes the reference to “removal” within Condition (a) of Rule 20 relates to the information requirements to be supplied by the person(s) undertaking the activity. While this is additional information that does not fall within the scope of the Rule gateway, nevertheless it has been included for the reader for certainty and clarity purposes as the information would be required under Rule 44 anyway and ensures Council has all the necessary information for an activity that is generally a short term activity.</p>
43 – Royal Forest and Bird Protection Society	810	<p>Amend</p> <p>Submitter seeks amendment to the standards, terms and conditions to ensure the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8 [Outstanding value], 9 [Natural character] and 14 [Significant indigenous biodiversity] of the Plan.</p>	<p>Decline</p> <p>The Hearing Panel notes that in the development of Plan provisions, consideration has been had to the type and scale of the activity and the associated effects. The Hearing Panel is satisfied that mooring monitoring structures are unlikely to have more than minor adverse effects on outstanding natural character, features and landscapes, natural character and significant indigenous biodiversity values in the coastal environment. Certainly not at a landscape scale (i.e. the mooring structure and the monitoring or sampling equipment must not occupy an area exceeding 5 m² of the coastal marine area). Notwithstanding that, Council recognises that in specific localities unforeseen impacts on significant indigenous biodiversity may occur. Accordingly Condition (c) in Rule 20 applies to protect any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			type including those identified in Schedule 4 [Significant species and ecosystems] from unforeseeable impacts.
58 – Te Atiawa	811	<p>Amend</p> <p>Submitter supports the inclusion of Schedule 5 and 4A. However, they are uncertain as to how the Council will ensure that these requirements are being met. The submitter requests dialogue to explain how this will be achieved or request that the activity classification is elevated to a controlled activity.</p> <p>Submitter seeks amendment to Rule 20 of the Plan by including a condition that refers to Schedules 5A and 5B</p> <p>OR</p> <p>amend the activity classification to a controlled activity (rather than a permitted activity).</p>	<p>Accept in part</p> <p>The Hearing Panel recommends amending Rule 20 to reference “<i>Schedules 5A and B</i>” as requested by the submitter.</p> <p>The placement of mooring monitoring structures is a small scale activity (i.e. the mooring structure and the monitoring or sampling equipment must not occupy an area exceeding 5 m² of the coastal marine area), that has not, in the past experience of the Council, resulted in noticeable adverse effects. Due to the straight forward nature of the activity, and the low impacts that it has, the Hearing Panel does not believe that this activity requires further monitoring or the need to impose unnecessary restrictions and costs on people to obtain a resource consent. The Hearing Panel is confident that the permitted activity classification is reasonable for this activity.</p> <p>Notwithstanding the above, the Hearing Panel is aware that iwi/hapū may be interested to know when such activities are being undertaken and notes that the Council has an arrangement with iwi authorities who have requested to be informed of this activity as cited in the Activity Description.</p> <p>The Hearing Panel notes that if an activity is to be commenced in a location that is not considered appropriate after having regard to the standards, terms and conditions listed, the Council will advise those undertaking the activity that a resource consent is required under Rules 33 (discretionary) or 34 (non-complying) depending on the coastal management area. If any issues of non-compliance arise the Council will take swift and appropriate enforcement action.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	812	<p>Amend</p> <p>Submitter seeks amendment to Rule 20 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>(b) the placement of the structure placement of the mooring 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) the placement of the structure and discharge does not have adverse effect on <u>Schedules 1 and 2</u>;</p>	<p>Accept in part</p> <p>The Hearing Panel notes that this rule is specific to the management of small mooring monitoring structures (i.e. the mooring structure and the monitoring or sampling equipment must not occupy an area exceeding 5 m² of the coastal marine area).</p> <p>The Hearing Panel is concerned that the effect of the new and amended conditions would make the rule unnecessarily restrictive and have perverse outcomes. The relief seeks to exclude the activity from sites of significance</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(d) the activity does not occur at any site identified in Schedule 5B [Sites of significance to Māori and associated values] and Appendix 2:</u></p> <p><u>(e) the placement of the structure and discharge does not adversely affect the suitability of the receiving water for customary use and bathing after reasonable mixing:</u></p> <p><u>(f) placement of the mooring structure and 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]; taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p><u>(g) the mooring structure and the monitoring or sampling equipment does not occupy an area exceeding 5m² of the coastal marine area [...]</u></p>	<p>regardless of whether it has any impacts on those values and despite the potential for the activity to contribute to the protection and management of sites of significance (e.g. mahinga kai and pukawa values) or taonga species (presence/absence/abundance).</p> <p>Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> The Hearing Panel refer the submitter to previous comments made on expanding the scope of historic heritage. Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. The proposed Condition (c) is too wide ranging, unnecessarily restrictive, and uncertain for Plan users. Note that the discharges associated with this Rule are only those associated directly with the placement of the structure and there is no need to paraphrase the gateway in the individual conditions. The submitter proposes to include a new standard (f), however, the reference to sites of significance to Māori located in Schedule 5B has already been included within Condition (b). It is not necessary to repeat this Condition using different wording. In regards to requested Condition (e), the Hearing Panel does not believe that it is necessary. Again it is noted that these activities are very small scale (<5 m² and the only possible impact on water quality is related to the potential for a little sediment disturbance similar in scale to using an anchor and which would not be noticeable in natural prevailing conditions). In regards to requested Condition (e), the Hearing Panel further recommends expanding its scope to include reference to scheduled taonga species.
Further submissions – Trans-Tasman Resources (6)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 21 – Navigation aid erection and placement			
29 – Department of Conservation	813	<p>Amend</p> <p>Submitter believes that the erection of maritime navigation aids should not be a permitted activity for any member of the public. Instead the activity should be permitted for only the Taranaki Regional Council or its agents, Maritime Mew Zealand or its agents, or Port Taranaki provided that these agencies agree to this responsibility.</p> <p>Submitter seeks amendment to Rule 21 of the Plan to include a new condition before condition (a) to read:</p> <p><u>The activity is undertaken by:</u></p> <p><u>(i) Taranaki Regional Council or its agents; or</u></p> <p><u>(ii) Port Taranaki; or</u></p> <p><u>(iii) Maritime New Zealand or its agents.</u></p>	<p>Accept</p> <p>The Hearing Panel agrees and recommends granting the relief sought by the submitter.</p>
Further submissions – Trans-Tasman Resources (6)		Oppose	
Further submissions –Port Taranaki Ltd (32)		Support	
41 – Te Korowai o Ngāruahine Trust	814	<p>Amend</p> <p>Submitter supports the inclusion of Condition (e) addressing historic heritage but seek further dialogue on how adverse effects will be considered in practice. If agreement cannot be reached, submitter seeks amendment to Rule 21 of the Plan to make this rule a discretionary activity (rather than permitted activity).</p>	<p>No relief necessary</p> <p>The Hearing Panel notes that the purpose of Rule 21 is allow for the placement of maritime navigation aids. Such activities provide a critical navigation safety role and no or very minor adverse effects are likely to arise from this activity. However, in the event of any unforeseen adverse effects, conditions do apply to avoid, remedy or mitigate any adverse effects on historic heritage or indigenous biodiversity values. If the placement of navigation aids cannot comply with all the permitted activity conditions then a resource consent would be required.</p> <p>The Hearing Panel notes that if an activity is to be commenced in a location that is not considered appropriate after having regard to the standards, terms and conditions listed, the Council will advise those undertaking the activity that a resource consent is required under Rules 33 (discretionary) or 34 (non-complying) depending on the coastal management area.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
42 – Ngāti Rahiri Hapū	815	Amend Submitter seeks amendment to Rule 21 of the Plan to make navigation aid erection or placement a Discretionary or at least a controlled activity (rather than a permitted activity) AND that there be iwi/hapū consultation in all cases.	Accept in part The Hearing Panel considers the placement of navigation aids in the coastal marine area a rather straight forward activity, which contributes to maritime safety, and for which there are no or less than minor adverse effects. The most likely adverse effect is the temporary disturbance of the seabed from the placement of a small anchor. However, any effects would be transitory and very localised to the area directly in contact with the structure, and not noticeable in natural prevailing marine conditions. The Hearing Panel does not consider it necessary to elevate the activity status of this Rule to require a resource consent to be obtained due to the negligible risks involved and the protections already in place through the standards, terms and conditions. The Hearing Panel also directs the submitter to Condition (e) which requires the placement of the mooring structure to not have adverse effects on the values associated with historic heritage identified in Schedule 5 [Historic heritage], which would include kaimoana reefs. Due to the permitted activity status it is not appropriate to require the resource user to consult. However, the Hearing Panel would like to draw the submitters attention to note (1) in the Rule that explains that iwi authorities that have requested to be informed of this activity will be advised by the Council.
Further submissions – Trans-Tasman Resources (6)		Oppose in part	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	816	Amend Submitter seeks amendment to Rule 21 of the Plan by deleting "Outstanding Value" from the coastal management areas covered by the rule.	Decline Submitter opposes the permitted rule for the erection or placement of navigation structures in Outstanding Value areas. In addition, the submitter contends that the potential adverse effects on birds from lighting associated with navigational aids do not appear to be considered within the rule. The Hearing Panel recommends declining the relief sought by the submitter. It is suggested that the erection and placement of navigational aids should be generally provided for in all coastal management areas. This recognises that all the coastal management areas may require navigational aids to ensure the safe and efficient navigation of vessels in those waters. Navigational aids are essential items of infrastructure that reduce the risks of ships grounding and vessel related oil spills that may result. It is a critical safety issue for vessel personnel as well as for the environment and it is imperative that the Plan allow and encourage the safe and appropriate use of such aids.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel suggests that adverse effects associated with the placement of maritime navigation aids, if any, are likely to be minor, including potential effects of lighting on birds. Notwithstanding that, the Hearing Panel notes that the activity is subject to compliance with the standards, terms and conditions, including Condition (f) that requires that there be no adverse effects on significant indigenous biodiversity. If the Council consider that the proposed activity is unable to meet all of the standards, terms and conditions, the Council will advise those undertaking the activity that a resource consent will be required under Rules 33 (discretionary) and 34 (non-complying) depending on the coastal management area.
43 – Royal Forest and Bird Protection Society	817	Amend	No relief necessary
		Submitter seeks amendment to the Activity description of Rule 21 of the Plan to ensure there is no disturbance of the foreshore or seabed.	The Hearing Panel notes that Rule 21 does not permit excavation of disturbance of the foreshore or seabed, only minor disturbances that occur as a result of unobtrusive activities during the placement of the structure.
43 – Royal Forest and Bird Protection Society	818	Amend	Decline
		Submitter seeks amendment to Rule 21 by deleting the Activity provisions for associate disturbance, deposition and discharge in the Rule.	The submitter suggests that the provisions for associated disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards, terms and conditions of the rule. The Hearing Panel notes that the disturbance, deposition and discharges referred to in the activity description of Rule 21 are considered minor, transitory and inconsequential (i.e. the receiving environment will be relatively unaffected by the activity with effects being naturally and promptly remedied without the need for further intervention). The Council recognises that, during the installment of navigation aids, there may be minor and transitory disturbances as a result. The impacts are generally very minor with the associated effects being similar in kind and magnitude to that associated with a vessel dropping anchor. The rule therefore seeks to bundle associated activities given they are low risk and likely to produce no or, at the most, less than minor effects.
Further submissions – Trans-Tasman Resources (6)		Oppose	
43 – Royal Forest and Bird Protection Society	819	Amend	Decline
		Submitter seeks amendment to Condition (e) of Rule 21 of the Plan to read:	The Hearing Panel recommends declining the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>[...] erection or placement of the navigation aid does not have an adverse effect on the values associated with is not within 10m of any historic heritage identified in Schedule 5 [Historic heritage] or 50m of an Outstanding Value area [...]</i>	<p>The Hearing Panel notes that historic heritage has a broad RMA definition and is not confined to archaeological sites. For historic heritage associated with sites of significance to Māori, there may be many instances where the erection or placement of navigation aids on the 'site' will have no adverse effects.</p> <p>The Hearing Panel further suggests that the erection and placement of navigational aids should be permitted in all coastal management areas, including those of Outstanding Value, especially considering the high recreational use of some of these areas and the importance of providing for the safe and efficient navigation of vessels in those waters.</p>
43 – Royal Forest and Bird Protection Society	820	Amend	No relief necessary
		Submitter seeks amendment to Rule 21 of the Plan to note that where Condition (e) of is not complied with, a new Rule 33 will apply.	<p>The Hearing Panel suggests no relief is necessary.</p> <p>The Hearing Panel notes that where Condition (e) (or any other Condition) of Rule 21 cannot be complied with, Rules 33 [discretionary activity] and 34 [non-complying activity] apply, which requires the activity to be authorised through a resource consent. This guidance has already been indicated in Note (2) of the activity description.</p>
43 – Royal Forest and Bird Protection Society	821	Amend	No relief necessary
		Submitter seeks amendment to the standards, terms and conditions of Rule 21 to ensure the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8 [Outstanding value], 9 [Natural character] and 14 [Significant indigenous biodiversity] of the Plan.	<p>The Hearing Panel notes that in the development of Plan provisions, consideration has been had to the type and scale of the activity and the associated effects and the Panel is satisfied that maritime navigation aid structures are unlikely to have adverse effects on outstanding natural character, features and landscapes, natural character and significant indigenous biodiversity values in the coastal environment. Certainly not at a landscape scale. However, the Hearing Panel recognises that in specific localities unforeseen impacts on significant indigenous biodiversity may occur. Accordingly Condition (f) in Rule 21 applies to protect any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4 [Significant species and ecosystems] from unforeseeable impacts.</p>
58 – Te Atiawa	822	Amend	Accept
		Submitter seeks amendment to Rule 21 by including a standard, term or condition that refers to Schedules 5A and 5B	The Hearing Panel notes that Condition (e) already refers to "historic heritage" identified in Schedule 5. However, in aligning with granting similar requests

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		OR amending the activity classification to a controlled activity (rather than a permitted activity).	sought by the submitter, the Hearing Panel recommends amending references to "Schedule 5" to refer to "Schedules 5A and 5B". The activity described is a fairly routine activity that has not, in the past experience of the Council, resulted in significant adverse effects. The Hearing Panel therefore suggests that the permitted activity classification is reasonable and appropriate for this activity. Of note, the Rule requires notification prior to the commencement of the activity and Council will maintain a record of all navigation aids placed, this allows for routine monitoring.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	823	<p>Amend</p> <p>Submitter seeks amendment to Rule 21 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>[...]</p> <p><i>(e) erection or placement of the navigation aid does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [Cultural and Historic heritage];</i></p> <p><i><u>(f) erection or placement of the navigation aid does not have any adverse effect on any site identified in Schedule 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></i></p> <p><i><u>(g) the placement of the navigation aid does not adversely affect the suitability of the receiving water for customary use and bathing after reasonable mixing;</u></i></p> <p><i><u>(h) erection or placement of the structure navigation aid 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></u></i></p> <p>[...]</p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 21 is specific to the placement of maritime navigation aids. Navigational aids are essential items of infrastructure that reduce the risks of ships grounding and vessel related oil spills that may result. It is a safety issue for vessel personnel as well as for the environment and it is imperative that the Plan allow and encourage the safe and appropriate use of such aids.</p> <p>The Hearing Panel is concerned that the effect of the new and amended conditions would make the rule unnecessarily restrictive and may have perverse outcomes. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> • The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. • The submitter proposes to include a new standard, term and condition (f), however, the reference to sites of significance to Māori located in Schedule 5B has already been included within Condition (b). It is not necessary to repeat this Condition using different wording. • In regards to requested Condition (g), the Hearing Panel does not believe that relief is necessary. Again it is noted that these activities are very small scale and the water quality impacts are limited to the potential for a little sediment disturbance similar in scale to using an anchor (the effects of which would not be noticeable in natural prevailing conditions)
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<ul style="list-style-type: none"> In regards to requested Condition (h), the Hearing Panel recommends the inclusion of an Condition (ea) that specifically addresses scheduled taonga species.
Rule 22 – Network utility structure erection or placement			
12 – Chorus New Zealand Limited	824	<p>Amend</p> <p>Submitter supports the intent of Rule 22 of the Plan. However, the submitter notes that, in some instances, telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them with shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however, laying a cable on the seafloor is not provided for under Rule 22.</p> <p>Submitter seeks amendment of Activity Description (d) in Rule 22 of the Plan to read:</p> <p><i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole; [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel agrees with the submitter that the environmental impacts of laying electricity cable on the seafloor are generally minor and should have less of an impact than the burial of cables (subject to meeting appropriate standards, terms and conditions). Cables laid on the seafloor may self bury through wave action and the movement of sediment naturally without the use of burial machinery that would locally disturb the seafloor. The laying of cables is expected to have no or a less than minor effect on marine fauna and flora.</p> <p>The Hearing Panel therefore recommends granting the relief in kind by amending Rule 22 to read as follows:</p> <p><u>Placement or erection of a network utility structure where the structure is:</u></p> <p>[...]</p> <p><i>(d) a communication or electricity cable <u>or line</u>; or [...]</i></p>
13 – Spark New Zealand Trading Limited	825	<p>Amend</p> <p>Submitter supports the intent of Rule 22 of the Plan. However, the submitter notes that, in some instances, telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them with shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however, laying a cable on the seafloor is not provided for under Rule 22.</p> <p>Submitter seeks amendment of Activity Description (d) in Rule 22 of the Plan to read:</p> <p><i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole; [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel agrees with the submitter that the environmental impacts of laying electricity cable on the seafloor are generally minor and should have less of an impact than the burial of cables (subject to meeting appropriate standards, terms and conditions). Cables laid on the seafloor may self bury through wave action and the movement of sediment naturally without the use of burial machinery that would locally disturb the seafloor. The laying of cables is expected to have no or a less than minor effect on marine fauna and flora.</p> <p>The Hearing Panel therefore recommends granting the relief in kind by amending Rule 22 to read as follows:</p> <p><u>Placement or erection of a network utility structure where the structure is:</u></p> <p>[...]</p> <p><i>(d) a communication or electricity cable <u>or line</u>; or [...]</i></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
14 – Vodafone New Zealand Limited	826	<p>Amend</p> <p>Submitter supports the intent of Rule 22 of the Plan. However, the submitter notes that, in some instances, telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them with shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however, laying a cable on the seafloor is not provided for under Rule 22.</p> <p>Submitter seeks amendment of Activity Description (d) in Rule 22 of the Plan to read:</p> <p><i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole; [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel agrees with the submitter that the environmental impacts of laying electricity cable on the seafloor are generally minor and should have less of an impact than the burial of cables subject to meeting appropriate standards, terms and conditions). Cables are generally laid when burial is not a sufficient method for their placement (e.g. onto rocky or sandy sediment). Cables laid on the seafloor may self bury through wave action and the movement of sediment naturally without the use of burial machinery that would locally disturb the seafloor. The laying of cables is expected to have no or a less than minor effect on marine fauna and flora and no affect on coastal water quality.</p> <p>The Hearing Panel therefore recommends granting the relief in kind by amending Rule 22 to read as follows:</p> <p><i><u>Placement or erection of a network utility structure where the structure is:</u></i> <i>[...]</i> <i>(d) a communication or electricity cable <u>or line</u>; or [...]</i></p>
15 – Surfbreak Protection Society	827	<p>Other</p> <p>Submitter seeks that there be no impacts to surf breaks and that key surfing groups and representative groups be part of any limited notification for discharge or disturbance consent applications with the potential to impact on surf breaks or coastal water.</p>	<p>No relief necessary</p> <p>Submitter's comments are noted and have been previously addressed in submission point 443 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule.</p> <p>The Hearing Panel notes that matters relating to affected and interested party status and limited notification are addressed separately in accordance with the Council's consenting standard operating procedures.</p>
26 – Transpower NZ Ltd	828	<p>Other</p> <p>Submitter supports Rule 22 of the Plan but seek clarification whether Activity Description (d) refers to the cable only and is not the actual support.</p>	<p>No relief necessary</p> <p>Support noted. The Hearing Panel notes that Condition (d) refers to the cable and constituent parts.</p>
Further submissions – Powerco (45)		Support	
29 – Department of Conservation	829	<p>Amend</p> <p>Submitter seeks amendment to Rule 22 of the Plan to remove a "pipeline that is buried" and "a communication or electricity cable that is buried" from the controlled</p>	<p>Accept in part</p> <p>The submitter suggests the burial of pipes and cables may have significantly different levels and types of effects compared with attaching a pipe to a</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		activity description AND insert a new Restricted Discretionary rule (see NEW Rule 22A below).	bridge. At the hearing of submissions the submitter also raised concerns that the standards, terms and conditions that protect sensitive marine benthic habitats.
Further submissions – Powerco (45)		Oppose in part	<p>The Hearing Panel agrees with that assessment but are confident that subject to the standards, terms and conditions of this controlled activity rule, any adverse environmental effects are reasonably foreseeable and can be appropriately avoided, remedied or mitigated via conditions on a resource consent. Further, the Council has retained a large number of matters of discretion which allow the Council to identify appropriate avoidance, remediation and/or mitigation measures to address adverse environmental effects on a case by case basis.</p> <p>At the hearing of submissions, the submitter spoke further on Rule 22 in opposition to the inclusion of outstanding value in the gateway. The Hearing Panel agrees with the submitter and recommend a new Restricted Discretionary Rule for Outstanding Value coastal management areas and for the placement or erection of network utility structures in other coastal management areas but were unable to comply with all the standards, terms and conditions of Rule 22. This approach is consistent with other Rules that address network utility structures in Outstanding Value areas (Rules 37 and 37A).</p> <p>Activities that do not come within (e.g. Outstanding Value coastal management areas) or comply with the standards, terms and conditions of Rule 22 are more appropriately managed through new Rule 22A (Restricted Discretionary).</p> <p>In relation to protection of sensitive marine benthic habitats, the Hearing Panel recommends amendments to Condition (c) to ensure that Schedule 4B (which includes identified sensitive marine benthic habitats) is also included in the considerations. The amended condition would read as follows:</p> <p><u>(c) the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]:</u></p> <p>The Hearing Panel further recommends that this amendment is carried across all of the rules which include a condition addressing the protection for significant indigenous biodiversity.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	830	Amend Submitter seeks amendment to Rule 22 of the Plan to make the erection or placement of network utility structures in the coastal marine area a discretionary activity (rather than a controlled activity) so that Ngāti Mutunga and others can be involved in the decision making/resource consent process and also in monitoring of this activity if necessary.	Decline The Hearing Panel notes that this rule seeks to provide for the placement of important network utilities that might traverse the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. Some certainty for these uses is considered appropriate, which would not be the case if the activity was made a discretionary activity (with the ability to decline a resource consent application). The Council has not encountered significant issues with the placement of utility structures in the coastal marine area under the current Plan and therefore the Hearing Panel does not consider it appropriate or necessary to require the placement of network utility structures to be made more restrictive by making it a discretionary activity.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
41 – Te Korowai o Ngāruahine Trust	831	Amend Submitter seeks amendment to Condition (b) of Rule 22 of the Plan to read: <i>(b) erection or placement of the structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B Historic heritage; [...]</i>	Accept The Hearing Panel agrees to refer to “Schedule 5” as “Schedule 5A and 5B” as requested by the submitter. The Hearing Panel recommends other consequential amendments throughout the Plan to maintain consistent language.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
42 – Ngāti Rahiri Hapū	832	Amend Submitter supports the activity classification as controlled but seek amendment of Rule 22 to protect reef systems AND that there be iwi/hapū consultation in all cases.	Accept in part The Hearing Panel notes the concerns of the submitter and recommend amending relevant standards, terms and conditions to clarify that the activity cannot have any adverse effects on significant indigenous biodiversity, which includes reefs. The Hearing Panel notes that Conditions (b), (c) and (ca) would generally restrict the activity from occurring in areas identified as significant under Schedule 4 [Significant indigenous biodiversity], Schedule 4C [Taonga species] and Schedule 5A and B [Historic heritage].

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Nearshore reefs are identified in Policy 14(b) as sites of significant indigenous biodiversity. Nearshore reefs may also be a site of significance to Māori in relation to historic heritage. Of note, virtually the entirety coastal length of the submitter's rohe is identified in the Plan and associated coastal maps as having kai moana values. Through the consenting process, conditions will be imposed to manage adverse effects, including the protection of the reef systems.</p> <p>The Hearing Panel further notes that, as part of this coastal plan review process, and in relation to 'sites of significance' to Māori (many of which relate to inshore reefs), Council has already agreed, subject to conditions, to recognise iwi as an affected party for all resource consent applications. There will be further opportunity to set consultation requirements and expectations as part of the development of any Mana Whakahono a Rohe agreements.</p>
43 – Royal Forest and Bird Protection Society	833	<p>Amend</p> <p>Submitter seeks amendment to Rule 22 of the Plan by changing the rule classification to make the erection or placement of network utility structures in the coastal marine area a restricted discretionary activity (rather than a controlled activity).</p>	<p>Decline</p> <p>The Hearing Panel notes that Rule 22 seeks to provide for the placement of important network utilities that might transsect the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately considered and managed having reference to the General Policies of the Plan plus relevant Activity-specific Policies. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. Some certainty for these uses is considered appropriate, which would not be the case if the activity was made a discretionary activity (with the ability to decline a resource consent application).</p> <p>The Council has not encountered significant issues with the placement of utility structures in the coastal marine area under the current Plan and therefore do not consider it appropriate or necessary to require the placement of network utility structures to be made a restricted discretionary activity.</p> <p>Notwithstanding the above, the Hearing Panel considers that an additional Restricted Discretionary rule should be included to address the placement or erection of network utility structures in Outstanding Value coastal management areas or where the activity does not meet the standards, terms</p>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			or conditions of Rule 22. The Hearing Panel notes that this approach is consistent with other areas of the Plan (Rules 37 and 37A).
43 – Royal Forest and Bird Protection Society	834	Amend	No relief necessary
		Submitter seeks the inclusion of a standard, term and condition in Rule 22 of the Plan that requires a 100m set back from Outstanding Value coastal management areas.	No precise details of the rationale for the relief sought has been provided, or indeed what the proposed setback distance would achieve. The Hearing Panel recommends declining the relief sought by the submitter noting that most of the activities covered by this rule require the structure to be buried or are of small scale. Of note, in the event that this activity is of a type or scale that it could have an impact on Outstanding Values, the Rule reserves control over the location of the work. Of note activities occurring within the Outstanding Value coastal management areas will be addressed separately through an additional Restricted Discretionary rule.
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	
43 – Royal Forest and Bird Protection Society	835	Amend	Accept in part
		Submitter seeks the inclusion of the following matters of discretion for the amended Rule 22 of the Plan: <u>(x) effect on indigenous biological diversity</u> <u>(y) effects on natural character and natural features and landscape</u> <u>(z) effects on any areas of Outstanding Value.</u>	The Hearing Panel agrees in part to the relief sought by the submitter by amending the following matters of discretion in Rule 22 (plus consequential changes to equivalent rules elsewhere in the Plan) to read: <u>(f) effects on natural character, features and landscapes values</u> <u>(fa) effects on indigenous biodiversity values</u> The Hearing Panel recommends that this amendment also be included in additional Rules, where appropriate, to maintain consistency. The Hearing Panel notes the amendments to term “ecological” better aligns with the wording adopted in the General Policies, which refers to “natural character, features and landscapes” and “indigenous biodiversity”. The Hearing Panel did not believe it necessary to specify in the matters of discretion areas of outstanding values as this is a subset of natural character, features and landscapes (and therefore already provided for).
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	
45 – Powerco	836	Support	Accept
		Retain Rule 22 of the Plan as notified.	Support noted.
Further submissions – Port Taranaki Ltd (32)		Support	At the hearing, the submitter presented further on the rule noting that there are inconsistencies with some of the rules referring to cables and lines. The

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions– Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	Hearing Panel recommends for the purposes of certainty and clarity that the Council review and amend plan provisions to consistently refer to “cables and lines” where that is the policy intent. It is the Hearing Panel’s view that this is an inconsequential amendment.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	837	Amend Submitter seeks amendment to the Activity Description of Rule 14 of the Plan to read: <i>Network utility structure erection or placement where the structure is:</i> <i>(a) A pipeline that is buried or attached to a bridge, <u>wharf</u> or access structure [...]</i>	Accept The submitter notes that oil companies have existing pipelines in the coastal marine area and seek clarity that Rule 22 includes wharfs. This will ensure there is an appropriate pathway for new pipelines that may be required in the coastal marine area. The Hearing Panel notes that the definition of “structure” as defined by the RMA means any “...facility made by people and which is fixed to land”. This would include wharfs. For the purposes of certainty and clarity, the Hearing Panel recommends expanding the activity description of Rule 22 of the Plan to explicitly identify wharfs. In addition, the Hearing Panel notes that if an activity cannot comply with the standards, terms and conditions of Rule 22 or is within an area of Outstanding Value it will be addressed under new Restricted Discretionary Rule 22A.
Further submissions – Transpower NZ Ltd (26)		Oppose	
58 – Te Atiawa	838	Amend Submitter seeks amendment to Rule 22 of the Plan to change the activity classification to discretionary activity (rather than a controlled activity).	Decline The Hearing Panel notes that Rule 22 seeks to provide for the placement of important network utilities that might transect the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Rule 22 requires such activities to obtain a resource consent. However, some certainty for these uses is considered appropriate, which would not be the case if the activity were made a discretionary activity (with the ability to decline a resource consent application). Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. The Council has not encountered significant issues with the placement of utility structures in the coastal marine area under the current Plan and therefore the Hearing
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Panel does not consider it appropriate or necessary to require the placement of network utility structures to be made a discretionary activity.</p> <p>Notwithstanding the above, the Hearing Panel note that if an activity cannot comply with the standards, terms and conditions of Rule 22 or is within an area of Outstanding Value it will be addressed under new Restricted Discretionary Rule 22A.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	839	<p>Amend</p> <p>Submitter seeks amendment to Rule 22 of the Plan to include new and amended standards, terms and conditions to read:</p> <p><i>(a) no erosion or scour results from erection or placement of the structure;</i></p> <p><i>(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];</i></p> <p><i>(c) erection or placement of the structure does not have adverse effect on Schedules 1 and 2</i></p> <p><i>(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;</i></p> <p><i>(e) does not adversely affect the suitability of the receiving water for customary use</i></p> <p><i>(f) 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]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</i></p> <p><i>(g) structure does not adversely affect access to or use of the area surrounding the structure.</i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 22 seeks to provide for the placement of important network utilities that might transect the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary.</p> <p>The submitter seeks to introduce a number of new and amended standards, terms and conditions to the Rule. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (b). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (c). Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. The proposed Condition (c) is too wide ranging, unnecessarily restrictive, and uncertain for Plan users. Relief sought in relation to Condition (d) is unnecessary. The submitter proposes to include a new standard (d), however, the reference to sites of significance to Māori located in Schedule 5B has already been included within Condition (b) of the Plan. It is not necessary to repeat this Condition using different wording. Relief sought in relation to Condition (e) is unnecessary. Again such matters are largely already addressed in Condition (b) of the

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Plan, which protects customary sites of significance. However, it is noted that any impacts on receiving water quality will be temporary and unlikely to be noticeable in natural prevailing conditions).</p> <ul style="list-style-type: none"> Grant the relief in kind in relation to Condition (f). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species (new standard, term and condition (ca)).
61 – Te Rūnanga o Ngāti Ruanui Trust	840	<p>Amend</p> <p>Submitter seeks amendment the control and notification column of Rule 22 of the Plan to read:</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><u>(e) effects on matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(f) effects on water quality 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><u>(m) 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><u>(q) effects on Cultural Zone (referred to in Spatial Plan)</u></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. The suggested changes seem to be mixing jurisdictional, policy and operational matters and introducing a level of specificity and complexity that are not considered appropriate or necessary for a Plan. Most of the changes sought are a subset of matters that have already been provided for while the submitter has also introduced some new concepts such as a cultural zone and a spatial plan that do not fit within the Proposed Plan framework. There is also 'requirement' to be consistent with iwi management plans, while the submitter is silent on how other planning documents might also fit within this framework.</p> <p>The Hearing Panel notes that this activity is already subject to the General Policies 1 to 21 of which Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] are particularly relevant. The Hearing Panel further notes that there will be an opportunity to develop an agreed framework and operational detail for implementing the Plan as part of any Mana Whakahono a Rohe agreement with the submitter.</p> <p>In relation to notification requirements, the submitter (and others) have highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time, the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting reference to notification requirements from the</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</i>	Plan (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
NEW Rule 22A – Network utility structure erection or placement			
29 – Department of Conservation	841	Amend	Accept in part
		Submitter seeks amendment to Plan to include a new Restricted Discretionary rule that deals with network utility structure erection or placement where the structure is a pipeline that is buried, or a communication or electricity cable that is buried.	<p>The Hearing Panel notes that Rule 22 already seeks to provide for the placement of important network utilities that might transect the coastal marine area as a controlled activity. This is consistent with Policy 6 [Regionally important infrastructure] of the Plan but is still subject to the appropriate management of any adverse effects.</p> <p>Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. Some certainty for allowing the placement of network utilities in the coastal marine area is considered appropriate, which would not be the case if the activity was made a restricted discretionary activity (with the ability to decline a resource consent application). Of note, as part of this Coastal Plan review, this Council has adopted a precautionary approach whereby, if uncertain that effects can be adequately identified and addressed as a permitted activity or controlled activity, it has determined that the effects will be considered as a full discretionary activity to ensure issues are fully and comprehensively canvassed.</p> <p>The Council has not encountered significant issues with the placement of utility structures in the coastal marine area under the current Plan and therefore the Hearing Panel does not consider it appropriate or necessary to require the placement of network utility structures to be made a restricted discretionary activity unless the activity is not covered by or cannot comply with the standards terms and conditions of the controlled activity rule.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			Notwithstanding the above, the Hearing Panel recommends an additional Restricted Discretionary rule to address placement or erection of network utility structures in Outstanding Value coastal management areas or where the activity does not meet the standards, terms or conditions of Rule 22. The Hearing Panel note that this approach is consistent with other areas of the Plan (Rules 37 and 37A).
45 – Powerco	842	Amend Submitter seeks new or amended rule to provide a permitted activity pathway for new network utility structures attached to existing road bridges in the coastal marine area.	Decline The Hearing Panel recommends declining the relief sought. The Hearing Panel notes that the majority of bridges that occur within the coastal marine area (and addressed through the Coastal Plan) are within estuaries and may be sensitive to activities of this nature. The Hearing Panel considers that the activity may be uncertain in terms of scale and effects and consider it appropriate to be addressed through the consenting process to ensure that any environmental effects are appropriately managed. The controlled pathway provided under Rule 22 offers the Plan user certainty of being able to undertake the necessary works provided the standards, terms and conditions are met.
Rule 23 –Port launching, mooring or berthing			
40 – Te Rūnanga o Ngāti Mutunga	843	Amend Submitter seeks amendment to Rule 23 of the Plan to make the erection and placement of launching, mooring or berthing structures in the Port a discretionary activity (rather than a controlled activity).	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that Rule 23 seeks to provide for the erection and placement of launching, mooring or berthing structures in the Port as a controlled activity. This is consistent with Policy 6 [Regionally important infrastructure] of the Plan, but is still subject to the appropriate management of adverse effects. The Hearing Panel notes that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the erection and placement of launching, mooring and berthing structures. This is subject to complying with the standards, terms and conditions addressing the avoidance, remedying or mitigating of adverse effects (of which those relating to historic heritage and indigenous biodiversity are particularly pertinent). The

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			Hearing Panel sees no net environmental benefit to reducing business certainty in the Port by making the activity a discretionary activity.
43 – Royal Forest and Bird Protection Society	844	Amend	Decline
		Submitter seeks amendment to Rule 23 of the Plan to make the erection and placement of launching, mooring or berthing structures in the Port a restricted discretionary activity (rather than a controlled activity).	The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that Rule 23 seeks to provide for the erection and placement of launching, mooring or berthing structures in the Port as a controlled activity. This is consistent with Policy 6 [Regionally important infrastructure] of the Plan, but is still subject to the appropriate management of adverse effects.
Further submissions – Port Taranaki Ltd (32)		Oppose	The Hearing Panel notes that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the erection and placement of launching, mooring and berthing structures. This is subject to complying with the standards, terms and conditions addressing the avoidance, remedying or mitigating of adverse effects (of which those relating to historic heritage and indigenous biodiversity are particularly pertinent). The Hearing Panel sees no net environmental benefit to reducing business certainty in the Port by making the activity a restricted discretionary activity.
58 – Te Atiawa	845	Amend	Decline
		Submitter seeks amendment to Rule 23 of the Plan to change the activity classification to discretionary activity (rather than a controlled activity).	The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that Rule 23 seeks to provide for the erection and placement of launching, mooring or berthing structures in the Port as a controlled activity. This is consistent with Policy 6 [Regionally important infrastructure] of the Plan, but is still subject to the appropriate management of adverse effects.
			The Hearing Panel notes that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the erection and placement of launching, mooring and berthing structures. This is subject to complying with the standards, terms and conditions addressing the avoidance, remedying or mitigating of adverse effects (of which those relating to historic heritage and indigenous biodiversity are particularly pertinent). The Hearing Panel sees no net environmental benefit to reducing business certainty in the Port by making the activity a discretionary activity.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 24 – Whitebait stands			
21 – Climate Justice Taranaki	846	Support	Accept
		Retain the prohibited activity status for whitebait stands in the coastal marine area.	Support noted. Rule 24 is retained subject to minor inconsequential amendments that do not change the rule's scope.
29 – Department of Conservation	847	Support	Accept
		Retain the prohibited activity status for whitebait stands in the coastal marine area.	Support noted. Rule 24 is retained subject to minor inconsequential amendments that do not change the rule's scope.
40 – Te Rūnanga o Ngāti Mutunga	848	Support	Accept
		Retain the prohibited activity status for whitebait stands in the coastal marine area.	Support noted.
41 – Te Korowai o Ngāruahine Trust	849	Amend	Decline
		Submitter seeks amendment to Rule 24 of the Plan to make whitebait stands in the coastal marine area a discretionary or non-complying activity (rather than a prohibited activity).	<p>The Rule does not exclude run-of-the-river whitebaiting, which is a popular recreational activity at many river mouths across Taranaki. However, the Rule does prohibit the establishment of whitebait structures that may contribute to over harvesting and exploitation of inanga species.</p> <p>The Hearing Panel notes that this Rule is an existing rule in the current Plan. It is a unique regional position adopted by this Council with strong community support to better protect whitebait stocks in this region. This is considered appropriate given the ongoing decline in the abundance of whitebait species in the region due to over harvesting (other necessary interventions relating to the loss of fish habitat are addressed in the Freshwater and Soil Plan).</p>
43 – Royal Forest and Bird Protection Society	850	Support	Accept
		Retain the prohibited activity status for whitebait stands in the coastal marine area.	Support noted. Rule 24 is retained as notified.
58 – Te Atiawa	851	Support	Accept
		Retain Rule 24 of the Plan as notified.	Support noted. Rule 24 is retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 25 – Hard protection structure erection or placement			
32 – Port Taranaki	852	Amend Submitter seeks amendment to Rule 25 of the Plan to provide for hard protection structures within the Port coastal management area as a controlled activity (rather than a discretionary activity).	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that this Rule is an existing rule in the current Plan. Further, in accordance with the <i>New Zealand Coastal Policy Statement</i> and the policies of this Plan (particularly Policy 34), there is an expectation that hard protection structures will be discouraged and the use of alternatives promoted. This expectation is unlikely to be realised as a controlled activity.
43 – Royal Forest and Bird Protection Society	853	Amend Submitter seeks amendment to Rule 25 of the Plan by clarifying the purposes to which erosion control applies.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel does not believe this level of specificity needs to be provided in the rule. Such matters are more appropriately addressed through the consenting process, whereby the type of activity, its scale, purpose and effects can be considered on a case-by-case basis noting hard protection structures are a discretionary activity. The Hearing Panel further notes that the General Policies 1 to 21, 22, 31, 32, 33, 34, 35, 39, 40, 41, 42, 44, 45, 46, and 49 provide broad and comprehensive guidance and direction on the erection and placements of hard protection structures.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	854	Amend Submitter seeks amendment to Rule 25 of the Plan by deleting Outstanding Value, Estuaries Unmodified, Estuaries Modified coastal management areas from the rule (and provide a new non-complying activity rule for the erection or placement of hard protections structures in such areas).	Decline The Hearing Panel notes there are significant urban areas that would be affected by the relief sought by the submitter such as New Plymouth, Waitara, Urenui and Patea. Many coastal settlements rely on hard protection structures to protect them from natural hazard processes. The Hearing Panel notes that this rule is an existing rule in the current Plan. The Hearing Panel recognises that, in accordance with the <i>New Zealand Coastal Policy Statement</i> and the policies of this Plan (particularly Policy 34), there is an expectation that hard protection structures will be discouraged and the use of alternatives promoted. This expectation can be met as a discretionary activity.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
59 KiwiRail	855	Support	Accept
		Retain Rule 25 of the Plan as notified.	Support noted.
Further submissions – Fonterra (47)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	856	Amend	Decline
		<p>Submitter seeks amendment to Rule 25 of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 31, 32, 33, 34, 35, 39, 40, 41, 42, 44, 45, 46, and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahohe a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 26 – Exploration or appraisal of well drilling in the Open Coast or Port			
15 – Surfbreak Protection Society	857	Other Submitter seeks that there be no impacts to surf breaks and that key surfing groups and representative groups be part of any limited notification for discharge or disturbance consent applications with the potential to impact on surf breaks or coastal water.	No relief necessary Submitter's comments are noted and have been previously addressed in submission point 448 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule. The Hearing Panel notes that matters relating to affected and interested party status and limited notification are addressed separately in accordance with the Council's consenting standard operating procedures.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
25 - New Zealand Petroleum and Minerals	858	Support Retain Rule 26 of the Plan as notified.	Accept Support noted. Rule 26 is retained subject to amendments made to offer relief to other submitters.
Further submissions – Trans-Tasman Resources (6), Port Taranaki Ltd (32), Petroleum Exploration and Production Association of New Zealand (37)		Support	
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	
37 – Petroleum Exploration and Production Association of NZ	859	Amend Submitter supports Rule 26 of the Plan but seeks amendment to the Activity Description (b) in Rule 26 to align with Rule 27 to read: <i>Exploration or appraisal well drilling by an offshore installation or 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:</i> [...] (b) <u>temporary exclusive</u> occupation of space in the common marine and coastal area [...]	Accept The Hearing Panel recommends granting the relief sought by the submitter as it further clarifies for plan users the type of occupation of space that occurs under Rule 26 as an associated activity.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions ²¹ – Climate Justice Taranaki Inc (21), Taranaki Energy Watch (51)		Oppose	
37 – Petroleum Exploration and Production Association of NZ	860	<p>Amend</p> <p>Submitter supports Rule 26 but seeks amendment to standard, term and condition (a) to read:</p> <p><i>(a) drilling is not undertaken within 2,000 m of any site where drilling has occurred in the previous five years <u>unless the Applicant can show to the satisfaction of Council that drilling within these parameters would avoid any potential cumulative effects</u> [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel recommends granting in kind the relief sought by the submitter.</p> <p>The Hearing Panel notes that the reason for including a buffer distance is to address the cumulative effects of drilling fluids and cuttings being discharged and deposited on the seafloor surrounding the drilling site which may have an adverse effect on benthic communities. The Hearing Panel considers that if drilling cuttings and fluids are removed during the operation that there will be no cumulative effects. The Hearing Panel recommends amending Condition (a) to provide an option for this that read as follows (Hearing Panel note that additional amendments are also proposed in response to other submitters concerns relating to Condition (a)):</p> <p><u><i>(a) the activity does not involve the discharge or deposition of drilling fluids, muds or cuttings:</i></u></p> <p><i>(i) within 2,000 m of any <u>seabed location</u> where drilling has occurred in the previous five years; <u>or</u></i></p> <p><i><u>(ii) from multiple wells originating from a single well head: [...]</u></i></p> <p>The Hearing Panel considers that further direction with regards to the disposal of drilling fluids and cuttings is required and recommends a footnote to read as follows:</p> <p><u><i>Drilling fluids, muds and cuttings must be removed for authorised disposal.</i></u></p> <p>At the hearing, the submitter opposed standards, terms and conditions (d) and (da) relating to significant indigenous biodiversity and taonga species noting that compliance with these conditions would be subjective and therefore is uncertain. The Hearing Panel notes that as part of a precautionary approach these conditions have been considered appropriate and give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the <i>New Zealand Coastal Policy Statement</i> and other policies of the Plan. The Hearing Panel notes that for certainty, and to assist Plan users, species and habitats identified as significant indigenous biodiversity and taonga species of concern have been</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>included in Schedules 4A, 4B and 4C. The Hearing Panel notes that it is not uncommon for plans to include values based assessments for permitted and controlled activities and that similar conditions are included in the current <i>Coastal Plan for Taranaki</i> and have been successfully implemented and enforced over the life of the Plan.</p> <p>In addition, at the hearing, the submitter sought that an additional rule be included in the Plan to allow exploration and appraisal drilling to occur as a restricted discretionary activity should it not meet the standards, terms and conditions of Rule 26. The Hearing Panel recommends declining this relief and considers that an appropriate activity classification has already been provided as discretionary and non-complying activities under Rules 27 and 28 noting the values and sensitivities of the coastal management areas affected.</p>
40 – Te Rūnanga o Ngāti Mutunga	861	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan to make exploration or appraisal of well drilling a discretionary activity (rather than controlled activity) AND</p> <p>Amend Conditions (c) and (e) to read:</p> <p>(c) Drilling is not undertaken within <u>in the airspace above any site and to the centre of the earth below</u> any site identified in Schedule 5</p> <p>[...]</p> <p>(e) Drilling is undertaken at least 2,000 m <u>6,000 m</u> from the line of mean high water springs [...]</p>	<p>Decline</p> <p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for these uses is considered appropriate,</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		<p>Oppose</p>	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>which would not be the case if the activity was made a discretionary activity (with the ability to decline a resource consent application).</p> <p>In relation to the amendments to the conditions, those relating to (c) are considered unnecessary. The Hearing Panel also does not recommend extending the buffer distance from 2,000 m to 6,000 m from the line of the mean high water springs. The submitter has not provided any additional information as to why the additional buffer area is required. However, the Hearing Panel notes that Conditions (b), (c) and (d) include additional locational constraints that should address any areas of concern.</p>
41 – Te Korowai o Ngāruahine Trust	862	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan to make exploration or appraisal of well drilling a discretionary activity (rather than controlled activity)</p> <p>AND</p> <p>Amend Condition (c) to read:</p> <p><i>(c) Drilling is not drilling is not undertaken within any site identified in Schedule 5A and B Historic heritage]; [...].</i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are different activities with different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for these uses is considered appropriate, which would not be the case if the activity was made a discretionary activity (with the ability to decline a resource consent application).</p> <p>In relation to the amendment sought to Condition (c), the Hearing Panel recommends granting the relief sought.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>At the hearing, the submitter sought that consent applications for exploration to also assess the activity for the production phase. The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. The Panel noted that it is important to differentiate between hydrocarbon exploration activities and later production activities as they are different activities with different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation, and it would be unreasonable and inefficient to assess the effects of exploration and production during the exploration phase.</p> <p>The Hearing Panel considers that an assessment of effects of production during exploration phase is potentially unreasonable. First, there is no certainty that production will occur. Second, consenting an activity that might not occur until sometime in the future, may have a perverse outcome in that new information on environmental effects might arise in the interim but the activity has already been authorised.</p>
42 – Ngati Rahiri Hapū	863	<p>Amend</p> <p>Submitter seeks amendment to the conditions of Rule 26(c) to read: <i>(c) drilling is undertaken within, <u>over, or under</u>, any site identified in Schedule 5 Historic heritage]; [...]</i> AND That there be iwi/hapū consultation in all cases.</p>	<p>No relief necessary</p> <p>The Hearing Panel recommends declining the relief sought noting that the relief would restrict the consideration of more environmentally acceptable options to avoid or mitigate impacts on historic heritage values such as directional drilling under sites of significance.</p> <p>The Hearing Panel notes that, as part of this Coastal Plan review process, and in relation to 'sites of significance' to Māori, Council has already agreed, subject to conditions, to recognise iwi as an affected party for all resource consent applications. There will be further opportunity to set consultation requirements and expectations as part of the development of Mana Whakahono a Rohe agreements.</p>
43 – Royal Forest and Bird Protection Society	864	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan by amending the Activity classification to make exploration or appraisal of well drilling a restricted discretionary activity (rather than controlled activity).</p>	<p>Decline</p> <p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29), Te Korowai o Ngāruahine Trust (41)		Support	<p>between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are different activities with very different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for drilling activities is considered appropriate, which would not be the case if the activity was made a restricted discretionary activity.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
43 – Royal Forest and Bird Protection Society	865	Amend	Accept
		Submitter seeks amendment to Rule 26 of the Plan by adding matter of discretion to consider effects on indigenous biodiversity and natural character.	<p>The Hearing Panel recommends granting the relief sought by the submitter by amending the following matters of discretion in Rule 26 (plus consequential changes to equivalent rules elsewhere in the Plan) to read:</p> <p><i>(f) effects on <u>natural character, features and landscapes values</u></i></p> <p><i>(fa) effects on <u>indigenous biodiversity values</u></i></p> <p>Of note, the suggested amendments that include replacing the term “ecological” better aligns with the wording adopted in the General Policies and references to natural character, features and landscapes and indigenous biodiversity.</p>
Further submissions – Department of Conservation (29), Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
43 – Royal Forest and Bird Protection Society	866	Amend	No relief required
		Submitter seeks amendment to Rule 26 of the Plan by identifying areas of significant biodiversity and excluding these from this rule.	The Hearing Panel suggests that the relief sought by the submitter has already been provided for.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29)		Support	<p>The Hearing Panel notes that Rule 26 already excludes drilling areas from Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas. Furthermore Conditions (b) and (d) also apply that require the consideration of indigenous biodiversity matters. The Hearing Panel does not consider it appropriate or necessary to exclude drilling activities from other parts of the Open Coast or the Port regardless of whether the activity is having adverse effects or not.</p> <p>The effects associated with seabed exploration drilling will generally be less than minor, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby any activity involving the incidental deposition of drilling cuttings and fluids must be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site where the activity will result in the deposition of drilling fluids and cuttings.</p> <p>The Hearing Panel believes it is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
43 – Royal Forest and Bird Protection Society	867	Amend	Decline
		Submitter seeks amendment to Rule 26 of the Plan by adding a requirement to publicly notify under this rule.	<p>The Hearing Panel does not consider it appropriate to include this level of operational detail in the Plan but notes that in accordance with its standard operating procedures, activities that are identified as a controlled activity are generally not publicly notified.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
51 - Taranaki Energy Watch	868	Amend	Decline
		<p>Submitter seeks amendment to Rule 26 of the Plan by amending the activity classification to make exploration or appraisal of well drilling so that it is a :</p> <ul style="list-style-type: none"> discretionary activity (rather than controlled activity) 	<p>The Hearing Panel recommends declining the relief sought by the submitter (although noting that some matters are already addressed in the Plan).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> non-complying activity in open coast, estuaries modified and port areas prohibited activity in the coastal managements areas of outstanding value and estuaries unmodified 	<p>The Hearing Panel believes that it is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The effects associated with seabed exploration drilling will generally be less than minor in the Open Coast or Port, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects associated with the drilling will be appropriately managed and specific conditions applied to ensure any adverse effects are appropriately avoided, mitigated or remediated.</p> <p>Drilling activities in the Open Coast or Port that cannot comply with the standards, terms and conditions of Rule 26 are a discretionary activity (under Rule 27). It is also noted that drilling in Estuaries Modified is already addressed in the Plan as a non-complying activity (under Rule 28).</p> <p>The Hearing Panel emphasises that Rule 26 already excludes drilling areas from the Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas. Non-complying activities require a resource consent and Council cannot grant the consent unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. This represents a high level of protection.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
51 - Taranaki Energy Watch	869	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan to identify how many exploration wells can be drilled by a company as part of “exploration and appraisal well drilling”. In cases where more than one exploration well is drilled indicate how this will affect the buffer zone area.</p>	<p>Accept</p> <p>The submitter is concerned that multiple wells may be drilled as a controlled activity when advice to the Council from the Cawthron Institute regarding separation distances recommended larger distances than those identified in the Rule standards, terms and conditions.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	<p>The Hearing Panel recommends amendments to Rule 26 in response to the concerns of the submitter.</p> <p>Prior to the notification of the Proposed Plan, the Council sought advice from the Cawthron Institute on appropriate buffer distances for exploration and appraisal drilling activities. The advice received noted that effects on benthic communities are generally localised and associated with the deposition of drilling material at, or near the drilling site. A 1,000 m buffer distance was recommended by Cawthron for exploration drilling activities involving a single</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>well, however, a greater distance (possibly greater than 6,000 m) was advised for drilling campaigns where multiple wells were to be drilled.</p> <p>The Hearing Panel considers the current buffer Condition (a) to be appropriate for single well (exploration) drilling operations but consider that the rule should offer direction for multiple wells. The Hearing Panel notes that the environmental effects of concern associated with multiple wells relates to the cumulative effects of drilling cuttings and fluids being discharged and deposited on the seabed. The Hearing Panel considers that, under the controlled activity classification, drilling of this nature should not occur unless the drilling fluids and cuttings are removed during the drilling process prior to being discharged.</p> <p>At the hearing, the submitter also sought amendment to Condition (a) to clarify that the drilling activity does not involve the discharge or deposition of drilling muds. The Hearing Panel agrees and recommends amending Condition (a) to read as follows:</p> <p><u>(a) the activity does not involve the discharge or deposition of drilling fluids, muds or cuttings:</u></p> <p>(i) within 2,000 m of any <u>seabed location</u> where drilling has occurred in the previous five years; <u>or</u></p> <p><u>(ii) from multiple wells originating from a single well head; [...]</u></p> <p>The Hearing Panel also considers that further direction with regards to the disposal of drilling fluids and cuttings is required and recommends a footnote to read as follows:</p> <p><u>Drilling fluids, muds and cuttings must be removed for authorised disposal.</u></p>
53 - Taranaki Regional Council	870	<p>Amend</p> <p>Submitter seeks amendment to Activity Description (b) of Rule 26 of the Plan to read:</p> <p>(b) <u>temporary exclusive</u> occupation of space in the common marine and coastal area; [...]</p>	<p>Accept</p> <p>The Hearing Panel recommends granting the relief sought by the submitter to clarify that occupation of space, associated with the drilling activity, in the common marine and coastal area is not permanent.</p>
58 – Te Atiawa	871	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan to change the activity classification to discretionary activity (rather than controlled activity).</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	<p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon exploration activities and later production activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for drilling activities is considered appropriate, which would not be the case if the activity was made a discretionary activity.</p>
Further submissions 55 – Kiwis Against Seabed Mining (55)		Support	
58 – Te Atiawa	872	Amend Submitter seeks amendment to Rule 26 of the Plan to change the reference to Schedule 5 in the Conditions to Schedules 5A and 5B.	Accept The Hearing Panel recommends granting the relief sought by the submitter.
58 – Te Atiawa	873	Amend Submitter seeks amendment to Conditions (c) and (e) of Rule 26 of the Plan to read as follows: <i>(c) drilling is not undertaken in the airspace above and in the ground below to the earth's core within any site identified in Schedule 5 [Historic heritage]; and [...]</i> <i>(e) drilling is undertaken at least 2,000 m 6,000m from the line of mean high water springs [...]</i>	Decline The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	<p>therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for these uses is considered appropriate, which would not be the case if the activity was made a discretionary activity (with the ability to decline a resource consent application).</p> <p>In relation to the amendments to the Conditions, those relating to (c) are considered unnecessary. The Hearing Panel also does not recommend extending the buffer distance from 2,000 m to 6,000 m from the line of the mean high water springs. The submitter has not provided any additional information as to why the additional buffer area is required. However, the Hearing Panel notes that Condition (b), (c) and (d) include additional locational constraints that should address any areas of concern.</p>
60 – Te Kaahui o Rauru	874	Amend	Decline
		Submitter seeks amendment to the activity classification of Rule 26 of the Plan by removing the controlled activity classification.	<p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for drilling activities is considered appropriate, which would not be the case if the activity was made a restricted discretionary, discretionary or non-complying activity.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	875	<p>Amend</p> <p>Submitter seeks amendment to Rule 26 of the Plan by amending the activity classification to make exploration or appraisal of well drilling a discretionary activity (rather than controlled activity)</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation.</p> <p>The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. Through the consenting process, relevant environmental effects will be appropriately managed and, in part reflecting a precautionary approach, specific conditions apply whereby the activity must be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). Some certainty for drilling activities is considered appropriate, which would not be the case if the activity was made a discretionary activity.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Kiwis Against Seabed Mining (55)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	876	<p>Amend</p> <p>Submitter seeks amendment to the standards, terms and conditions of Rule 26 of the Plan to read:</p> <p>(a)-drilling is not undertaken within 2,000 m of any site where drilling has occurred in the previous five years; 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)-drilling is not undertaken directly into or within 1000 m of any sensitive marine benthic habitat identified in Schedule 4B or reef system; discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan;</p> <p>(c)-drilling is not undertaken within any site identified in Schedule 5 [Historic heritage]; discharge is consistent with iwi management plan.</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>Decline</p> <p>The submitter has sought the inclusion of new and amended standards, terms, conditions for Rule 26.</p> <p>The Hearing Panel recommend declining the relief noting that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 being given effect to. Of note the matters of control in the Rule make provision to address many of the matters sought by the submitter such as cultural heritage and monitoring.</p> <p>The Hearing Panel are further opposed to deleting those conditions addressing the type of drill muds and fluids used, general height, lighting and noise standards, and effects on natural character, indigenous biodiversity, historic heritage (including sites of significance to Māori) and amenity values, including cumulative effects of multiple drilling sites in a single locality. The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015).</p> <p>Through the consenting process, relevant environmental effects associated with drilling will be appropriately managed by compliance with standards, terms and conditions set out in Rule 26. A number of conditions that the submitter seeks to have deleted reflect a precautionary approach. Granting the relief would derogate from that approach, particularly those conditions requiring the activity to be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Atiawa (58)		Support	
	877	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust		<p>Submitter seeks amendment to Rule 26 of the Plan by deleting matters included in the Control/Notification column of the Rule and including the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to “matters of control/discretion” and deleting any references to consenting notification requirements from the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p> <p>The Hearing Panel further notes that, in addition to the requirements of the RMA, notification to iwi can also be addressed through Mana Whakahono a Rohe agreements without the need to be included in the Plan rules.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Rule 26A – Disturbance of seabed by mining			
6 – Trans-Tasman Resources Ltd	878	<p>Amend</p> <p>Submitter seeks amendment to the Plan by including a new Rule 26A to explicitly address disturbance of the seabed by drilling, which would read as follows:</p> <p><u>26A Disturbance of seabed by drilling</u></p> <p><u>Classification: Permitted activity</u></p> <p><u>Coastal management areas: Estuaries Unmodified, Estuaries Modified, Open Coast, Port</u></p> <p><u>Standards, terms and conditions</u></p> <p><u>(a) Drilling is confined to mud, silt, sand, gravel and other fine sediments;</u></p> <p><u>(b) drilling does not occur within the Schedule 2 locations or within 200m of the Schedule 2 locations;</u></p> <p><u>(c) spacing between drilling locations (other than a re-drill or twinning of a hole) is not less than 0.5 km;</u></p> <p><u>(d) recurrent drilling (other than a re-drill or twinning of a hole) at the same location does not occur more frequently than once every two months;</u></p> <p><u>(e) the volume of material removed from a drilling location does not exceed 0.3 m³;</u></p> <p><u>(f) the area of seabed disturbed at a drilling location does not exceed 3 m²;</u></p> <p><u>(g) drilling does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage];</u></p> <p><u>(h) drilling does not have an adverse effect on any threatened or at risk (declining) species, or any rare and uncommon ecosystem type, including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and</u></p> <p><u>(i) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil.</u></p>	<p>Grant in kind</p> <p>The submitter presented additional evidence on the requested Rule 26A at the hearing of submissions. The submitter clarified that the intent of the rule was to provide a pathway for drilling for the taking of core samples for scientific purposes and considers that this activity is minor and routine.</p> <p>The Hearing Panel notes that Rule 52 already addresses minor disturbances of the seafloor for the activity of benthic grab samples. The Hearing Panel considers that the activity described is similar in scale and impact to Rule 52 and recommends amending Rule 52 to broaden the 'gateway' to provide for small-scale drilling for scientific purposes as a permitted activity.</p> <p>The Hearing Panel notes that the drilling activity must comply with all the standards, terms and conditions, which, amongst other things, set specific limits to ensure that the effects will be less than minor. If the activity is unable to comply with the standards, terms and conditions, a resource consent is required. The Hearing Panel recommends the inclusion of a revised controlled activity rule and a new restricted discretionary rule (depending upon coastal management area affected) to allow for drilling in circumstances where the activity cannot meet the permitted activity standards, terms and conditions.</p> <p>The Hearing Panel refers the submitter to Rules 52, 52A and 52B and note that Rule 52A has also been crafted to address geotechnical bore hole drilling amongst others.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Royal Forest and Bird Protection Society (43), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Port Taranaki Ltd (32)		Oppose in part	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Neutral	
Rules 26, 27 and 28 – Exploration or appraisal of well drilling in the Open Coast or Port			
21 – Climate Justice Taranaki	879	Amend Submitter seeks that drilling of any petroleum exploration or appraisal well and associated activities in the coastal marine area be a prohibited activity OR If this is not acceptable to Council, seek that the drilling of any petroleum exploration or appraisal well and associated activities in the Open Coast and Port be a discretionary activity (rather than controlled activity) and that consent applications be Publicly Notified (whether the activity is deemed Discretionary or Controlled) OR If Rule 26 retains its controlled activity status, seek that the setback distance of 1,000m from sensitive marine benthic habitat (Schedule 4B), reef system or boundary of Outstanding Value coastal management areas be increased to at least 6,000 m.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that the seabed drilling in the Open Coast and Port is a permitted activity under the current Plan but is proposed to be a controlled activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. The drilling associated with seabed exploration should not result in more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is therefore considered inappropriate to make this activity a discretionary activity yet alone a prohibited activity. The submitter states that if the controlled activity status is retained, then they seek extended set back distances (from 1,000 m to 6,000 m) to be made from sensitive marine benthic habitat, reef systems or the boundary of Outstanding Value coastal management areas. No information has been provided to demonstrate why the proposed buffer distances are more appropriate
Further submissions – Port Taranaki Ltd (32), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			compared to those adopted in the Rule and which were based on Cawthron recommendations set out in their advice entitled <i>Petroleum Drilling Activities: Buffer Distances From Outstanding Areas and Substrate Types Requiring Protection</i> .
Rules 26 to 30 – Exploration or appraisal well drilling			
51 - Taranaki Energy Watch	880	Amend Submitter supports the bundling of consents in Rules 26 to 30 of the Plan and that activities that include an onshore and offshore component should be bundled together, however, opposes the use of bundling to make all petroleum activities a controlled activity in the coastal marine area.	Decline The Hearing Panel note the submitter's support in relation to bundling the onshore and offshore components of drilling. In relation to the submitter's opposition to bundling all petroleum activities as a controlled activity in the coastal marine area, the Hearing Panel notes that the rules differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities. Accordingly not "all" petroleum related activities have been bundled in this Rule. Separate rules apply recognising the different phases of hydrocarbon exploration and production activities and associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. In relation to drilling activities, the 'bundled' activities identified in the Activity Description are incidental activities that would typically occur in association with any drilling activity. Their effects are considered and addressed as part of the standards, terms and conditions set out in the Rule.
Further submissions – Port Taranaki Ltd (32), Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
51 - Taranaki Energy Watch	881	Amend Submitter seeks amendment to Rules 26-30 of the Plan by: <ul style="list-style-type: none"> • incorporating a precautionary approach in the rules • having regard to the <i>Marine Oil Spill Contingency Plan (MOSCP, 2012)</i>, in particular <i>Appendix 4. Sensitive Site Coastal Info</i> when considering the rules notification and activity status • applying an assessment criteria to discretionary oil and gas activities within the coastal marine area that includes consideration of low probability but significant adverse effects events and buffer zones as appropriate planning tools 	Decline The Hearing Panel suggests that Rules 26 to 30 of the Plan do incorporate a precautionary approach, whereby for drilling in the Open Coast or Port (for which the activity and adverse effects are relatively low, subject to compliance with standards, terms and conditions) conditions have been applied that includes buffer distances based on Cawthron advice requiring the activity to be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and 2,000 m from any other drilling site.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> add a requirement to publically notify under these rules. 	<p>Rules 27 to 30 relate to drilling activities not being able to comply with Rule 26 and/or later production activities (which involve an increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation). These Rules require any drilling or later production activities to be considered as a discretionary activity or a non-complying activity depending upon coastal management area affected.</p> <p>Through the consenting process, relevant environmental effects will be appropriately considered and Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49, including Policy 3 relating to the adoption of a precautionary approach.</p> <p>The development of the rules regime and proposed standards, terms and conditions were informed by the report <i>Offshore Petroleum Drilling Review</i> (August 2015). It included consideration of the <i>Marine Oil Spill Contingency Plan (2012)</i> when considering the rules notification and activity status. However, through the consenting process this and other relevant strategies, plans and reports will be further considered. Throughout this Plan review process the consideration of low probability but significant adverse effects events have been considered and work commissioned to investigate buffer zones as appropriate planning tools.</p> <p>In relation to public notification, the Hearing Panel notes that such operational matters are not a content requirement of a Plan and are addressed separately in accordance with the Council's consenting standard operating procedures which have been determined from requirements under section 95A to 95G of the RMA.</p> <p>At the hearing, the submitter presented further on the on Rules 26 to 30 requesting that all exploration activities be required to provide an assessment of effects for the activity of production also. The Hearing Panel recommends declining this relief noting that it is unreasonable and inefficient to assess the effects of exploration and production during the exploration phase. First, there is no certainty that production will occur. Second, consenting an activity that might not occur until sometime in the future, may have a perverse outcome in that new information on environmental effects might arise in the interim but the activity has already been authorised.</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose/Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
55 – Kiwis Against Seabed Mining	882	Amend Submitter seeks amendment to the Plan so that Rules 26 to 30 are, at minimum, a discretionary activity classification and that areas with higher natural and cultural values are either non-complying activities or prohibited activity.	No relief necessary/Decline The submitter seeks that all drilling and production activities in the coastal marine area be a discretionary activity, at the very least, and non-complying or prohibited activity within areas with higher natural and cultural values. The Hearing Panel notes that the Rules 27 to 30 already give effect to the relief sought by the submitter (but not in relation to Rule 26). For Rules 27 to 30, the Hearing Panel suggests no relief is necessary as drilling and production activities in the coastal marine area are already a discretionary or non-complying activity depending upon what coastal management area the activity occurs in. As part of that framework, Outstanding Value. Estuaries Unmodified and Estuaries Modified coastal management areas have a higher level of regulatory protection under the Plan. However, drilling activities in the Open Coast or Port coastal management areas, are currently proposed to be a controlled activity (noting it is a permitted activity under the current Plan). This is considered appropriate as drilling associated with seabed exploration should have less than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. The Hearing Panel does not believe it appropriate to require this activity to be a discretionary activity.
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
56 – Greenpeace	883	Amend Submitter seeks amendment to the Plan so that Rules 26 to 30 are, at minimum, a discretionary activity classification.	Decline The submitter seeks that all drilling and production activities in the coastal marine area be a discretionary activity at the very least and non-complying or prohibited activity within areas with higher natural and cultural values. The Hearing Panel notes that the Rules 27 to 30 already give effect to the relief sought by the submitter (but not in relation to Rule 26). For Rules 27 and 30, the Hearing Panel suggests no relief is necessary as drilling and production activities in the coastal marine area are already a
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41)		Support	
Further submissions – Petroleum Exploration and Production		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Association of New Zealand (37), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd 46)			<p>discretionary or non-complying activity depending upon what coastal management area the activity occurs in.</p> <p>However, drilling activities in the Open Coast or Port coastal management areas, are currently proposed to be a controlled activity (it is a permitted activity under the current Plan). This is considered appropriate as drilling associated with seabed exploration should have less than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is important to differentiate between hydrocarbon exploration activities and later production activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. The Hearing Panel does not believe it appropriate to require this activity to be a discretionary activity.</p>
Rule 27 – Exploration or appraisal of well drilling in the Open Coast or Port			
25 – New Zealand Petroleum and Minerals	884	Support Retain Rule 27 of the Plan as notified OR Amend to restricted discretionary and include similar matters of discretion to the matters of control in Rule 26.	Accept Support for retaining Rule 27 noted.
Further submissions – Trans-Tasman Resources (6)		Support	
42 – Ngati Rahiri Hapū	885	Other Submitter question why the standards, terms and conditions and the control and notification columns are left blank for this discretionary activity rule.	No relief necessary The submitter question why there are no standards, terms and conditions for rules in the Plan relating to discretionary activities. The Hearing Panel notes that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	886	Amend	Decline The Hearing Panel recommends declining the relief sought noting that “temporary” requires some context and temporary occupation will depend upon a broad consideration of all relevant policies and would be best determined on a case-by-case basis through the consenting process.
		Submitter suggests that the application of Rule 26 is uncertain as to what duration of occupation is considered temporary under Activity (b). Submitter seeks amendment to the Plan to include a policy or definition of temporary occupation.	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Neutral	
Further submissions – Taranaki Energy Watch (51)		Support	
43 – Royal Forest and Bird Protection Society	887	Amend	Accept in part The submitter suggests that exploration and appraisal well drilling activities generates noise, vibration and disturbance that has adverse effects on marine mammals. They note that noise, vibration and disturbance can be as or more significant than for production wells and are unclear as to how the Council will ensure that activities will not have adverse effects that extend into Outstanding Value, Estuaries Unmodified and Estuaries Modified management areas. The Hearing Panel recommends amendments to relevant policies in the Plan that address, in part, some of the matters sought by the submitter.
		Submitter seeks other reliefs to the Plan that give effect to policies 11, 13, and 15 of the <i>New Zealand Coastal Policy Statement</i> and so that they provide direction for considering consent applications under this rule.	
58 – Te Atiawa	888	Amend	Decline The submitter has sought the inclusion of standards, terms and conditions for a discretionary activity rule. The Hearing Panel notes that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.
		Submitter seeks amendment to Rule 27 of the Plan to include two new standards, terms and conditions to read: <i><u>(a) drilling is not undertaken in the airspace above and in the ground below to the earth's core within any site identified in Schedule 5 [Historic heritage]; and</u></i> <i><u>(b) drilling is undertaken at least 6,000m from the line of mean high water springs.</u></i>	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	889	Amend	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.
		Submitter seeks amendment to Rule 27 of the Plan to include standards, terms and conditions to read:	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(a) exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) exploration or appraisal well drilling is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel note that all the matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements from the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 28 – Exploration or appraisal of well drilling in coastal management areas: Outstanding Value, Estuaries Unmodified and Estuaries Modified			
25 – New Zealand Petroleum and Minerals	890	Support	Accept
		Retain Rule 28 of the Plan as notified.	Support noted.
Further submissions – Trans-Tasman Resources (6)		Support	
40 – Te Rūnanga o Ngāti Mutunga	891	Support	Accept
		Retain Rule 28 of the Plan as notified.	Support noted.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	892	Amend	Decline
		Submitter seeks amendment to Rule 28 of the Plan to make exploration or appraisal of well drilling in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas a prohibited activity (rather than a non-complying activity).	The Hearing Panel does not believe it is appropriate to preclude any consideration of any exploration activities being considered in these areas regardless of any environmental effect considerations. The Hearing Panel notes that a non-complying activity already has a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note, the policies themselves are also very prescriptive.
Further submissions – Department of Conservation (29)		Support	
51 – Taranaki Energy Watch	893	Amend	Decline
		Submitter seeks amendment to the Rule 28 of the Plan to make exploration or appraisal of well drilling in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas a prohibited activity (rather than a non-complying activity).	The Hearing Panel does not believe it is appropriate to preclude any consideration of any exploration or appraisal of well drilling in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas. The Hearing Panel notes that non-complying activity already provides a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note the policies themselves are also very prescriptive.
58 – Te Atiawa	894	Support	Accept
		Retain Rule 28 of the Plan as notified.	Support noted.
61 – Te Rūnanga o Ngāti Ruanui Trust	895	Amend	Decline
		Submitter seeks amendment to Rule 28 of the Plan to include standards, terms and conditions to read: <u>(a) exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> <u>(b) exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) exploration or appraisal well drilling is consistent with iwi management plan.</u> AND	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		Include the following notification note: <u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 being given effect to.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	In relation to notification requirements proposed by the submitter, the Hearing Panel also notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. Hearing Panel note that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements from the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 29 – Petroleum production installation erection or placement in coastal management areas: Port and Open Coast			
25 – New Zealand Petroleum and Minerals	896	Support	Accept
		Retain Rule 29 of the Plan as notified.	Support noted.
Further submissions – Port Taranaki Ltd (32)		Support	
40 – Te Rūnanga o Ngāti Mutunga	897	Amend	Decline
		Submitter seeks amendment to Rule 29 of the Plan to include the addition of the conditions listed for Rule 26 with the alteration from 2,000m to 6,000m as outlined for that rule.	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to a discretionary activity. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions.
Further submissions – Department of Conservation (29)		Support	The Hearing Panel notes that the rules differentiate between hydrocarbon exploration activities and later production activities. Due to the increased scale of effects associated with the construction and operation of an offshore petroleum production installation it may be that a buffer distance of 6,000 m

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			from the line of the mean high water springs is appropriate. However, the Hearing Panel still believes it is appropriate that locational and other considerations be addressed on a case-by-case basis (noting that Council may decide not to grant a consent if not satisfied that adverse effects can be appropriately avoided, remedied or mitigated) as part of a consenting process.
42 – Ngati Rahiri Hapū	898	Other	No relief necessary
		Submitter question why the standards, terms and conditions and the control and notification columns are left blank for this discretionary activity rule.	The Hearing Panel notes that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.
43 – Royal Forest and Bird Protection Society	899	Other	No relief necessary
		<p>The submitter notes that the installation and placement for petroleum production and drilling activities generate noise, vibration and disturbance which has an adverse effect on marine species and habitats. The submitter is unclear how the Council will ensure that activities will not have adverse effects that extend into Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas.</p> <p>Submitter seeks amendment to the Plan, as sought, to give effect to policies 11, 13, and 15 of the <i>New Zealand Coastal Policy Statement</i> and so they provide direction for considering consent applications under this rule.</p>	<p>The Hearing Panel notes that amendments have been made to relevant policies in the Plan that address in part some of the matters sought by the submitter in relation to giving effect to Policies 11, 13, and 15 of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel notes that all matters identified in Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 would be considered and given effect to as part of any resource consent application. The Hearing Panel believes that these policies would provide the necessary direction and guidance to inform Council decision-making (noting that Council may decide not to grant a consent if it is not satisfied that adverse effects can be appropriately avoided, remedied or mitigated).</p>
58 – Te Atiawa	900	Amend	Decline
		<p>Submitter seeks amendment to Rule 29 to include two new conditions to read:</p> <p><u>(a) drilling is not undertaken in the airspace above and in the ground below to the earth's core within any site identified in Schedule 5 [Historic heritage]; and;</u></p> <p><u>(b) drilling is undertaken at least 6,000m from the line of mean high water springs.</u></p>	<p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to a discretionary activity.</p> <p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions.</p> <p>The Hearing Panel notes that the rules differentiate between hydrocarbon exploration activities and later production activities. Due to the increased scale of effects associated with the construction and operation of an offshore petroleum production installation it maybe that a buffer distance of 6,000 m</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			from the line of the mean high water springs is appropriate. However, the Hearing Panel still believes it is appropriate that locational and other considerations be addressed on a case-by-case basis (noting that Council may decide not to grant a consent if not satisfied that adverse effects can be appropriately avoided, remedied or mitigated) as part of a consenting process.
61 – Te Rūnanga o Ngāti Ruanui Trust	901	<p>Amend</p> <p>Submitter seeks amendment to Rule 29 to include standards, terms and conditions to read:</p> <p><u>(a) placement of a structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) placement of a structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) placement of a structure and discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to Discretionary Activities.</p> <p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rules 29 and 30 – Petroleum production installation erection or placement			
21 – Climate Justice Taranaki	902	Amend	No relief necessary The Hearing Panel believes the issues raised by the submitter are already addressed in Rules 29 and 30. Pursuant to Rules 29 and 30 any new production well would require a resource consent as a discretionary activity or a non-complying activity, depending upon which coastal management area the activity will occur in. Through those rules a resource consent must be obtained, which would involve the consideration of appropriate buffer distances. The Hearing Panel notes that the rules differentiate between hydrocarbon exploration activities and later production activities. Due to the increased scale of effects associated with the construction and operation of an offshore petroleum production installation it maybe that a buffer distance of 6,000 m from the line of the mean high water springs is appropriate. However, the Hearing Panel still believes it is appropriate that locational and other considerations be addressed on a case-by-case basis (noting that Council may decide not to grant a consent if not satisfied that adverse effects can be appropriately avoided, remedied or mitigated) as part of a consenting process.
		Submitter opposes the drilling of new production wells but would support provisions for the maintenance and occupation of space by existing wells and associated infrastructure. If any new production wells are to be drilled, then prudent buffer distances should apply. Submitter supports provisions for the maintenance and occupation of space by existing wells and associated infrastructure but seek that the setback distance from sensitive marine benthic habitat (Schedule 4B), reef system or boundary of coastal marine area Outstanding Value be at least 6,000 m.	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
Further submissions –Te Korowai o Ngāruahine (41)		Support	
Rule 30 – Petroleum production installation erection or placement in coastal management areas: Outstanding Value, Estuaries Unmodified and Estuaries Modified			
21 – Climate Justice Taranaki	903	Amend	Decline The Hearing Panel does not believe it is appropriate to preclude any consideration of an activity being considered regardless of the effects. The Hearing Panel notes that non-complying activity is already a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note the policies themselves are very prescriptive.
		Amend Rule 30 of the Plan to be a prohibited activity (rather than non-complying).	
Further submissions – Department of Conservation (29)		Support	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	
25 – New Zealand Petroleum and Minerals	904	Support	Accept Support noted.
		Retain Rule 30 of the Plan as notified.	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Support	
40 – Te Rūnanga o Ngāti Mutunga	905	Support	Accept
		Retain Rule 30 of the Plan as notified.	Support noted.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support	
42 – Ngāti Rahiri Hapū	906	Other	No relief necessary
		Submitter question why the standards, terms and conditions and the control and notification columns are left blank for this non-complying activity rule.	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to a non-complying activity. The Hearing Panel notes that it is not standard planning practice for non-complying rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.
43 – Royal Forest and Bird Protection Society	907	Amend	Decline
		Submitter seeks amendment to Rule 30 of the Plan to make erection or placement of petroleum production installations in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas a prohibited activity (rather than a non-complying activity).	The Hearing Panel does not believe it is appropriate to preclude any consideration of the placement of petroleum production installations in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas being considered regardless of the effects.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	The Hearing Panel notes that non-complying activity is already a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note, the policies themselves are very prescriptive.
51 – Taranaki Energy Watch	908	Amend	Decline
		Submitter seeks amendment to Rule 30 of the Plan to make erection or placement of petroleum production installations in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas a prohibited activity (rather than a non-complying activity).	The Hearing Panel does not believe it is appropriate to preclude any consideration of an activity being considered regardless of the effects. The Hearing Panel notes that non-complying activity is already a very high level of regulatory protection whereby a resource consent cannot be granted

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Oppose	unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note the policies themselves are very prescriptive.
58 – Te Atiawa	909	Support	Accept
		Retain Rule 30 of the Plan as notified.	Support noted. Rule 30 is retained subject to minor inconsequential amendments to better differentiate between placement, maintenance, alteration and extension activities.
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	910	Amend	Decline
		Submitter seeks amendment to the standards, terms and conditions of Rule 30 of the Plan to read: <u>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment</u> <u>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) placement of structure and discharge is consistent with iwi management plan</u> AND include as a control/notification: <u>Resource consent applications under this rule will be notified to tangata whenua.</u>	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to a non-complying activity. The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for non-complying rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49 being given effect to. In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting references to consenting notification
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 31– Temporary military training			
29 – Department of Conservation	911	Amend Submitter seeks amendment to Rule 31 to exclude its application to coastal management areas Estuaries Unmodified.	Decline The Hearing Panel recommends declining the relief sought. The Hearing Panel considers the relief sought to be unnecessary and excessive. The Hearing Panel notes that granting the relief sought would exclude the New Zealand Defence Force from carrying out temporary military training exercises in and around a number of Taranaki coastal settlements (such as New Plymouth, Waitara, Urenui and Patea) as a permitted activity. This is despite the activity being a permitted activity in the current Plan and for which there have been no issues to date.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose in part	
33 – New Zealand Defence Force	912	Amend Rule 31 is supported by the New Zealand Defence Force but, seek amendments to the conditions of the rule in the following areas: <ul style="list-style-type: none"> (a) is amended to allow temporary military training to occur for a duration of up to 31 day (d) is removed in its entirety [...] written notice is given to the adjacent territorial authority at least five working days prior to the activity commencing; [...] (g) is affected by an amendment to General Standard 8.6.3 [noise] (h) and (j) are retained as notified. 	Accept in part The Hearing Panel recommends granting most of the reliefs sought by the submitter. Specific comments on each of their submission points are as follows: <ul style="list-style-type: none"> Accept in part: The submitter noted that most temporary military training can be completed in a 31 day period and sought that this be provided for noting that they have sought a similar duration in other plans around the country. The Hearing Panel recommends increasing the duration period from 21 days (in the notified Plan) to 30 days noting that this is in alignment with that in other plans around the country and in the interests of inter-regional consistency.
Further submissions – Climate Justice Taranaki Inc (21)		Oppose	<ul style="list-style-type: none"> Accept: The Hearing Panel recommends deleting a Condition (d) and the requirement to notify another jurisdictional authority. Refer to submission point 1157 in relation to the Hearing Panel response on amendments sought to General Standard 8.6.3 [noise]. Accept: The Hearing Panel notes the submitter's support for retaining Conditions (h) and (j).

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	913	Amend Submitter seeks amendment to Condition (j) of Rule 31 of the Plan to read: <i>(b) activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B Historic heritage; [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – New Zealand Defence Force (33)		Support	
42 – Ngati Rahiri Hapū	914	Amend Submitter seeks amendment to Rule 31 of the Plan to make temporary military training a controlled activity (rather than a permitted activity) AND that there be iwi/hapū consultation in all cases.	Decline The Hearing Panel recommends declining the relief sought. The Hearing Panel considers the relief sought to be unnecessary and excessive. The Panel notes temporary military training exercises are already a permitted activity in the current Plan for which there have been no issues identified to date.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	Notwithstanding the above, the Hearing Panel notes that temporary training activities not able to comply with the standards, terms and conditions of Rule 31 are a controlled activity under Rule 32 or a discretionary or non-complying activity under Rules 33 and 34, depending on the coastal management area involved. The Hearing Panel further notes Guidance note (1) of that rule that states that iwi authorities that have requested to be informed of this activity will be advised by Council.
Further submissions – New Zealand Defence Force (33)		Oppose	
43 – Royal Forest and Bird Protection Society	915	Amend Submitter seeks amendment to Rule 31 of the Plan by deleting the Estuaries Unmodified and Estuaries Modified coastal management areas from the rule.	Decline The Hearing Panel does not recommend granting the relief sought by the submitter noting that temporary military training exercises are already a permitted activity for these areas in the current Plan for which there have been no issues identified to date.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	The Hearing Panel agrees with the submitter in terms of the importance of estuaries to indigenous species but believes the issue has been adequately addressed in the Plan. Conditions (c) and (k) are particularly relevant.
Further submissions – New Zealand Defence Force (33)		Oppose	Condition (k) means the activity is subject to the activity being of a scale/type/time/location that it 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 4 [Significant indigenous biodiversity].

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>Many training activities are of a type or carried out at a time that impacts on indigenous biodiversity should not be an issue. However, through Condition (c), which requires that the Council be notified at least five working days prior to the activity being undertaken, the Council will have the opportunity to consider the proposed activity and confirm that that is the case (noting that Council's GIS and other information systems are a significant repository of biodiversity information).</p> <p>If, in the Council's view the activity is of a type or being carried out at a time that there are likely to be adverse impacts on indigenous biodiversity, a resource consent would be required under Rules 32, 33 or 34.</p>
43 – Royal Forest and Bird Protection Society	916	Amend	No relief necessary
		Submitter seeks amendment to Rule 31 of the Plan by adding a standard, term and 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>The Hearing Panel does not believe the amendments sought by the submitter are necessary noting that temporary military training exercises can take a number of forms, only some of which might involve noise and explosions. The effect of those activities are likely to differ depending upon where and when it is carried out. To preclude certain type of activities regardless of the likely adverse effect is not considered appropriate and would be unnecessarily restrictive.</p> <p>The Hearing Panel notes that temporary military training exercises are already a permitted activity for these areas in the current Plan for which there have been no issues identified to date. Notwithstanding that, the Hearing Panel notes that the Rule includes a number of new conditions. Conditions (c) and (k) are particularly relevant.</p> <p>Condition (k) means the activity is subject to the activity being of a scale/type/time/location that it 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 4 [Significant indigenous biodiversity].</p> <p>Many training activities are of a type or carried out at a time that impacts on indigenous biodiversity should not be an issue. However, through Condition (c), which requires that the Council be notified at least five working days prior to the activity being undertaken, Council will have the opportunity to consider the proposed activity and confirm that that is the case (noting that Council's GIS and other information systems are a significant repository of biodiversity information).</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			If, in the Council's view, the activity is of a type or being carried out at a time that there are likely to be adverse impacts on indigenous biodiversity, a resource consent would be required under Rules 32, 33 or 34.
43 – Royal Forest and Bird Protection Society	917	Amend Submitter seeks amendment to Rule 31 by adding new standard, term and condition that the activities must not have lighting at night.	Decline The Hearing Panel recommends declining the relief sought noting that Rule 31 needs to be read in conjunction with the General Standards set out in Section 8.6 of the Plan which addresses lighting matters.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
57 – Heritage New Zealand	918	Amend Submitter seeks amendment to the conditions of Rule 31(j) to read: <i>(j) activity does not have an adverse effect on the value associated with historic heritage identified in Schedule 5 [Historic Heritage]; and <u>structures and activities are not to be placed at any site identified in Schedule 5; and [...]</u></i>	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes the broad RMA definition of historic heritage, which includes sites and places of significance to Maori. Through this Plan review process most estuaries and reefs have been identified by iwi as significant historic heritage. Accordingly, the relief sought would unnecessarily preclude temporary military training exercises over large parts of the Taranaki coastline regardless of whether the activity is of a type/scale/time/location that it would have an impact on those values. The Hearing Panel notes that temporary military training exercises are already a permitted activity for these areas in the current Plan for which there have been no issues identified to date. Notwithstanding that, the Hearing Panel notes that the Rule includes a number of new conditions. Conditions (c) and (j) are particularly relevant. Condition (j) means the activity is subject to the activity being of a scale/type/time/location that it does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B (41) [Historic heritage]. Many training activities are of a type or carried out at a time that impacts on historic heritage values, e.g. mahinga kai, should not be an issue. However, through Condition (c), which requires that the Council be notified at least five working days prior to the activity being undertaken, Council will have the opportunity to consider the proposed activity and confirm that that is the case.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			If, in the Council's view, the activity is of a type or being carried out at a time that there are likely to be adverse impacts on historic heritage, a resource consent would be required under Rules 32, 33 or 34.
61 – Te Rūnanga o Ngāti Ruanui Trust	919	<p>Amend</p> <p>Submitter seeks amendment to Rule 31 of the Plan to include new or amended standards, terms and conditions to read:</p> <p>[...]</p> <p><i>(j) activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage]</u>;</i></p> <p><i><u>(k) activity and discharge does not have adverse effect on Schedules 1 and 2:</u></i></p> <p><i><u>(l) activity and discharge does not adversely affect the suitability of the receiving water for customary use;</u></i></p> <p><i><u>(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:</u></i></p> <p><i><u>(n) 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].</u></i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 31 provides for the temporary military training in the coastal marine area, subject to the appropriate management of adverse effects. Through the standards, terms and conditions of the Rule, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. Of note, temporary military training exercises are already a permitted activity for these areas in the current Plan for which there have been no issues identified to date.</p> <p>The submitter seeks to introduce a number of new and amended standards, terms and conditions to the Rule. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (j). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Relief sought in relation to Condition (k) is unnecessary and uncertain for Plan users. The Rule is only allowing incidental discharges of sediment that might arise from the training exercises. Other discharges are addressed by other rules. The Hearing Panel further notes that the effect of granting this relief would be to make this rule redundant as it requires no adverse effects (including less than minor) across the whole coastal marine area, noting that Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Relief sought in relation to Condition (l) is unnecessary. Such matters are largely already addressed in Condition (j) of the Plan, which protects customary sites of significance. However, it is noted
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose in part	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>that any impacts on receiving water quality will be temporary and unlikely to be noticeable in natural prevailing conditions.</p> <ul style="list-style-type: none">Relief sought in relation to Condition (m) is unnecessary. The submitter proposes to include a new standard (m), however, the reference to sites of significance to Māori located in Schedule 5B has already been included within Condition (j) of the Rule. It is not necessary to repeat this Condition using different wording.Grant the relief in kind in relation to Condition (n). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Rules 31 and 32 – Temporary military training			
21 – Climate Justice Taranaki	920	Amend	Decline
		Submitter opposes Rules 31 and 32 providing for temporary military training.	No precise details of amendments sought to the Plan have been provided. However, the Hearing Panel note that temporary military training exercises are already a permitted activity for these areas in the current Plan for which there have been no issues identified to date.
Further submissions – New Zealand Defence Force (33)		Oppose	
Rule 32 – Temporary military training			
15 – Surfbreak Protection Society	921	Other	No relief necessary
		Submitter seeks that there be no impacts to surf breaks and that key surfing groups and representative groups be part of any limited notification for discharge or disturbance consent applications with the potential to impact on surf breaks or coastal water.	The submitter's comments are noted and have been previously addressed in submission points 448 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule. The Hearing Panel notes that matters relating to affected and interested party status and limited notification are addressed separately in accordance with the Council's consenting standard operating procedures.
Further submissions – New Zealand Defence Force (33)		Support in part	
29 – Department of Conservation	922	Amend	Accept in part
		Submitter seeks amendment to Rule 32 of the Plan by: <ul style="list-style-type: none">excluding its application to coastal management areas of “Estuaries Unmodified”	The Hearing Panel notes that Rule 32 seeks to provide for the temporary military training in the coastal marine area as a controlled activity, subject to the appropriate management of adverse effects. Through the standards,

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> including a condition after (c) that reads occupation is for a period of no more than three consecutive weeks amending the advice note to: [...] refer to Rule 32 33 and 33 34 [...] 	<p>terms and conditions of the Rule, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately managed.</p> <p>The submitter seeks a number of amendments to the Rule. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in terms of excluding Estuaries Unmodified. As previously noted, the Hearing Panel considers the relief sought to be unnecessary and excessive. The Hearing Panel notes that granting the relief sought would exclude the New Zealand Defence Force from carrying out temporary military training exercises in and around a number of Taranaki coastal settlements (such as New Plymouth, Waitara, Oakura, Urenui and Patea) as a permitted activity. Decline the relief sought. The Hearing Panel notes that the New Zealand Defence Force has sought changes to the permitted activity rule that would allow temporary activities to occur over 31 days. The Hearing Panel further notes that the Rule's matters of control include consideration of the duration of the consent and do not believe it necessary to confine this rule to a specific duration. Such matters can be appropriately considered on a case-by-case basis as part of the consenting process. Grant the relief sought in relation to the Advice Note. The submitter has highlighted a typographical error in the Advice Note that needs to be corrected.
Further submissions – Climate Justice Taranaki Inc (21), New Zealand Defence Force (33)		Support in part	
33 - New Zealand Defence Force	923	<p>Support</p> <p>Retain Rule 32 of the Plan as notified.</p>	<p>Accept</p> <p>At the hearing of submissions, the submitter noted that Rule 32 has been amended to include temporary exclusive occupation and the placement of structures as an inconsequential amendment. Although the submitter supports the inclusion, they suggested reframing the rule's 'gateway' for consistency with similar rules elsewhere in the Plan. The Hearing Panel agrees and recommend that Rule 32 be aligned with similar provisions in the Plan.</p> <p>For consistency, the Hearing Panel also recommend similar amendments to Rule 31.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	924	Amend Submitter seeks amendment to Condition (b) of Rule 32 to read: <i>(b) activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B Historic heritage; [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – New Zealand Defence Force (33)		Support	
43 – Royal Forest and Bird Protection Society	925	Amend Submitter seeks amendment to Rule 32 of the Plan to make temporary military training under this rule a restricted discretionary activity (rather than a controlled activity).	Decline The Hearing Panel considers the relief sought to be unnecessary and excessive. The Hearing Panel notes that granting the relief sought would impose unnecessary constraints and costs on the New Zealand Defence Force from carrying out temporary military training exercises. This is despite there being an equivalent controlled activity rule in the current Plan and for which there have been no issues to date.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	926	Amend Submitter seeks amendment to Rule 32 of the Plan to include new or amended standards, terms and conditions to read: <i>(b) activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></i> <i><u>(c) the discharge does not have adverse effect on Schedules 1 and 2;</u></i> <i><u>(d) 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></i> <i><u>(e) 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></i> <i><u>(f) the discharge does not adversely affect the suitability of the receiving area for customary use</u></i>	Accept in part The submitter seeks to introduce a number of new and amended standards, terms and conditions to the Rule. Specific comments on the new and amended proposed conditions are as follows: <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (b). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Relief sought in relation to Condition (c) is unnecessary and uncertain for Plan users. The Rule is only allowing incidental discharges of sediment that might arise from the training exercises. Other discharges are addressed by other rules. The Hearing Panel further notes that the effect of granting this relief would be to make this rule redundant as it requires no adverse effects (including less than minor) across the whole coastal marine area, noting that Schedules 1 and 2 capture the whole coastal marine area plus

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(g) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(h) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(i) discharge is consistent with iwi management plan.</u></p>	<p>landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape.</p> <ul style="list-style-type: none"> Reliefs sought in relation to Condition (d) and (f) are unnecessary. Such matters are largely already addressed in Condition (b) of the Rule, which protects customary sites of significance. However, it is noted that any impacts on receiving water quality will be temporary and unlikely to be noticeable in natural prevailing conditions. Grant the relief in kind in relation to Condition (e). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species Decline the relief sought in relation to Condition (g), (h) and (i) as being uncertain in terms of their application and given the details as to managing effects on water quality and monitoring are already identified in the rule as matters of control.
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	
Further submissions – New Zealand Defence Force (33)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	927	<p>Amend</p> <p>Submitter seeks amendment to the Control/notification column for Rule 32 of the Plan to read:</p> <p><i>Control is reserved over:</i></p> <p>[...]</p> <p><i>(e) effects on water quality <u>and mauri values;</u></i></p> <p>[...]</p> <p><i><u>(m) effects on Cultural Zone (referred to in Spatial Plan);</u></i></p> <p><i>(n) monitoring <u>(including tangata whenua indicators referred to in the tangata whenua monitoring plan)</u> and information requirements;</i></p> <p><i>(o) duration of consent; and</i></p> <p><i>(p) review of consent conditions.</i></p> <p><i>Resource consent applications under this Rule will not be publicly notified but may be limited notified <u>be notified to tangata whenua.</u></i></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought.</p> <p>The suggested changes seem to be mixing jurisdictional, policy and operational matters and introducing a level of specificity that is not considered appropriate or necessary. Most of the changes sought are a subset of matters that have already been provided for while the submitter has also introduced some new concepts such as a cultural zone and a spatial plan that do not fit within the Proposed Plan framework. There is also a 'requirement' to be consistent with iwi management plans, while the submitter is silent on how other planning documents might fit within this framework.</p> <p>The Hearing Panel notes that this activity is already subject to the General Policies 1 to 21 of which Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] are particularly relevant. The Hearing Panel further notes that there will be an opportunity to develop an agreed framework and operational detail for implementing the Plan as part of any Mana Whakahono a Rohe agreement with the submitter.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which</p>
Further submissions – Climate Justice Taranaki Inc (21)		Support in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – New Zealand Defence Force (33)		Oppose	in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to “ <i>matters of control/discretion</i> ” and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
NEW Rule 32A – Temporary military training			
29 – Department of Conservation	928	Amend Submitter seeks amendment to the Plan to include a new discretionary activity rule that deals with temporary military training activities that do not come within or comply with Rule 31 or Rule 32.	Grant in kind The Hearing Panel recommends amending the Activity Description of Rules 33 and 34 to include temporary military training activities and to also amend the associated activities to ensure that the gateway fully captures the associated activities relating to temporary military training activities.
Further submissions – New Zealand Defence Force (33)		Support	
Rule 33 – Other structure erection or placement			
6 – Trans-Tasman Resources Ltd	929	Support Retain Rule 33 of the Plan as notified.	Accept Support noted.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ Ltd	930	Amend Submitter supports Rule 33 but seek amendment to delete reference to <i>National Environmental Standards for Electricity Transmission Activities</i> : [...]or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
32 – Port Taranaki	931	Amend Submitter seeks amendment to Rule 33 of the Plan to provide for hard protection structures within the Port coastal management area not provided for in rules 18-32 to be a controlled activity.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that this Rule is an existing rule in the current Plan that provides a consenting pathway to authorise activities not otherwise provided for in the preceding rules. Given it is too difficult to envisage or foresee every form or type of activity that might take place in the coastal marine area, a catch-all rule is considered appropriate. The Hearing Panel does not consider it appropriate in such circumstances to differentiate between the Port and other activities given that, in accordance with the <i>New Zealand Coastal Policy Statement</i> and the policies of this Plan (particularly Policy 34), there is an expectation that hard protection structures will be discouraged and the use of alternatives promoted. This expectation is unlikely to be realised as a controlled activity.
32 – Port Taranaki	932	Amend Submitter seeks amendment to Rule 33 of the Plan to provide an exception for Port Taranaki Ltd 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.	No relief necessary The Hearing Panel does not believe any relief is necessary. The Hearing Panel is unclear what flood protection structure exist within the Port Taranaki coastal management area noting that the rules are confined to the coastal marine area.
43 – Royal Forest and Bird Protection Society	933	Amend Submitter seeks amendment to Rule 33 of the Plan to exclude Estuaries Modified coastal management areas from the discretionary activity rule.	Decline The Hearing Panel recommends declining the relief sought by the submitter and that Rule 33 continues to apply to the Estuaries Modified coastal management areas.
Further submissions – Climate Justice Taranaki Inc (21)		Support	The Hearing Panel notes there are significant urban areas that would be affected by the relief sought by the submitter such as New Plymouth, Waitara, Oakura, Urenui and Patea. The proposed rules regime recognises that these estuaries have already been modified and already include structures within the coastal marine area that contribute to social, cultural, economic and environmental wellbeing of local communities. However, through the resource consents process the appropriateness of further use and development can be considered having regard to General Policies 1 to 21 and Activity Specific Policies 31, 32, 33, 34, 35, 39 and 49.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	934	Support	Accept
		Retain Rule 33 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	935	Support	Accept
		Retain Rule 33 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	936	Support	Accept
		Retain Rule 33 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
59 – KiwiRail	937	Support	Accept
		Retain Rule 33 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	938	Amend	Decline
		Submitter seeks amendment to Rule 33 of the Plan to include standards, terms and conditions to read: <u>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment</u> <u>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) placement of structure and discharge is consistent with iwi management plan.</u> AND Include the following notification note:	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to Discretionary Activities. The Hearing Panel declines the relief noting that it is not standard planning practice for discretionary activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39 and 49 being given effect to.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Further submissions – Trans-Tasman Resources Ltd (6), Transpower NZ Ltd (26)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 34 – Other structure erection or placement			
6 – Trans-Tasman Resources Ltd	939	Support	Accept
		Retain Rule 34 of the Plan as notified.	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	Support noted. Rule 34 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
26 – Transpower NZ Ltd	940	Amend	Accept
		Submitter supports Rule 34, but seeks amendment to delete reference to <i>National Environmental Standards for Electricity Transmission Activities</i> : [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	
30 – First Gas Ltd	941	Amend	Grant in kind
		Submitter seeks amendment to Rule 34 of the Plan to make network utility underground pipelines or pipelines attached to existing bridge or access structures in Outstanding Value coastal management area a controlled activity (rather than non-complying).	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	Outstanding Value coastal management areas as a restricted discretionary activity. This amendment is similar to other reliefs provided for network utility structures in Outstanding Value areas (Rules 37 and 37A).
Further submissions – Powerco (45)		Support in part	
30 – First Gas Ltd	942	Amend	Decline
		Submitter seeks amendment to the standards, terms and conditions for Rule 34 of the Plan, similar in kind to those of Rule 22.	The Hearing Panel recommends declining the relief sought by the submitter. Refer to submission point 941 above.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
43 – Royal Forest and Bird Protection Society	943	Amend	Decline
		Submitter seeks amendment to Rule 34 of the Plan to include Estuaries Modified coastal management areas in the non-complying activity rule.	The Hearing Panel recommends declining the relief sought. The Hearing Panel notes there are significant urban areas that would be affected by the relief sought by the submitter such as New Plymouth, Waitara, and Patea. The proposed rules regime recognises that these estuaries have already been modified and already include structures within the coastal marine area that contribute to social, cultural, economic and environmental wellbeing of local communities. However, through the resource consents process the appropriateness of further use and development can be considered having regard to General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39 and 49.
Further submissions – Climate Justice Taranaki Inc (21)		Support	
45 – Powerco	944	Support	Accept
		Retain Rule 34 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	945	Amend	Decline
		Submitter seeks amendment to Rule 34 of the Plan to include standards, terms and conditions to read:	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment</u></p> <p><u>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) placement of structure and discharge is consistent with iwi management plan</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for non-complying rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 31, 32, 33, 34, 35, 39 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Trans-Tasman Resources Ltd (6), Transpower NZ Ltd (26)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
NEW Rule 34A – Other structure erection or placement			
26 – Transpower NZ Ltd	946	<p>Amend</p> <p>Submitter seeks amendment to Plan to include a new discretionary activity rule that provides for Regionally Important Infrastructure (or specific to the National Grid) in coastal management areas: Outstanding Value; Estuaries Unmodified and reads as follows:</p> <p><u>Structure erection or placement associated with Regionally Significant Infrastructure (or the National Grid) and any associated works:</u></p> <p><u>(a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32.</u></p>	<p>Accept</p> <p>The Hearing Panel recommends accepting the relief sought by the submitter.</p> <p>The Hearing Panel notes the recommendation that the Plan include a new rule addressing the placement and erection of network utility structures (that do not come within or comply with Rule 22) as a restricted discretionary activity under Rule 22A. The Hearing Panel notes that this approach is consistent with other areas of the Plan where network utilities have been recognised and provided for.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Department of Conservation (29), Royal Forest and Bird Protection Society (43)		Oppose	The Hearin Panel considers that this is a more appropriate consenting pathway for network utilities, including the National Grid, than relying on other catch-all rules that would have potentially made the activity a non-complying activity in coastal management areas Estuaries Unmodified and Outstanding Value.
Further submissions – Powerco (45)		Support in part	
Rule 35 – Maintenance repair of existing lawfully established structures			
21 – Climate Justice Taranaki	947	Amend Submitter seeks amendment to Rule 35 [Existing lawfully established structure maintenance and repair] of the Plan to make the activity Discretionary (rather than a permitted activity).	Decline The Hearing Panel does not believe it appropriate to require this activity to be a discretionary activity. The Hearing Panel notes that Rule 35 is providing for the ongoing maintenance, repair or minor alterations to already existing lawfully established structures in the coastal marine area. Subject to compliance with the standards, terms and conditions of the Rule, any adverse effects should be less than minor. The erection and placement of new structures are addressed in separate rules. The Hearing Panel notes that granting the relief would have the perverse outcome of making the authorisation for the maintenance of a structure more restrictive than its original placement. Maintenance of structures is important for ensuring the structure continues to be in sound condition. Structures that are not adequately maintained may become unsafe, hazardous or create additional environmental concerns.
26 – Transpower NZ Ltd	948	Amend Submitter seeks amendment to Rule 35 of the Plan to delete reference to National Environmental Standards for Electricity Transmission Activities: [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
29 – Department of Conservation	949	<p>Amend</p> <p>Submitter seeks amendment to Rule 35 of the Plan to include new conditions addressing:</p> <ul style="list-style-type: none"> • how the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route) • the requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works • the prohibition of any refuelling or fuel storage occur within the coastal environment and that methods should be employed to avoid any fuel spillage. 	<p>Grant in kind</p> <p>At the hearing of submissions the submitter presented alternative wording suggestions requiring any disturbance to be restored to its previous state 48 hours after the activity has been completed. The Hearing Panel consider that this addition strengthens condition (e) by encouraging Plan users to minimise any disturbances and recommend amending the condition to read as follows:</p> <p><i>(e) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity <u>and is restored to its previous state 48 hours following the completion of the activity</u>; [...]</i></p> <p>The submitter also requested an additional amendment to avoid storing fuel in the coastal marine area and to minimise the extent of any contaminant entering the coastal marine area. The Hearing Panel notes that no adverse environmental effects occur from storing fuel in the coastal marine area and that adverse effects only occur when fuel is spilled. Condition (d) addresses unacceptable discharges which any spilled fuel would trigger. The relief sought is also problematic in that that fuel storage includes fuel stored inside vehicles, such as boats, and would preclude their use for maintenance and alteration activities. Further, it is noted that the activity description includes discharges of sediment only as an associated activity (the discharges of other contaminants are not provided for under this rule).</p>
Further submissions ⁴⁵ – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
32 – Port Taranaki	950	<p>Amend</p> <p>Submitter seeks amendment to Rule 35 of the Plan to include the Port coastal management area to this rule.</p>	<p>Grant in kind</p> <p>Of note, the Plan includes a suite of rules specific to Port structures (Rules 39, 40 and 41) which includes permitted activity Rule 39 [Port wharves or breakwaters and attached structures, maintenance, repair or alteration].</p> <p>In pre-hearing engagement, the submitter commented that it is not always evident which Rule applies to specific conditions and that a simpler cascade would assist Plan users and ensure that activities are managed consistently.</p> <p>The Hearing Panel notes that the standards, terms and conditions for Rule 39 are less directive than Rule 35. Rule 39 is also limited in its scope and only allows maintenance, repairs and alterations to the port wharves or breakwaters. Of note there are other structures in the Port coastal management area which may require maintenance and alteration. The Hearing Panel consider that this distinction between different Port structures in the notified Plan was not necessary and that maintenance, alteration and</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>extension of Port structures generally should be provided for as long as the appropriate standards, terms and conditions are met.</p> <p>The Hearing Panel recommends granting an alternative relief to that sought by the submitter. The Panel recommends including the Port within Rule 35 but also deleting Rule 39 to avoid unnecessary duplication between rules and confusion as to which rule applies to structures within the Port.</p> <p>The Hearing Panel recommends further consequential changes elsewhere in the Plan to simplify the Rules cascade for Port structures. These changes involve combining Rules 40 and 41 (and then deleting the now redundant Rule 41) to provide a similar drafting approach to Rule 35.</p>
32 – Port Taranaki	951	<p>Amend</p> <p>Submitter seeks amendment to Rule 35 of the Plan to clarify the rule to enable clear determination of minor alteration as a permitted activity. The submitter seeks that any consequential amendments required to the rules to give effect to this submission point are also recommended by Hearing Panel.</p>	<p>Accept</p> <p>The submitter has concerns whether this rule would allow Port Taranaki Ltd to replace displaced akmons on the breakwaters and other areas within the Port. In pre-hearing engagement the submitter explained that akmons are often moved about during storms and that periodic maintenance of the breakwaters and other areas of the Port is required to ensure that Port infrastructure is safeguarded. The submitter is concerned that Rule 35 as drafted would not allow this activity, despite the inclusion of the Port within the coastal management areas because of the potential for the replaced akmons to be slightly outside the original external dimensions of the structure.</p> <p>In response to the concerns of the submitter (and others) in pre-hearing engagement in relation to the application of the suite of maintenance, alteration and extension rules, the Hearing Panel recommends realigning the rules to more clearly identify the activities encompassed within each rule. Of note, the Hearing Panel has recommended changes to the definition of 'maintenance', 'alteration' and 'extension', as well as redrafting of the rules.</p> <p>The Hearing Panel considers the activity described by the submitter, and other similar activities, to be appropriate for a permitted activity, provided there are size thresholds to ensure that incremental creep does not occur over time through 'maintenance', 'repairs' and 'minor alterations'.</p> <p>The Hearing Panel further recommends amending Rule 35 to allow '<i>minor extensions</i>' that are incidental to a maintenance or alteration activity. This would address the example above, where it may be technically impossible to return the structure to its <u>exact</u> size/dimensions during maintenance. To prevent any perverse outcome or Plan users misusing the permitted activity</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>rule, the Hearing Panel recommends that Condition (a) include an extension limit of 10% of the original structure size.</p> <p>The amended Condition would read as follows:</p> <p><i><u>(a) Minor extensions are incidental to maintenance or alteration activities and the structure, including length, width and height, does not increase beyond 5% of the original size;</u></i></p>
41 – Te Korowai o Ngāruahine Trust	952	<p>Amend</p> <p>Submitter seeks amendment to Rule 35 of the Plan to require notification to iwi of any maintenance, repair or minor alteration work of lawfully established structures in the coastal marine area.</p>	<p>Grant in kind</p> <p>The Hearing Panel notes that standard, term and condition (h) requires those undertaking the activity to notify the Council at least 5 working days prior to the commencement of the activity. The Council has worked with iwi regarding permitted activities that require notification to establish a notification system that includes iwi authorities.</p> <p>The Hearing Panel recommends Rule 35 clarify this in an activity note to read as follows:</p> <p><i><u>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</u></i></p>
Further submissions – Transpower NZ Ltd (26)		Oppose	
43 – Royal Forest and Bird Protection Society	953	<p>Amend</p> <p>Submitter seeks amendment to the Activity Description of Rule 35 of the Plan to read:</p> <p><i>Structure maintenance, repair or minor alteration [...]</i></p>	<p>Accept</p> <p>The submitter is generally supportive of the provision allowing structures to be maintained so that they can be retained in good conditions and not cause adverse environmental effects, however, the submitter is confused by the exclusion of "repair" from the definition of maintenance which is commonly considered a component of maintenance. The submitter seeks amendments to the definitions of maintenance (submission point 1213) and minor alteration (submission point 1223) to address these concerns and that the Activity Description of Rule 35 be amended as requested.</p> <p>The Hearing Panel notes that a number of submitters have raised questions around the interpretation/application of the rules relating to maintenance, alterations, extensions. In response, the Panel recommends consequential amendments to better clarify what is meant by maintenance, alteration and extension and differentiate between related activities. The Panel recommends consequential amendments to relevant definitions and Rules 35 to 43.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel also recommends granting the relief sought by the submitter by amending relevant definitions so that the reader understands that repairs may be an aspect of maintenance activities or alteration activities.
45 – Powerco	954	<p>Amend</p> <p>Submitter seeks amendment to Rule 35(a) of the Plan to read:</p> <p>[...]</p> <p><i>(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission <u>or distribution</u> 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)</i></p> <p>OR</p> <p><i>(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission <u>or distribution</u> lines where these activities do not result in an increase in the design voltage <u>above 33kV</u> and the new or altered cables or lines are not lower in height above the foreshore or seabed)</i></p>	<p>Grant in kind</p> <p>The Hearing Panel recommends granting an alternative relief to that sought by the submitter that takes into account other amendments sought by other submitters to Condition (a).</p> <p>The recommended alternative amendment splits the existing condition into two separate conditions to improve readability and reads as follows:</p> <p><i>(aa) for existing communication cables, electricity transmission <u>or distribution</u> lines the activity <u>does not cause</u> an increase in the design voltage <u>above 33kV</u> and the new or altered cables or lines are not lowered in height above the foreshore or seabed; [...]</i></p> <p>The Hearing Panel notes that the submitter requested additional amendments to Condition (a) to allow more more than a 10% extension increase where a greater increase is required to meet the <i>Australian/New Zealand Standard for Overhead line design</i> (AS/NZS 7000:2016) or the <i>Electricity (Safety) Regulations 2010</i>. The Panel does not consider that this would be appropriate for a permitted activity rule noting that these standards could change over the life of the Plan and allow even more significant extensions in the future. The Panel recommends retaining amendments to Condition (a) as identified above.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	955	<p>Amend</p> <p>Submitter seeks amendment to Rule 35 of the Plan to:</p> <ul style="list-style-type: none"> delete reference in the Activity Description to “minor” include the Port coastal management area to this rule. 	<p>Accept in part</p> <p>The Hearing Panel recommends accepting in part the relief sought by the submitter.</p> <p>The Hearing Panel considers that the reference to “minor” is necessary as it reflects the recommended wording in Policy 36 [Maintenance, minor alteration or minor extension of existing structures]. There is a distinction between those alteration and extension activities that are minor (and can therefore comply with the standards, terms and conditions listed in Rule 35) and those which are considered more significant and will require a resource consent.</p> <p>The Hearing Panel notes that consequential amendments are also recommended to the Plan definitions including amending the existing</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>definition for “<i>maintenance</i>” and introducing new definitions for “<i>alteration</i>” and “<i>extension</i>”.</p> <p>The Hearing Panel recommends granting the relief sought by the submitter to include the Port within Rule 35, however, recommend deleting Rule 39 as a consequential amendment to ensure that there is no confusion around which rule applies to structures within the Port.</p> <p>Further to simplifying the Rules cascade for Port structures and ensuring consistency within the Plan with regards to the inclusion of the Port within Rule 35, the Hearing Panel recommend that Rule 41 is also deleted and that the provisions that are covered by Rule 41 are incorporated into Rule 40. This will provide a similar drafting approach to Rule 35 and ensures a simpler pathway for Port structures that do not comply with the standards, terms and conditions of Rule 35 as a permitted activity.</p>
47 – Fonterra	956	Support	Accept
		Retain Rule 35 of the Plan as notified.	Support noted. The Hearing Panel notes that amendments are recommended for Rule 35 which includes the inclusion of the Port coastal management area, and further clarification of the standards, terms and conditions.
59 – KiwiRail	957	Support	Accept
		Retain Rule 35 of the Plan as notified.	Support noted. The Hearing Panel notes that amendments are recommended for Rule 35 which includes the inclusion of the Port coastal management area, and further clarification of the standards, terms and conditions.
61 – Te Rūnanga o Ngāti Ruanui Trust	958	Amend	Accept in part
		<p>Submitter seeks amendment to the standards, terms and conditions of Rule 35 of the Plan to read:</p> <p>[...]</p> <p><i>(ca) 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;</i></p> <p><i>(cb) the activity does not have adverse effect on Schedules 1 and 2</i></p> <p><i>(c) for structures <u>and culturally significant areas</u> identified in Schedule 5 [Cultural and Historic heritage];</i></p> <p>[...]</p>	<p>The Hearing Panel notes that Rule 35 is providing for the ongoing maintenance, minor alteration or minor extension of already existing lawfully established structures in the coastal marine area. Subject to compliance with the standards, terms and conditions of the Rule, any adverse effects should be less than minor.</p> <p>The erection and placement of new structures are addressed in separate rules. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Relief sought in relation to Condition (ca) is unnecessary and uncertain for Plan users. The Rule is only providing for maintenance, repair or minor alterations to structures already

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(e) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity; <u>and does not adversely affect continued customary use within the area;</u></p> <p>[...]</p> <p>(g) 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>existing in the coastal marine area. The Hearing Panel notes that impacts on cultural sites of significance are already addressed in Condition (c). The effect of granting this relief regarding Appendix 2 would be to make this rule redundant as it requires no adverse effects (including less than minor) across the entire coastal marine area.</p> <ul style="list-style-type: none"> The Hearing Panel recommends declining the relief sought in relation to Condition (cb). The Panel note that the effect of granting this relief would also make this rule redundant as it again requires no adverse effects (including less than minor) across the whole coastal marine area, noting that Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Decline the relief sought in relation to Condition (c). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Reliefs sought in relation to Condition (e) are unnecessary. Such matters should already be addressed in Condition (c) of the Rule, which protects customary sites of significance. However, it is noted that any impacts on receiving water quality will be temporary and unlikely to be noticeable in natural prevailing conditions. Grant the relief in kind in relation to Condition (g). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Rule 36 – Hard protection structure repair, alteration, extension or removal and replacement			
29 – Department of Conservation	959	<p>Support</p> <p>Retain Rule 36 of the Plan as notified.</p>	<p>Decline</p> <p>Support noted. However, the Hearing Panel notes recommendation to delete Rule 36 in order to improve the structure, maintenance, alteration and extension rules pathway. See submission point below for further clarification.</p>
Further submissions – Fonterra (47)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
32 – Port Taranaki	960	<p>Amend</p> <p>Submitter seeks amendment to Rule 36 of the Plan to 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 (rather than a discretionary activity) and provide a non-notification clause.</p> <p>The submitter seeks that any consequential amendments required to the rules to give effect to this submission point are also recommended by Hearing Panel.</p>	<p>Grant in kind</p> <p>The Hearing Panel notes that there are three aspects to this submission point which will be addressed separately, (1) maintenance, alteration and extension of hard protection structures, (2) removal and replacement of hard protection structures, and (3) notification.</p> <p>(1) In pre-hearing engagement, the submitter noted that the Port is an area that requires hard protection structures to ensure the safety of Port infrastructure as well as the ongoing operation of the Port which is considered regionally important and has a functional need to locate within the coastal marine area. Thus hard protection structures are expected to locate in this area and their maintenance and 'future proofing' should be appropriately provided for within the Plan.</p> <p>The submitter noted that hard protection structures are not always isolated structures and are generally integrated into other Port structures. The current regime would potentially require two consents to be sought (potentially with different activity classifications) for one activity: one to address the hard protection aspect of the structure and another to address the structure itself.</p> <p>The submitter further noted that the rules relating to maintenance, alteration, extension and removal and replacement of structures are confusing and unclear as to exactly which rule would apply for some activities.</p> <p>The Hearing Panel notes that the <i>New Zealand Coastal Policy Statement</i> discourages the use of hard protection structures and encourages the use of alternatives, however, it is the Hearing Panel's view that discouragement should only apply to the initial placement or erection of the structure and does not stretch to the maintenance and alteration of legally established hard protection structures.</p> <p>Providing an appropriate pathway for the maintenance and upgrading to ensure the 'future proofing' of hard protection structures is necessary for good environmental outcomes and personnel safety. Further to this, the Hearing Panel notes that maintenance and minor alteration of hard protection structures has already been provided for generally under Rule 35 as a permitted activity (hard protection structures are not excluded from the rule).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>For this reason, the Hearing Panel recommends an alternative relief that addresses the submitter's concerns to delete Rule 36 so that it is clear that maintenance, alteration or extension of hard protection structures are initially addressed under Rule 35 (for all structure types and coastal management areas as a permitted activity). If the activity cannot comply with Rule 35 then a higher regulatory process and consent will be required under Rules 37 and 37A (for network utility structures); and Rules 40 and 40A (for all Port structures). Other hard protection structure maintenance, alteration and extension that does not comply with Rule 35 is addressed under Rules 42 (discretionary) and 43 (non-complying) depending on the coastal management area involved.</p> <p>(2) In relation to the removal and replacement aspect of the submitter's concerns, the Hearing Panel notes that there are potentially two pathways within the Plan for this activity. Through Rule 38 [Structure removal and replacement] or through Rules 44, 45 and 46 [Structure removal and demolition] and then the appropriate structure erection or placement rule (Rules 18 to 25).</p> <p>It is vital that the Plan provide a single clear pathway for Plan users. For this reason, the Hearing Panel recommends deleting Rule 38 so that a Plan user will have to consult the appropriate removal rule as well as the appropriate placement or erection rule. This will ensure an appropriate level of regulatory control depending on the activity. Permitted, controlled and discretionary pathways are all possible depending on the activity specifics.</p> <p>(3) Regarding the non-notification clause, the Hearing Panel considers that this level of detail is not necessary to be included within a Plan and is more appropriately set out within the RMA sections 95A to 95G. In order to ensure alignment with the RMA, the Panel recommends an alternative relief that deletes reference to consenting notification requirements in the Plan rules.</p>
43 – Royal Forest and Bird Protection Society	961	<p>Amend</p> <p>Submitter seeks amendment to Activity Description of Rule 36 of the Plan to read: <i>Existing lawfully established hard protection structure <u>maintenance repair, minor alteration, extension</u> or removal and replacement [...]</i></p>	<p>Decline</p> <p>The submitter supports the intention to provide for structures to be retained in good repair, however, considers that the definitions for the activity described are uncertain. The submitter requests that the definitions for 'maintenance' and 'minor alteration' be amended as sought in submission points 1213 and 1223.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel recommends declining the relief sought by the submitter noting that it is proposed to delete Rule 36. The Panel recommends that existing lawfully established hard protection structures be addressed in the same manner as other lawfully established structures and that the inclusion of a specific rule for hard protection structures is confusing and unnecessary.
59 – KiwiRail	962	Amend Submitter seeks amendment to Rule 36 of the Plan to provide for repair of hard protection structures as a permitted activity (rather than a discretionary activity) OR Amend Rule 35 to allow hard protection structures to be maintained, repaired or have minor alterations.	No relief necessary The Hearing Panel notes that Rule 35 already provides for the maintenance of hard protection and other structures as a permitted activity, subject to compliance with the standards, terms and conditions. The Hearing Panel recommends that rules relating to maintenance, alterations, extensions and removal be reframed to more clearly differentiate between the respective activities based upon changes in their external dimensions and environmental effects. In addition to other consequential amendments to definitions, the Hearing Panel recommend that Rule 36 is deleted and that the rules relating to maintenance, alteration and extension of structures need not differentiate hard protection structures as separate from other types of structures. Instead, a simplified cascade is recommended which begins as Permitted (Rule 35) and then identifies network utility structures (37 and 37A) and port structures (40 and 40A) separately. The 'catch-all' provisions (Rules 42 and 43) will address any activities not covered by this framework.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	963	Amend Submitter seeks amendment to the standards, terms and conditions of Rule 36 of the Plan to read: <i><u>(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</u></i> <i><u>(b) repair, alteration, extension or removal of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i> <i><u>(c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></i> AND Include the following notification note:	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes its previous recommend to delete Rule 36. The Panel recommends that existing lawfully established hard protection structures be addressed in the same manner as other lawfully established structures and that the inclusion of a specific rule for hard protection structures is confusing and unnecessary.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	
Rule 37 – Network utility structure, repair, alteration or extension			
15 – Surfbreak Protection Society	964	<p>Other</p> <p>Submitter seeks that there be no impacts to surf breaks and that key surfing groups and representative groups be part of any limited notification for discharge or disturbance consent applications with the potential to impact on surf breaks or coastal water.</p>	<p>No relief necessary</p> <p>The submitter's comments are noted and have been previously addressed in submission point 446 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule.</p> <p>The Hearing Panel notes that matters relating to affected and interested party status and limited notification are addressed separately in accordance with the Council's consenting standard operating procedures which are in accordance with the requirements for notification under sections 95A to 95G of the RMA.</p>
26 – Transpower NZ Ltd	965	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to delete reference to National Environmental Standards for Electricity Transmission Activities: [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).</p>	<p>Accept</p> <p>The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.</p>
29 – Department of Conservation	966	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to include a provision about limiting the size of any extension of the structure.</p>	<p>Accept</p> <p>The Hearing Panel recommends accepting the amendments requested relating to an extension limit. The Hearing Panel has considered other similar conditions in other regional coastal plans and consider a 10% extension limit to be appropriate provided other environmental concerns are addressed.</p> <p>The new standard, term and condition reads as follows: <u>(aa) the structure envelope, including length, width and height does not increase beyond 10% of the original size within a five year period; [...]</u></p> <p>The Hearing Panel also recommends that, for the purposes of consistency, a similar condition be included in Rule 40 (Controlled).</p>
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
30 – First Gas Ltd	967	Amend Submitter seeks amendment to Rule 37 of the Plan to make network utility pipeline repair, alteration or extension a permitted activity (rather than a non-complying activity) AND Extend the Rule to include Outstanding Value coastal management areas.	Grant in kind In response to submitters, the rules relating to maintenance, alteration and extension of structures have been reframed to more clearly delineate between the respective activities. The Hearing Panel recommends granting the relief in kind by including a new Restricted Discretionary rule addressing network utilities, including those in Outstanding Value areas, not covered by Rule 35 and 37. The Hearing Panel notes that most maintenance and minor alteration activities associated with network utilities can be addressed as a permitted activity under Rule 35. Other alteration and extension activities associated with network utilities can be addressed under Rule 37. The Hearing Panel notes that, for those activities not covered by Rule 35 and 37, would be addressed under a new rule, Rule 37A, whereby alteration and extension of network utilities can be addressed as a restricted discretionary activity. This is part of a framework that better recognises and provides for regionally important network utilities.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
41 – Te Korowai o Ngāruahine Trust	968	Amend Submitter seeks amendment to Condition (c) of Rule 37 of the Plan to read: [...] <i>(c) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B [Historic heritage]; [...]</i>	Grant in kind The Hearing Panel recommends granting the relief sought by the submitter in kind. The wording as requested by the submitter would have the perverse outcome of allowing an adverse effect on values associated with one of the Schedules and would only trigger non-compliance when values from both Scheduled A AND B occurred. The amended Condition (c) would read as follows: [...] <i>(c) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A or B [Historic heritage]; [...]</i>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	969	Amend Submitter seeks amendment to the Activity Description of Rule 37 of the Plan to read: <i>Lawfully established hard protection structure maintenance repair, minor alteration, extension or removal and replacement [...]</i>	Accept in part The Hearing Panel recommends granting in part the relief sought by the submitter. The Hearing Panel recommends that rules relating to maintenance, alterations, extensions and removal be reframed to more clearly differentiate

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21)		Support	<p>between the respective activities based upon changes in their external dimensions. Consequential changes are proposed to Rule 37 to limit the rule to alteration and extension of network utility structures in the coastal marine area. As part of that recommendation, all references to repair have been deleted. The Panel recognises that both the maintenance and alteration of structures in the coastal marine area may involve repairs.</p> <p>In relation to deleting 'extension' from the activity description, the Hearing Panel recommends declining the request and notes that greater constraints are recommended with the inclusion of a new standard, term and condition (aa). The 10% limit is similar to other limits set on other regional coastal plans around the country.</p>
45 – Powerco	970	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to read:</p> <p><i>Lawfully established network utility structure <u>maintenance</u>, repair, alteration or extension where the structure is:</i></p> <p><i>(a) a pipeline that is buried or attached to a bridge or access structure;</i></p> <p><i>[...]</i></p> <p><i>(d) a communication or electricity cable that is buried or attached to a bridge or access structure <u>or pole</u>; or</i></p> <p><i>[...]</i></p> <p><i>(d) discharge of sediment</i></p> <p><i>and does not come within or comply with Rule 35 [...]</i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that there are multiple aspects to the submitter's request. Each is addressed in turn below.</p> <ul style="list-style-type: none"> In relation to the inclusion of 'maintenance', the Hearing Panel recommends amending the Rule and note that there may be instances where a maintenance activity may not meet all of the standards, terms and conditions. In these instances, the activity may be addressed as a controlled activity under Rule 37. The Hearing Panel recommends an alternative relief to the amendment sought in relation to amending the Activity Description (d) to read as follows: <p><i>(d) a communication or electricity cable <u>or line</u>; or [...]</i></p> Regarding compliance with Rule 35, the Hearing Panel recommends declining the request and note that there may be instances where an activity does not come within the activity description of that Rule. Maintaining the current wording will ensure consistency with the rest of the Plan. <p>The Hearing Panel notes that the submitter requested additional amendments to Condition (a) to allow more more than a 10% extension increase where a greater increase is required to meet the <i>Australian/New Zealand Standard for Overhead line design (AS/NZS 7000:2016)</i> or the <i>Electricity (Safety) Regulations 2010</i>. The Hearing Panel does not consider that this would be appropriate for a permitted activity rule noting that these standards could change over the life of the Plan and allow even more significant extensions in</p>
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			the future. The Hearing Panel recommends retaining amendments to Condition (a) as identified above.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	971	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to read:</p> <p><i>Lawfully established network utility structure <u>maintenance</u>, repair, alteration or extension where the structure is:</i></p> <p><i>(a) a pipeline that is buried or attached to a bridge, <u>wharf</u> or access structure;</i></p> <p><i>[...]</i></p> <p><i>(h) discharge of sediment</i></p> <p><i>and does not come within or comply with Rule 35</i></p> <p><i>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</i></p>	<p>Accept in part</p> <p>The Hearing Panel recommends granting the relief sought in relation to amending the activity description (a) and the inclusion of 'wharf'.</p> <p>Regarding compliance with Rule 35, the Hearing Panel recommends declining the relief sought noting that there may be instances where an activity does not come within the activity description of that Rule. Maintaining the current wording will ensure drafting consistency with the rest of the Plan.</p>
58 – Te Atiawa	972	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to recognise Iwi notified as an affected party</p> <p>AND</p> <p>Change reference in the Conditions to Schedule 5 to Schedules 5A and 5B.</p>	<p>Accept in part</p> <p>The Hearing Panel recommends granting the relief sought by the submitter in relation to amending Condition (c) to refer to Schedules 5A or 5B (rather than just Schedule 5). However, in relation to the notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahoā a Rohe agreements.</p> <p>Notwithstanding the above, the Hearing Panel notes that, as part of this Coastal Plan review process, and in relation to 'sites of significance' to Māori (refer Condition (c)), Council has already agreed to recognise iwi, subject to conditions, as an affected party for all resource consent applications that affect the values identified in Schedules 5A and B.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
59 – KiwiRail	973	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to remove the (a) to (e) Activity Descriptions on the type of network utility structure,</p> <p>OR</p> <p>Include existing railway assets as new (f).</p>	<p>Accept</p> <p>The Hearing Panel believes railway assets in the coastal marine area are likely to be bridges or access structures. The Hearing Panel recommends amending Rule 37 to include bridges, wharves and access structures for network utilities. The Hearing Panel therefore recommends amending the gateway clause (a) to read as follows:</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>(a) <u>a bridge, wharf or access structure, including any attached pipelines or cables or lines that are buried or attached;</u> [...]</p> <p>The Hearing Panel notes that this amendment aligns with equivalent provisions in the operative Freshwater Plan.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	974	<p>Amend</p> <p>Submitter seeks amendment to Rule 37 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>[...]</p> <p>(c) <i>activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></i></p> <p><u>(ca) the activity does not have adverse effect on Schedules 1 and 2;</u></p> <p><u>(cb) 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><u>(d) 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]</u></p> <p><u>(e) activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(f) activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(g) activity is consistent with iwi management plan.</u></p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 37 is providing for the ongoing maintenance, repair or minor alterations to already existing lawfully established network utility structures in the coastal marine area. Subject to compliance with the standards, terms and conditions of the Rule, any adverse effects should be less than minor.</p> <p>The erection and placement of new structures are addressed in separate rules. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (c). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (ca). The Hearing Panel notes that the effect of granting this relief would also make this rule redundant as it requires no adverse effects (including less than minor) across the whole coastal marine area, noting that Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Decline the relief sought in relation to Condition (cb) as unnecessary and uncertain for Plan users. The Rule is only providing for maintenance, repair or minor alterations to network utility structures already existing in the coastal marine area. Hearing Panel note that impacts on cultural sites of significance are already addressed in Condition (c). The effect of granting this relief would be to make this rule redundant as it requires no adverse effects (including less than minor).
Further submissions – Climate Justice Taranaki Inc (21), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<ul style="list-style-type: none"> Grant the relief in kind in relation to Condition (d). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species. Reliefs sought in relation to Condition (e) are unnecessary. Such matters should already be addressed in Condition (c) of the Rule, which protects customary sites of significance. However, it is noted that any impacts on receiving water quality will be temporary and unlikely to be noticeable in natural prevailing conditions. Decline the relief sought in relation to Condition (f) and (g) as being uncertain in terms of their application and given the details as to managing effects on water quality and monitoring are already identified in the rule as matters of control.
61 – Te Rūnanga o Ngāti Ruanui Trust	975	<p>Amend</p> <p>Submitter seeks amendment to the control and notification column for Rule 37 of the Plan to read:</p> <p><i>Control is reserved over:</i></p> <p>[...]</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>(hi) 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><u>(l) 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 <u>be notified to tangata whenua</u>.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. The suggested changes seem to be mixing jurisdictional, policy and operational matters and introducing a level of specificity that is not considered appropriate or necessary for a regional plan. Most of the changes sought are a subset of matters that have already been provided for while the submitter has also introduced some new concepts such as a cultural zone and a spatial plan that do not fit within the Proposed Plan framework. There is also a 'requirement' to be consistent with iwi management plans, while the submitter is silent on how other planning documents, by other parties, might fit within this framework.</p> <p>The Hearing Panel notes that this activity is already subject to the General Policies 1 to 21 of which Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] are particularly relevant. The Hearing Panel further notes that there will be an opportunity to develop an agreed framework and operational detail for implementing the Plan as part of any Mana Whakahohe a Rohe agreement with the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21)		Support	
Rule 38 – Existing lawfully established structure removal and replacement			
12 – Chorus New Zealand Limited	976	<p>Amend</p> <p>Submitter seeks amendment to the standards, terms and conditions of Rule 38 [Existing lawfully established structure removal and replacement] of the Plan to read:</p> <p>[...]</p> <p><i>(f) the replacement structure is built in the same <u>or similar location</u> as the original structure;</i></p> <p><i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place:</u></i></p> <p>OR</p> <p>the standards, terms and conditions are amended to read:</p> <p><i>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced:</u></i></p> <p><i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council: [...]</u></i></p>	<p>Decline</p> <p>In response to other submitters, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.</p>
Further submissions – Powerco (45)		Support in part	
13 – Spark New Zealand Trading Limited	977	<p>Amend</p> <p>Submitter seeks amendment to the standards, terms and conditions of Rule 38 [Existing lawfully established structure removal and replacement] of the Plan to read:</p>	<p>Decline</p> <p>In response to other submitters, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>[...]</p> <p>(f) the replacement structure is built in the same <u>or similar location</u> as the original structure;</p> <p>(g) The existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place;</u></p> <p>OR</p> <p>the standards, terms and conditions are amended to read:</p> <p>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced;</u></p> <p>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council: [...]</u></p>	for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.
Further submissions – Port Taranaki Ltd (32), Powerco (45)		Support in part	
14 – Vodafone New Zealand Limited	978	<p>Amend</p> <p>Submitter seeks amendment to Rule 38 [Existing lawfully established structure removal and replacement] of the Plan to include standards, terms and conditions to read:</p> <p>[...]</p> <p>(f) the replacement structure is built in the same <u>or similar location</u> as the original structure;</p> <p>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place;</u></p>	<p>Decline</p> <p>In response to other submitters, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>OR</p> <p>the standards, terms and conditions are amended to read:</p> <p>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced;</u></p> <p>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council: [...]</u></p>	
Further submissions – Powerco (45)		Support in part	
21 – Climate Justice Taranaki	979	<p>Amend</p> <p>Submitter seeks amendment to Rule 38 of the Plan to make the activity a discretionary activity (rather than permitted activity).</p>	<p>Grant in kind</p> <p>The Hearing Panel recommends an alternative relief that will address the concerns of the submitter. The Panel notes that Rule 38 is uncertain as there are multiple rules which may apply for the same activity.</p> <p>The Hearing Panel recommends deleting Rule 38 to offer a more certain pathway for Plan users and a suite of rules to better take into account the differing level of environmental effects that removing and replacing an activity might have. This would mean that the removal of a structure is addressed as a permitted, controlled or discretionary activity under Rules 44, 45 and 46. The 'replacement' of the structure would similarly be addressed as a permitted, controlled, discretionary or non-complying activity under Rules 18 to 34.</p> <p>The Hearing Panel also notes that additional standards, terms and conditions have also been included in the appropriate removal and demolition rules which increases and broadens environmental considerations for Permitted and Controlled Activities.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
26 – Transpower NZ Ltd	980	<p>Amend</p> <p>Submitter seeks amendment to Rule 38 of the Plan to delete reference to National Environmental Standards for Electricity Transmission Activities:</p>	<p>Accept</p> <p>The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	
29 – Department of Conservation	981	Amend Submitter seeks amendment to Rule 38 of the Plan to include new standards, terms and conditions addressing: <ul style="list-style-type: none"> • how the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route) • the requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works • the prohibition of any refuelling or fuel storage occur within the coastal environment and that methods should be employed to avoid any fuel spillage. 	Decline The Hearing Panel recommends declining the relief sought by the submitter. Similar type conditions have been considered as part of the Plan review process and were not deemed to be not necessary with the effects of those activities being addressed in the standards, terms and conditions of the Rule. Notwithstanding the above, in response to other submitters' requests, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.
Further submissions – Climate Justice Taranaki Inc (21)		Support	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
30 – First Gas Ltd	982	Amend Submitter seeks that network utility pipeline removal and replacement within coastal management areas: Outstanding Value and Estuaries Unmodified, Estuaries Modified and Port be classified as a permitted activity and be included under Rule 38 (or under a separate rule).	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that the Activity Description of Rule 38 deliberately excludes petroleum production installations and pipelines because of the higher environmental risks involved.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose	The Hearing Panel further notes that rules relating to maintenance, alterations, extensions and removal are recommended to be reframed to more clearly differentiate between the respective activities.
Further submissions – Powerco (45)		Neutral	In response to other submitters, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.
40 – Te Rūnanga o Ngāti Mutunga	983	<p>Amend</p> <p>Submitter opposes permitting the removal or replacement of existing lawfully established structures in the coastal marine area and seek that such activities be a discretionary activity (rather than a permitted activity).</p>	<p>Grant in kind</p> <p>The Hearing Panel recommends granting in kind the relief sought by the submitter.</p> <p>In response to other submitters, the Hearing Panel recommends deleting Rule 38, which permits the removal and replacement of lawfully established structures. To better clarify and differentiate between the different structure activities, the Hearing Panel considers Rules 44, 45 and 46 to adequately provide for the removal aspect. In relation to the structure replacement, Rules 18 to 34 would be considered as part of the "placement". Together these rules provide a broad suite of regulatory control from permitted activity to non-complying activity depending on the significance of effects.</p>
41 – Te Korowai o Ngāruahine Trust	984	<p>Amend</p> <p>Submitter seeks amendment to Condition (i) of Rule 38 of the Plan to read: <i>(i) structure is not located within any historic heritage site identified in Schedule 5A and B [Historic heritage] or any other archaeological site; [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel notes that, in response to other submitters, the Panel recommends deleting Rule 38 as it addresses matters already covered through a different Rule pathway. The Panel recommends deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure</p> <p>Notwithstanding the above, the Hearing Panel recommends that the relevant standards, terms and conditions are amended in the other rules to ensure that they reference Schedule 5A and B as requested by the submitter.</p>
43 – Royal Forest and Bird Protection Society	985	<p>Amend</p> <p>Submitter seeks amendment to Rule 38 of the Plan by:</p> <ul style="list-style-type: none"> deleting and excluding Outstanding Value coastal management areas from the rule deleting and excluding the "replacement" of lawfully established structures from the rule (and instead providing for the replacement of existing structures via rules for erection and placement of new structures 	<p>Accept in part</p> <p>The Hearing Panel recommends accepting in part, the relief sought by the submitter. The Panel considers that Rule 38 is confusing as removal of structures is already addressed under Rules 44, 45 and 46. In order to assist Plan users, the Panel recommends deleting Rule 38 and relying on Rules 44, 45 and 46 for the removal aspect of the activity and to (as requested by the submitter) to provide for the replacement of existing structures through the appropriate structure placement and erection rules (Rules 18 to 34).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		OR Alternatively provide for replacement of lawfully established structures as a Restricted Discretionary rule (rather than a permitted activity) and include matters for discretion that address: effects on natural character and natural features and landscapes; effects on indigenous biodiversity; generation of noise; location; and whether the replacement structure maintains the form of the original structure with no increase in length, width or height, or increase in adverse effects.	In relation to excluding Outstanding Value coastal management areas it is noted that when considering whether there are any adverse effects on the characteristics and qualities of 'outstanding areas', it must be recognised that many areas contain ongoing use and development that was present when the areas were first identified as outstanding. Removal and replacement of structures in accordance with the standards, terms and conditions of the appropriate rules will have only minor and temporary effects.
Further submissions – Climate Justice Taranaki Inc (21)		Support	
47 – Fonterra	986	Support Retain Rule 38 of the Plan as notified.	
Further submissions – Port Taranaki Ltd (32)		Support in part	Decline Support noted. However, the Hearing Panel notes that Rule 38 is recommended to be deleted in response to other submitter's requests due to duplication of Plan provisions.
61 – Te Rūnanga o Ngāti Ruanui Trust	987	Amend Submitter seeking amendment to Rule 38 of the Plan to include new and amended standards, terms and conditions to read: [...] <i>(i) structure is not located within <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage] or any other archaeological site;</i> <i><u>(ia) structure is not located within Schedules 1 and 2;</u></i> <i><u>(ib) structure does not adversely affect the suitability of the receiving area for customary use;</u></i> <i><u>(ic) structure is not located within any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></i> <i><u>(j) structure is not located at any site identified in Schedules 5 [Sites of geological significance];</u></i> <i>(k) 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></i> [...]	Accept in part The Hearing Panel notes that, in response to other submitters, the Panel recommends deleting Rule 38 as it addresses matters already covered through a different Rule pathway. The Hearing Panel recommends deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure. The Hearing Panel notes that, in relation to the requests made by the submitter, consideration of the points raised is detailed in other submission points made by the submitter in regards to Rules 44 to 46 and 18 to 34.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
NEW Rule 38A – Existing lawfully established structure removal and replacement in Outstanding Value areas			
43 – Royal Forest and Bird Protection Society	988	Amend Submitter seeks amendment to the Plan to include a new Rule that would provide for the removal of existing lawfully established structures in Outstanding Value coastal management areas as a controlled activity (rather than a permitted activity provided for in Rule 38).	Decline In response to other submitters, the Hearing Panel considers that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. The Panel recommends deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure. The Hearing Panel suggests that this relief provides a more certain pathway for Plan users for the replacement of structures which includes permitted, controlled and discretionary activity classifications as well as additional standards, terms and conditions. The Hearing Panel does not believe it necessary to exclude Outstanding Value coastal management areas from the permitted activity pathway noting that when considering whether there are any adverse effects on the characteristics and qualities of 'outstanding areas', it must be recognised that many areas contain ongoing use and development that was present when the areas were first identified as outstanding and which continue to be identified as 'outstanding'.
Rule 39 – Existing lawfully established Port structure maintenance and repair			
40 – Te Rūnanga o Ngāti Mutunga	989	Amend Submitter seeks amendment to Rule 39 of the Plan to make the maintenance, repair or alteration of structures in the Port a controlled activity (rather than a permitted activity).	Decline The Hearing Panel notes that Rule 39 relates to the maintenance, repair or alteration of existing lawfully established structures in the Port. It is similar in kind to existing rules in the current Plan relating to the Port. The Hearing Panel notes that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the ongoing maintenance, repair and alteration of Port structures. Subject to complying

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>with the standards, terms and conditions that include that the structure does not increase beyond original size, in accordance with Policy 6 the Council should seek to provide for such activities. The Panel sees no net environmental benefit to imposing consenting and compliance costs on the Port by making the activity a controlled activity.</p> <p>Notwithstanding the above, the Hearing Panel recommends deleting Rule 39 and addressing the matters covered by Rule 39 under Rule 35. This addresses concerns raised by other submitters relating to issues of potential duplication and overlap between rules as well as wider issues relating to providing a simpler cascade for Plan users in relation to the maintenance, alteration and extension rules framework.</p>
43 – Royal Forest and Bird Protection Society	990	<p>Amend</p> <p>Submitter seeks amendment to the Activity Description of Rule 39 of the Plan to read:</p> <p><i>Existing lawfully established structure maintenance repair, or <u>minor</u> alteration where the activity [...]</i></p>	<p>Accept in kind</p> <p>The Hearing Panel recommends granting the relief sought by the submitter in kind.</p> <p>The Hearing Panel recommends deleting Rule 39 and addressing the matters covered by Rule 39 under Rule 35. This addresses concerns raised by other submitters relating to issues of potential duplication and overlap between rules as well as wider issues relating to providing a simpler cascade for Plan users in relation to the maintenance, alteration and extension rules framework. Notwithstanding the above, the Panel notes that the amendments sought by the submitter have been provided in Rule 35 as requested under submission point 953.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	991	<p>Amend</p> <p>Submitter seeks amendment to the Activity Description of Rule 39 of the Plan to read:</p> <p><i>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: [...]</i></p>	<p>Grant in kind</p> <p>The Hearing Panel recommends granting the relief in kind.</p> <p>The Hearing Panel notes that amendments made to Rule 35 have made Rule 39 redundant due to duplication of provisions. As a result, Rule 39 is recommended to be deleted.</p> <p>The Hearing Panel notes that the concerns raised by the submitter and request to broaden the scope of Rule 39 to all Port operations has already been provided for under Rule 35.</p>
Further submissions – Port Taranaki Ltd (32)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	992	Support	Decline
		Retain Rule 39 of the Plan as notified.	Support for Rule 39 is noted. However, Rule 39 is recommended to be deleted in order to address the concerns of other submitters.
Rule 40 – Existing lawfully established Port structure maintenance and repair			
40 – Te Rūnanga o Ngāti Mutunga	993	Amend	Decline
		Submitter seeks amendment to Rule 40 of the Plan to make the maintenance, repair or alteration of structures in the Port where it does not comply with Rule 39 a discretionary activity (rather than a controlled activity).	<p>The Hearing Panel notes that Rule 40 relates to the maintenance, repair or alteration of existing lawfully established structures in the Port where the activity does not come within or comply with Rule 39.</p> <p>The Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the ongoing maintenance, repair and alteration of Port structures. Subject to complying with the standards, terms and conditions it is recommended that the activity be allowed to get a resource consent as a controlled activity to provide some business certainty in accordance with Policy 6. The Hearing Panel sees no net environmental benefit to reducing business certainty for the Port (in terms of whether a consent would be granted or not) by making the activity a discretionary activity.</p> <p>Notwithstanding the above, the Hearing Panel notes recommendations to amend the Activity Description and include additional standards, terms and conditions to ensure adverse effects can be appropriately considered and managed as a controlled activity.</p>
43 – Royal Forest and Bird Protection Society	994	Amend	Accept in part
		Submitter seeks amendment to Rule 40 of the Plan by: <ul style="list-style-type: none">including a new condition that the activity will not have adverse effects on the adjacent Outstanding Value areaamending the matters for control to include consideration of effects on indigenous biodiversity and natural character.	<p>The Hearing Panel suggests that the current Rule, which applies only to the 'Port' coastal management area, and which has conditions whereby the size of the structure does not increase from its original size and where the activity cannot impact on significant indigenous biodiversity (which includes not just within the Port but also the Sugar Loaf Islands), already address potential impacts on adjacent areas. The Hearing Panel does not believe any change is necessary or appropriate.</p> <p>With regards to amending the matters of control to explicitly address indigenous biodiversity and natural character, the Hearing Panel agrees. The Panel recommends replacing the term “ecological values” with “natural</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>character, features and landscapes</i> " and " <i>indigenous biodiversity</i> " to clarify its policy intent.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	995	Support	Accept
		Retain Rule 40 of the Plan as notified.	Support noted but note the inclusion of additional standards, terms and conditions.
		Support	
58 – Te Atiawa	996	Support	Accept
		Retain Rule 40 of the Plan as notified.	Support noted but note the inclusion of additional standards, terms and conditions.
Rule 41 – Existing lawfully established Port repair, alteration and extension			
15 – Surfbreak Protection Society	997	Other	No relief necessary
		Submitter seeks that there be no impact on surf breaks.	Submitter's comments are noted and have been previously addressed in submission point 448 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule.
40 – Te Rūnanga o Ngāti Mutunga	998	Amend	Decline
		Submitter seeks amendment to Rule 41 of the Plan to make the maintenance, repair or alteration of structures in the Port that does not come within or comply with other related rules a discretionary activity (rather than a controlled activity).	The Hearing Panel recommends declining the relief sought. The Hearing Panel notes that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the ongoing maintenance, repair and alteration of Port structures. Subject to complying with the standards, terms and conditions, in accordance with Policy 6 the Council seeks to provide for such activities. The Council sees no net environmental benefit to reducing business certainty for the Port (by the potential of declining a resource consent application) by making the activity a discretionary activity. Notwithstanding the above, the Hearing Panel notes that in order to simplify the rules cascade relating to structure maintenance, alteration and extension Rules 40 and 41 have been merged and additional standards, terms and
Further submission – Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			conditions inserted to address environmental effects to ensure the broader consideration of environmental effects.
58 – Te Atiawa	999	Amend Submitter seeks amendment to Rule 41 of the Plan to notify Iwi as an affected party.	No relief necessary The Hearing Panel considers that no relief is necessary. The Hearing Panel notes that in order to simplify the rules cascade relating to structure maintenance, alteration and extension Rules 40 and 41 have been merged and additional standards, terms and conditions inserted to address environmental effects to ensure the broader consideration of environmental effects. The Hearing Panel further notes that, as part of this Coastal Plan review process, and in relation to 'sites of significance' to Māori (refer Condition (c)), Council has already agreed to recognise iwi, subject to conditions, as an affected party for all resource consent applications. There will be further opportunity to set consultation requirements and expectations as part of the development of Mana Whakahono a Rohe agreements.
Rule 42 – Other structure repair, extension, removal or replacement			
6 – Trans-Tasman Resources Ltd	1000	Support Retain Rule 42 of the Plan as notified.	Accept Support noted. Rule 42 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ Ltd	1001	Amend Submitter seeks amendment to Rule 42 of the Plan to delete reference to National Environmental Standards for Electricity Transmission Activities: <i>[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).</i>	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
32 – Port Taranaki	1002	Amend Submitter seeks amendment to Rule 42 of the Plan to: <ul style="list-style-type: none"> insert a new rule specifically for the Port coastal management area and in respect to Port activities providing controlled activity status for other 	Accept in part The Hearing Panel recommends accepting in part the relief requested by the submitter. The Hearing Panel considers that regionally important infrastructure, which includes the Port, should be recognised within the Rules

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>structure repair, alteration, extension or removal and replacement that is not provided for in Rules 35 to 41</p> <ul style="list-style-type: none"> make any consequential amendments to other rules and objectives and policies to give effect to this relief <p>OR</p> <ul style="list-style-type: none"> provide another rule structure or amendment/additional rules to Rules 35-41 that delivers the same result for the port. 	<p>and provided for in a manner that promotes the maintenance and future proofing of infrastructure, subject to the appropriate regulatory controls and environmental outcomes.</p> <p>The Hearing Panel recommends including two additional rules that provide a Restricted Discretionary pathway for maintenance, alteration and extension activities for the Port and for network utilities. These are new Rules 37A for network utility structures and 40A for Port structures. The Panel notes that Rules 35 and 37 already provide a Permitted and Controlled activity pathway for most maintenance, alteration and extension activities within the Port. Only in circumstances where the activity cannot comply with the standards, terms and conditions of these rules will a higher regulatory rule be required, i.e. Rule 40A.</p>
Further submissions – Port Taranaki Ltd (32), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support	
45 – Powerco	1003	Support	Accept
		Retain Rule 42 of the Plan as notified.	Support noted. Rule 42 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1004	Support	Accept
		Retain Rule 42 of the Plan as notified.	Support noted. Rule 42 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	1005	Support	Accept
		Retain Rule 42 of the Plan as notified.	Support noted. Rule 42 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	1006	Amend	Decline
		Submitter seeks amendment to Rule 42 of the Plan to include standards, terms and conditions to read:	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(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;</u></p> <p><u>(b) repair, alteration, extension or removal of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 36, 37 and 38 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Trans-Tasman Resources (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 43 – Other structure repair, extension, removal or replacement			
6 – Trans-Tasman Resources Ltd	1007	Support	Accept
		Retain Rule 43 of the Plan as notified.	Support noted. Rule 43 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ Ltd	1008	Amend	Accept
		Submitter seeks amendment to Rule 43 of the Plan to delete reference to the <i>National Environmental Standards for Electricity Transmission Activities</i> :	The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<i>[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).</i>	
43 – Royal Forest and Bird Protection Society	1009	Support Retain the non-complying classification for Rule 43 of the Plan.	Accept Support noted. Rule 43 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
45 – Powerco	1010	Support Retain Rule 43 of the Plan as notified.	Accept Support noted. Rule 43 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	1011	Amend Submitter seeks amendment to the standards, terms and conditions of Rule 43 of the Plan to read: <i><u>(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;</u></i> <i><u>(b) repair, alteration, extension or removal of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i> <i><u>(c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></i> AND Include the following notification note: <i><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></i>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 36, 37 and 38 being given effect to. In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of
Further submissions – Trans-Tasman Resources (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			control/discretion" and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 44 – Structure removal or demolition			
6 – Trans-Tasman Resources Ltd	1012	Support Retain Rule 44 of the Plan as this rule appropriately recognises the benefits of enabling removal of structures as a permitted activity from the coastal marine area when they are no longer required.	Accept Support noted. Rule 44 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
26 – Transpower NZ Ltd	1013	Amend Submitter seeks amendment to Rule 44 of the Plan to delete reference to the <i>National Environmental Standards for Electricity Transmission Activities</i> : [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
29 – Department of Conservation	1014	Amend Submitter seeks amendment to Rule 44 of the Plan to include new conditions addressing: <ul style="list-style-type: none"> how the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route) the requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works the prohibition of any refuelling or fuel storage occur within the coastal environment and that methods should be employed to avoid any fuel spillage. 	Accept in part At the hearing of submissions, the submitter presented alternative wording suggestions requiring any disturbance to be restored to its previous state 48 hours after the activity has been completed. The Hearing Panel recommends amending Condition (a) to require plan users to minimise the impact of their disturbance activities and to restore the disturbed area to its previous state. The amended Condition would read as follows: <i>(a) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity and is restored to its previous state 48 hours following the completion of the activity; [...]</i> The submitter also requested an additional amendment to avoid storing fuel in the coastal marine area and to minimise the extent of any contaminant entering the coastal marine area. The Hearing Panel notes the relief sought by the submitter is problematic in that that fuel storage includes fuel stored inside vehicles, such as boats, and the relief sought would preclude their use. However, the Panel believes the risk sought to be addressed by the submitter
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>relates to avoiding fuel spills and, in the event of an oil spill, there are a variety of management/enforcement actions available to the Council. Of note, the rule's activity description includes discharges of sediment only as an associated activity (the discharges of other contaminants are not provided for under this rule).</p> <p>The Hearing Panel consider that the amendment requested is not necessary as the only discharge permitted through the rule is the discharge of sediment incidental to the removal activity.</p>
41 – Te Korowai o Ngāruahine Trust	1015	Amend Submitter seeks amendment to Rule 44 of the Plan to require notification to iwi of any structure removal or demolition work in the coastal marine area.	Accept In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the rule includes a notification requirement to the Council under standard, term and condition (g). The Council have already agreed to pass the notification information onto interested iwi authorities. The Hearing Panel recommends amending the rule to include an additional note under the Activity Description to indicate this for Plan users.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
43 – Royal Forest and Bird Protection Society	1016	Support Retain Rule 44 of the Plan as notified.	Accept Support noted. Rule 44 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1017	Support Retain Rule 44 of the Plan as notified.	Accept Support noted. Rule 44 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
58 – Te Atiawa	1018	Amend Submitter seeks amendment to Rule 44 of the Plan by changing the activity classification to controlled activity (rather than a permitted activity).	Decline The Hearing Panel notes that Rule 44 relates to the removal or demolition of a structure in the coastal marine area not involving the use of explosives and includes a suite of standards, terms and conditions such that the environmental effects of the activity should be less than minor and transitory. The Hearing Panel does not consider it appropriate to require a consent to remove or demolish a structure in the coastal marine area, provided the

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>standards, terms and conditions can be met. The Hearing Panel notes that the removal of structures in the coastal marine area is generally a positive environmental outcome that contributes to the enhancement of natural character plus other values.</p> <p>The Council requires that the person undertaking the activity notify the Council under Condition (g) at least five working days before commencing the activity so that the Council can assess and confirm that the activity is appropriate and that any adverse effects arising from the activity should be less than minor and transitory.</p> <p>Council sought seek to provide for such activities. The Council sees no net environmental benefit to imposing consenting and compliance costs on the Port by making the activity a controlled activity.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1019	<p>Amend</p> <p>Submitter seeks amendment to Rule 44 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>[...]</p> <p><i>(e) activity is not located within <u>cultural and</u> historic heritage identified in Schedule 5 [Cultural and Historic heritage] or any other archaeological site;</i></p> <p><i><u>(ea) activity is not located within Schedules 1 and 2;</u></i></p> <p><i><u>(eb) 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></p> <p><i><u>(ec) activity does not adversely affect the suitability of the receiving area for customary use;</u></i></p> <p><i><u>(f) 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]. [...]</u></i></p>	<p>Accept in part</p> <p>The Hearing Panel notes that Rule 44 relates to the removal or demolition of a structure in the coastal marine area not involving the use of explosives (with some exceptions).</p> <p>The submitter is seeking amendment to Rule 44 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (e). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (ea). The Hearing Panel notes that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Decline relief sought in relation to Condition (eb) as unnecessary and uncertain for Plan users. The Rule is only providing for the removal and replacement of structures already existing in the coastal marine area. The Hearing Panel notes that impacts on cultural sites of significance are already addressed in Condition (e).
Further submissions – Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<ul style="list-style-type: none"> Reliefs sought in relation to Condition (ec) are unnecessary. Such matters should already be addressed in Condition (i) of the Rule, which protects customary sites of significance. However, it is noted that any impacts on receiving water quality or disturbances to the foreshore and seabed will be temporary and unlikely to be noticeable in natural prevailing conditions. Grant the relief in kind in relation to Condition (f). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species in new standard, term and condition (fa).
Rule 45 – Structure removal or demolition			
26 – Transpower NZ Ltd	1020	Amend Submitter seeks amendment to Rule 45 of the Plan to delete reference to the <i>National Environmental Standards for Electricity Transmission Activities</i> : [...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)) .	Accept The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
29 – Department of Conservation	1021	Amend Submitter seeks amendment to Rule 45 of the Plan to read: [...] and the activity does not comply with Rule 45 44 [...].	Accept The Hearing Panel recommends granting the relief sought by the submitter.
32 – Port Taranaki	1022	Amend Submitter seeks amendment to Rule 45 of the Plan to read [...] and the activity does not comply with Rule 45 44 [...].	Accept The Hearing Panel recommends granting the relief sought by the submitter.
43 – Royal Forest and Bird Protection Society	1023	Amend Submitter seeks amendment to Rule 45 of the Plan to delete and exclude the Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas from the Rule.	Grant in kind The Hearing Panel notes that Rule 45 relates to the removal or demolition of a structure in the coastal marine area. However, it does allow the use of explosives. The Hearing Panel does not consider it appropriate to make the removal or demolition of a structure in Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas a Discretionary or non-

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>complying activity (for which a resource consent might be refused). The Hearing Panel notes that the removal of structures in the coastal marine area is generally a positive environmental outcome that contributes to the enhancement of natural character plus other values. It is particularly positive in the aforementioned areas where people might be seeking the enhancement or restoration of natural values.</p> <p>The submitter is concerned about the effects of using explosives on indigenous marine species noting that this may not be appropriate in all cases. The Hearing Panel agrees but recommends an alternative relief involving the inclusion of a new standards, terms and condition addressing adverse effects on significant indigenous biodiversity and taonga species under new Conditions (aa) and (ab). Such matters can then be considered through the resource consent process and may result in limitations in location, method, and timing of works.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1024	Support	Accept
		Retain Rule 45 of the Plan as notified.	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	Support noted. Rule 45 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
58 – Te Atiawa	1025	Amend	Grant in kind
		Submitter seeks amendment to Rule 45 of the Plan by changing the activity classification to discretionary activity (rather than a controlled activity).	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	<p>The Hearing Panel notes that Rule 45 relates to the removal or demolition of a structure in the coastal marine area.</p> <p>The Hearing Panel does not consider it appropriate to make the removal or demolition of a structure in the coastal marine area a discretionary or non-complying activity (for which a resource consent might be refused). Hearing Panel note that the removal of structures in the coastal marine area is generally a positive environmental outcome that contributes to the enhancement of natural character plus other values.</p> <p>However, the submitter is concerned about the effects of using explosives on sites of significant ecological value and historic heritage and suggest as a discretionary activity they can be involved in the decision making process and there will be consent monitoring.</p> <p>The Hearing Panel notes that, as part of this Coastal Plan review process, and in relation to 'sites of significance' to Māori (refer Condition (a)), Council</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>has already agreed to recognise iwi, subject to conditions, as an affected party for all resource consent applications having an impact on scheduled sites of significance. There will be further opportunity to set consultation requirements and expectations as part of the development of Mana Whakahono a Rohe agreements. The Panel further notes that as a controlled activity, one of its matters of control include information and monitoring requirements.</p> <p>Notwithstanding the above, the Hearing Panel recommends an alternative relief involving the inclusion of a new condition addressing adverse effects on significant indigenous biodiversity and taonga species under new Conditions (aa) and (ab). Such matters can then be considered through the resource consent process and may result in limitations in location, method, and timing of works or impose requirements to notify and consult.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1026	<p>Amend</p> <p>Submitter seeks amendment to Rule 45 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>[...]</p> <p><i>(a) activity is not located within <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage] or any other archaeological site;</i></p> <p><i>(b) activity is not located within Schedules 1 and 2;</i></p> <p><i>(c) activity does not adversely affect the suitability of the receiving area for customary use;</i></p> <p><i>(d) 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];</i></p> <p><i>(e) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</i></p> <p><i>(f) activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</i></p> <p><i>(g) activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</i></p>	<p>Accept in part</p> <p>The submitter is seeking amendment to Rule 45 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (a). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (b). The Hearing Panel notes that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Decline relief sought in relation to Condition (c) and (e) as unnecessary and uncertain for Plan users. The Rule is only providing for the removal and replacement of structures already existing in the coastal marine area. The Hearing Panel notes that impacts on cultural sites of significance are already addressed in Condition (a)

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>(h) activity is consistent with iwi management plan.</u>	<ul style="list-style-type: none"> Grant the relief in kind in relation to Condition (d). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species (new Condition (ab)). Decline the relief sought in relation to Condition (f), (g) and (h) as being uncertain in terms of their application and given the details as to managing effects on water quality and monitoring are already identified in the rule as matters of control.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	1027	<p>Amend</p> <p>Submitter seeks amendment to the Control/notification column for Rule 45 of the Plan to read:</p> <p><i>Control is reserved over:</i></p> <p>[...]</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><u>(k) 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>Resource consent applications under this Rule will not be publicly notified but may be limited notified <u>be notified to tangata whenua</u>.</p>	<p>Decline</p> <p>The suggested changes seem to be mixing jurisdictional, policy and operational matters and introducing a level of specificity that is not considered appropriate or necessary. Most of the changes sought are a subset of matters that have already been provided for while the submitter has also introduced some new concepts such as a cultural zone and a spatial plan that do not fit within the Proposed Plan framework. There is a 'requirement' to be consistent with iwi management plans, while the submitter is silent on how other planning documents might fit within this framework.</p> <p>The Hearing Panel notes that this activity is already subject to the General Policies 1 to 21 of which Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] are particularly relevant. The Hearing Panel further notes that there will be an opportunity to develop an agreed framework and operational detail for implementing the Plan as part of any Mana Whakahoā Rohe agreement with the submitter.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 45A – Structure removal or demolition			
43 – Royal Forest and Bird Protection Society	1028	<p>Amend</p> <p>Submitter seeks amendment to Plan to include a new Rule that would provide for the removal or demolition of structures in the Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas as a restricted discretionary activity (rather than a controlled activity provided for in Rule 45)</p>	<p>Decline</p> <p>The Hearing Panel does not believe it is appropriate or necessary to include a new Rule that provides for the removal or demolition of structures in the Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas as a restricted discretionary activity. Refer to submission point 1023.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		OR provide for the removal or demolition of structures in the Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas as a discretionary activity under Rule 46.	
Rule 46 – Structure removal or demolition			
26 – Transpower NZ Ltd	1029	Amend	Accept
		Submitter seeks amendment to Rule 46 of the Plan to delete reference to the <i>National Environmental Standards for Electricity Transmission Activities</i> : <i>[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2000 (Appendix 6)).</i>	The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
37 – Petroleum Exploration and Production Association of NZ	1030	Support	Accept
		Retain Rule 46 of the Plan's discretionary activity classification as notified.	Support noted. Rule 46 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
43 – Royal Forest and Bird Protection Society	1031	Support	Accept
		Retain Rule 46 of the Plan as notified.	Support noted. Rule 46 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1032	Support	Accept
		Retain Rule 46 of the Plan as notified.	Support noted. Rule 46 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1033	Amend	Decline
		Submitter seeks amendment to Rule 46 of the Plan to include standards, terms and conditions to read: <i><u>(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</u></i>	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(b) demolition or removal of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) demolition or removal of structure and discharge is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 38, 40, 41, 42, 44 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 47 – Temporary occupation for community, recreational or sporting events			
22 – Lyndon DeVantier	1034	<p>Amend</p> <p>Submitter opposes Rule 47 of the Plan providing for the temporary occupation for community, recreational or sporting events, up to four days, as a permitted activity.</p>	<p>Decline</p> <p>The Hearing Panel notes that the purpose of Rule 47 is to allow for community (volunteer) recreational or sporting events to occur as much as possible without imposing unnecessary costs and constraints on the event associated with obtaining a resource consent. It potentially applies to such events as national and regional sailing, surf live saving, surfing, triathlons, swimming events and beach carnivals.</p> <p>The Hearing Panel recognises that temporary occupation of parts of the coastal marine area for such events may impact or impinge on other users. As part of the Coastal Plan review, Council compared the proposed rule against equivalent rules elsewhere in the country in terms of duration and area of the temporary occupation and noted that the duration of such events would ranged from three days to unlimited. The Panel notes that the relief sought by</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			the submitter is more restrictive than the norm elsewhere in the country. The Panel recommends no change to the four days.
38 – Nigel Cliffe	1035	Amend Submitter seeks amendment to Rule 47 of the Plan to limit temporary occupation for community, recreational or sporting events to no more than 3 consecutive days over a 5-day period, as a permitted activity.	Decline The Hearing Panel notes that the purpose of Rule 47 is to allow for community (voluntary) recreational or sporting events to occur as much as possible without imposing unnecessary costs and constraints on the event associated with obtaining a resource consent. It potentially applies to such events as national and regional sailing, surf live saving, surfing, triathlons, swimming events and beach carnivals. The Hearing Panel recognises that temporary occupation of parts of the coastal marine area for such events may impact or impinge on other users. As part of the Coastal Plan review, Council compared the proposed rule against equivalent rules elsewhere in the country in terms of duration and area of the temporary occupation and noted that the duration of such events ranged from three days to unlimited. The Panel notes that the relief sought by the submitter is more restrictive than the norm elsewhere in the country. The Panel recommends no change to the four days.
41 – Te Korowai o Ngāruahine Trust	1036	Amend Submitter seeks amendment to Rule 47 of the Plan to require notification to iwi of any community, recreational or sporting events authorised by this rule AND Amend Condition (b) of Rule 47 to read: <i>(b) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B [Historic heritage]; [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter. The Hearing Panel notes that Condition (g) requires that the person undertaking the activity notify the Council at least 5 working days prior to the activity commencing. The Council have agreed to pass the notification information to interested iwi authorities. The Hearing Panel recommends amending the rule to include an additional note under the Activity Description to indicate this for Plan users.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	In relation to amending Condition (c) to refer to Schedules 5A and 5B (rather than just Schedule 5). However, in relation to the notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.
	1037	Amend	No relief necessary

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
42 – Ngati Rahiri Hapū		Submitter seeks amendment to Rule 47 of the Plan (if it remains a permitted activity) to include a new or amended condition that no activity can take place within 100m of an historic site unless consultation with iwi has taken place.	The Hearing Panel believes no relief is necessary in that any activity must comply with Condition (b), which relates to the protection of historic heritage (and sites of significance to tangata whenua). Further more Condition (g) includes the requirement for the organisers to notify the Council. This provides the opportunity for Council to check that no scheduled sites of significance are likely to be affected and the appropriateness of a buffer distance. The need or appropriateness of a buffer zone would depend upon the activity and/or the values associated with the particular site.
43 – Royal Forest and Bird Protection Society	1038	Amend Submitter seeks amendment to Rule 47 of the Plan to make temporary occupation for community, recreational or sporting events a controlled activity (rather than a permitted activity).	Decline The Hearing Panel does not recommend granting the relief sought by the submitter. The Hearing Panel notes that the purpose of Rule 47 is to allow for community (voluntary) recreational or sporting events to occur as much as possible without imposing unnecessary costs and constraints on the event associated with obtaining a resource consent. It potentially applies to such events as national and regional sailing, surf live saving, surfing, triathlons, swimming events and beach carnivals and is largely a continuation of an existing rule in the current Plan.
Further submissions – Port Taranaki Ltd (32)		Oppose	
43 – Royal Forest and Bird Protection Society	1039	Amend Submitter seeks amendment to Rule 47 of the Plan to include matters for control to consider effects on indigenous biodiversity, natural character and natural features and landscapes.	Decline The Hearing Panel notes that the purpose of Rule 47 is to allow for as many community (voluntary) recreational or sporting events to occur as possible without imposing unnecessary costs and constraints associated with obtaining a resource consent. Of note the permitted activity rule already includes conditions that address indigenous biodiversity. Council's experience with the current Rule has also been that any adverse effects are less than minor and are temporary and certainly do not impact on natural character, features and landscapes. However, through the notification requirement there is an opportunity for the Council to undertake a preliminary assessment to ensure that this is indeed the case.
43 – Royal Forest and Bird Protection Society	1040	Amend Submitter seeks amendment to the note in Rule 47 of the Plan to refer to Rule 50, which is a discretionary activity classification.	Accept The Hearing Panel recommends granting the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	1041	<p>Amend</p> <p>Submitter seeks amendment to Rule 47 of the Plan to include new or amended standards, terms and conditions to read:</p> <p><i>(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]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></i></p> <p><i>(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];</i></p> <p><i><u>(ba) the activity does not have adverse effect on Schedules 1 and 2</u></i></p> <p><i><u>(bb) the activity does not adversely affect the suitability of the receiving environment for customary use;</u></i></p> <p><i><u>(bc) 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></p>	<p>Accept in part</p> <p>The submitter is seeking amendment to Rule 45 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Grant the relief in kind in relation to Condition (a). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species. Decline the relief sought in relation to Condition (b). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (ba). The Hearing Panel note that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape. Decline relief sought in relation to Condition (bb) and (bc) as unnecessary and uncertain for Plan users. The Rule is only providing for the removal and replacement of structures already existing in the coastal marine area. The Hearing Panel notes that impacts on cultural sites of significance are already addressed in Condition (b).
Rule 48 – Continued occupation			
6 – Trans-Tasman Resources Ltd	1042	<p>Support</p> <p>Retain Rule 48 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Rule 48 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.</p>
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		<p>Oppose</p>	
40 – Te Rūnanga o Ngāti Mutunga	1043	<p>Amend</p> <p>Submitter seeks amendment to Rule 48 of the Plan to include two additional conditions to read:</p>	<p>Accept in part</p> <p>The Hearing Panel notes that, through the Coastal Plan review process, permitted activity rule conditions have been reviewed and in many instances</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(b) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u></p> <p><u>(c) the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A.</u></p>	<p>have additional or more restrictive limits to ensure that adverse environmental effects are not more than minor. The Hearing Panel therefore consider that existing structures should be required to meet the standard and expectations of the Plan for permitted structures.</p> <p>The Hearing Panel recommends amending Rule 48 to include additional standards, terms and conditions to read as follows:</p> <p><u>(a) The structure is being used for its originally permitted purpose;</u> <u>(b) the structure is not causing erosion or scour; and</u> <u>(c) the structure does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</u> <u>(d) the structure does not have an adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].</u></p>
41 – Te Korowai o Ngāruahine Trust	1044	<p>Amend</p> <p>Submitter seeks amendment to Rule 48 of the Plan to make the continued occupation of the common marine and coastal area, with an existing lawfully established structure (where the occupation was previously a permitted activity) a restricted discretionary activity (rather than a permitted activity).</p>	<p>Grant in kind</p> <p>At the hearing of submissions, the submitter presented further on this rule and recommended that if the Hearing Panel does not consider that it is necessary to raise the activity classification of the rule to Restricted Discretionary to include additional standards, terms and conditions to ensure that the continued occupation of the structure is not causing adverse environmental effects.</p> <p>The Hearing Panel notes that through the Coastal Plan review process, permitted rule conditions have been reviewed and in many instances have additional or more restrictive limits to ensure that adverse environmental effects are not more than minor. The Panel therefore consider that existing structures should be required to meet the standard and expectations of the Plan for permitted structures.</p> <p>The Hearing Panel recommend amending Rule 48 to include additional standards, terms and conditions to read as follows:</p> <p><u>(a) The structure is being used for its originally permitted purpose;</u> <u>(b) the structure is not causing erosion or scour;</u> <u>(c) the structure does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</u> <u>(d) the structure does not have an adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].</u></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	1045	Amend Submitter seeks amendment to Rule 48 of the Plan by: <ul style="list-style-type: none"> amending Condition (a) to refer to the original permitted use of the structure removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from the rule and to make the continued occupation of an existing lawfully established structure in such areas (where the occupation was previously a permitted activity) a restricted discretionary activity (rather than a permitted activity). 	Accept in part The Hearing Panel recommends amending Condition (a) to refer to the original permitted use of the structure. In relation to removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from the rule and to making the continued occupation of an existing lawfully established structure in such areas a restricted discretionary activity seems unnecessary and would result in the imposition of unnecessary consenting costs for structures already present in these areas and which are considered to be having less than minor adverse effects (noting that issues with placement have already been separately addressed in another rule). Notwithstanding the above, the Hearing Panel recommend additional standards, terms and conditions to address any adverse environmental effects that may be occurring through the continued occupation of the structure and note that if the new standards, terms and conditions are not met then a consent will be required under Rule 49.
45 – Powerco	1046	Support Retain Rule 48 of the Plan as notified.	Accept Support noted. Rule 48 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1047	Support Retain Rule 48 of the Plan as notified.	Accept Support noted. Rule 48 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
47 – Fonterra	1048	Support	Accept
		Retain Rule 48 of the Plan as notified.	Support noted. Rule 48 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
58 – Te Atiawa	1049	Amend	Decline
		Submitter seeks amendment to Rule 48 of the Plan to make the continued occupation of the common marine and coastal area, with an existing lawfully established structure (where the occupation was previously a permitted activity) a restricted discretionary activity (rather than a permitted activity).	<p>The Hearing Panel notes that Rule 48 relates to the continued occupation of existing lawfully established structures where the occupation was a permitted activity at the time of its placement or erection).</p> <p>At the time of the original placement and erection of the structure wider considerations relating to historic heritage and indigenous biodiversity would have been addressed (under alternative rules). The Hearing Panel believes that ongoing occupation of a structure is likely to have less adverse effects subject to it continuing to be used for its originally consented purpose. The Hearing Panel does not believe it practicable, necessary or appropriate to make the continued occupation of existing lawfully established structures in the coastal marine area a restricted discretionary activity for which a resource consent would be required.</p> <p>Of note, as part of this Coastal Plan review, this Council has adopted a precautionary approach whereby, if uncertain that effects can be adequately identified and addressed as a permitted activity or controlled activity, it has determined that the effects will be considered as a fully discretionary activity to ensure issues are comprehensively canvassed.</p> <p>Notwithstanding the above, the Hearing Panel recommend additional standards, terms and conditions to address any adverse environmental effects that may be occurring through the continued occupation of the structure and note that if the new standards, terms and conditions are not met then a consent will be required under Rule 49.</p>
Rule 49 – Continued occupation			
15 – Surfbreak Protection Society	1050	Other	No relief necessary
		Submitter seeks that there be no impacts to surf breaks.	Submitter's comments are noted and have been previously addressed in submission point 448 relating to surfing policies. Policy 19 would be considered as part of any resource consent application under this Rule.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	1051	Amend Submitter seeks amendment to Rule 49 of the Plan to make the continued occupation of the common marine and coastal area, with an existing lawfully established structure (where the occupation was previously a controlled activity) a restricted discretionary activity (rather than a controlled activity).	Decline The Hearing Panel notes that Rule 49 relates to the continued occupation of existing lawfully established structures after the expiry of its consent (and where the occupation was a controlled activity at the time of its placement or erection). At the time of the original placement and erection of the structure wider considerations relating to historic heritage and indigenous biodiversity would have been addressed (under alternative rules). The Hearing Panel believes that ongoing occupation of a structure is likely to have less adverse effects subject to it continuing to be used for its originally consented purpose. The Hearing Panel does not believe it necessary to include additional conditions. Of note, as part of this Coastal Plan review, the Council has adopted a precautionary approach whereby, if uncertain that effects can be adequately identified and addressed as a permitted activity or controlled activity, it has determined that the effects will be considered as a fully discretionary activity to ensure issues are comprehensively canvassed.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	1052	Amend Submitter seeks amendment to Rule 49 of the Plan by: <ul style="list-style-type: none"> removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from the rule and to make the continued occupation of an existing lawfully established structure in such areas (where the occupation was previously a controlled activity) a restricted discretionary activity (rather than a controlled activity) including matters for control to consider effects on indigenous biodiversity, natural character and natural features and landscapes and other matters to consider the effects of noise, light and location. 	Accept in part The Hearing Panel does not recommend granting the relief sought by the submitter. In relation to removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from the rule and to making the continued occupation of an existing lawfully established structure in such areas a restricted discretionary activity is not considered appropriate or necessary and would result in the imposition of unnecessary consenting costs for structures already present in these areas and which are considered to be having less than minor adverse effects (noting that issues with placement have already been separately addressed in another rule). The Hearing Panel notes that Rule 49 relates to the continued occupation of existing lawfully established structures after the expiry of its consent (and where the occupation was a controlled activity at the time of its placement or erection). At the time of the original placement and erection of the structure wider considerations relating to indigenous biodiversity and natural character would have been addressed (under alternative rules). The Hearing Panel

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			believes that ongoing occupation of a structure is likely to have less adverse effects subject to it continuing to be used for its originally consented purpose. Notwithstanding the above, the Hearing Panel recommends that the matters of control be amended to include natural character, features and landscape values and effects on indigenous biodiversity. This Council has adopted a precautionary approach whereby, if uncertain that effects can be adequately identified and addressed as a permitted activity or controlled activity, it has determined that the effects will be considered as a fully discretionary activity to ensure issues are comprehensively canvassed.
45 – Powerco	1053	Support	Accept
		Retain Rule 49 of the Plan as notified.	Support noted. Rule 49 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1054	Support	Accept
		Retain Rule 49 of the Plan as notified.	Support noted. Rule 49 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	1055	Support	Accept
		Retain Rule 49 of the Plan as notified.	Support noted. Rule 49 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
58 – Te Atiawa	1056	Amend	Decline
		Submitter seeks amendment to Rule 49 to make the continued occupation of an existing lawfully established structure in such areas (where the occupation was previously a controlled activity) a restricted discretionary activity (rather than a controlled activity).	The Hearing Panel does not recommend granting the relief sought by the submitter. In relation to removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from Rule 49, and to making

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	<p>the continued occupation of an existing lawfully established structure in such areas a restricted discretionary activity, is not considered appropriate or necessary and would result in the imposition of unnecessary consenting costs for structures already present in these areas and which are considered to be having less than minor adverse effects (noting that issues with placement have already been separately addressed in another rule).</p> <p>The Hearing Panel notes that Rule 49 relates to the continued occupation of existing lawfully established structures after the expiry of its consent (and where the occupation was a controlled activity at the time of its placement or erection). At the time of the original placement and erection of the structure wider considerations relating to indigenous biodiversity and natural character would have been addressed (under alternative rules). The Panel believes that ongoing occupation of a structure is likely to have less adverse effects subject to it continuing to be used for its originally consented purpose.</p> <p>Of note, as part of this Coastal Plan review, this Council has adopted a precautionary approach whereby, if uncertain that effects can be adequately identified and addressed as a permitted activity or controlled activity, it has determined that the effects will be considered as a fully discretionary activity to ensure issues are comprehensively canvassed.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1057	<p>Amend</p> <p>Submitter seeks amendment to Rule 49 of the Plan to include new and amended standards, terms and conditions to read:</p> <p><i>(a) the structure is being used for its originally intended purpose;</i></p> <p><i><u>(b) continued occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></i></p> <p><i><u>(c) continued occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i></p> <p><i><u>(d) continued occupation is consistent with iwi management plan.</u></i></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought in relation to Conditions (b), (c) and (d) as being uncertain in terms of their application and given the details as to managing adverse effects on a range of values including cultural and heritage values and monitoring are already identified in the rule as matters of control.</p> <p>The Hearing Panel notes that Rule 48 relates to the continued occupation of existing lawfully established structures where the occupation was a controlled activity at the time of its placement or erection. At the time of the original placement and erection of the structure wider considerations relating to historic heritage and indigenous biodiversity would have been addressed (under alternative rules). The Panel believes that ongoing occupation of a structure is likely to have less adverse effects subject to it continuing to be used for its originally consented purpose. The Panel does not believe it necessary to include additional conditions.</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
	1058	Amend	Decline

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust		<p>Submitter seeks amendment to the Control/notification column for Rule 49 of the Plan to read:</p> <p><i>Control is reserved over:</i></p> <p>[...]</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><u>(k) effects on Cultural Zone (referred to in Spatial Plan);</u></p> <p><u>(l) monitoring (including tangata whenua indicators referred to in the tangata whenua monitoring plan) and information requirements;</u></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 <u>be notified to tangata whenua</u>.</p>	<p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The suggested changes seem to be mixing jurisdictional, policy and operational matters and introducing a level of specificity that is not considered appropriate or necessary. Most of the changes sought are a subset of matters that have already been provided for while the submitter has also introduced some new concepts such as a cultural zone and a spatial plan that do not fit within the Proposed Plan framework. There is a 'requirement' to be consistent with iwi management plans, while the submitter is silent on how other planning documents might fit within this framework.</p> <p>The Hearing Panel notes that this activity is already subject to the General Policies 1 to 21 of which Policies 15 [Historic heritage] and 16 [Relationship of tangata whenua] are particularly relevant. The Panel further notes that there will be an opportunity to develop an agreed framework and operational detail for implementing the Plan as part of any Mana Whakahoā Rohe agreement with the submitter.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Panel recommends amending the heading throughout the rules section to refer only to "<i>matters of control/discretion</i>" and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Rule 50 – Coastal occupation			
26 – Transpower NZ Ltd	1059	<p>Amend</p> <p>Submitter seeks amendment to Rule 50 of the Plan to delete reference to the National Environmental Standards for Electricity Transmission Activities:</p> <p>[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).</p>	<p>Accept</p> <p>The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
29 – Department of Conservation	1060	Amend	Accept
		Submitter seeks amendment to Rule 50 of the Plan's activity description to read: [...] and the activity does not come within or comply with Rules 47 – 50 <u>49</u> [...]:	The Hearing Panel recommend granting the relief sought by the submitter.
32 – Port Taranaki	1061	Amend	Accept
		Submitter seeks amendment to Rule 50 of the Plan's activity description to read: [...] and the activity does not come within or comply with Rules 47 – 50 <u>49</u> [...]:	The Hearing Panel recommends granting the relief sought by the submitter.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1062	Support	Accept
		Retain Rule 50 of the Plan as notified.	Support noted. Rule 50 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
47 – Fonterra	1063	Support	Accept
		Retain Rule 50 of the Plan as notified.	Support noted. Rule 50 is retained subject to amendments made to offer relief to other submitters' concerns where appropriate.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	1064	Amend	Decline
		Submitter seeks amendment to Rule 50 of the Plan to include standards, terms and conditions to read: <u>(a) the occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> <u>(b) the occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) the occupation is consistent with iwi management plan.</u> AND Include the following notification note: <u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 31, 32 and 39 being given effect to.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41)		Support	<p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to “<i>matters of control/discretion</i>” and deleting any references to consenting notification requirements in the rules (noting relevant notification requirements are set out in sections 95A to 95G of the RMA).</p> <p>The Hearing Panel further notes that, in addition to the requirements of the RMA, notification to iwi can also be addressed through Mana Whakahono a Rohe agreements without the need to be included in the Plan rules.</p>
NEW Rule 50A – Coastal occupation			
43 – Royal Forest and Bird Protection Society	1065	Amend Submitter seeks amendment to the Plan to make the continued occupation of an existing lawfully established structure in Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas (where the occupation was previously a Permitted or controlled activity).	Decline Refer to submission points 1045 and 1052.
Rule 51 – Clearance of outfalls, culverts and intake structures			
21 – Climate Justice Taranaki	1066	Amend Submitter seeks amendment to Rule 51 [Clearance of outfalls, culverts and intake structures and any associated activities] of the Plan to make the activity Discretionary (rather than Permitted) in coastal management areas: Outstanding value and Estuaries Unmodified – especially the discharge of contaminants.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that the activity is to allow minor disturbances of the foreshore and seabed for the purpose of removing accumulated sediment that is adversely affecting the use and performance of a culvert, outfall or intake structure. Anticipated effects should be less than minor, subject to compliance with the standards, terms and conditions. Of note, Rule 51 relates only to maintenance activities (and incidental discharges) associated with existing structures rather than the discharge itself. Given that the placement of these structures are already authorised in Outstanding value and Estuaries Unmodified coastal management areas,

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			requiring a resource consent for ongoing maintenance works is not considered appropriate or necessary.
40 – Te Rūnanga o Ngāti Mutunga	1067	Amend Submitter seeks amendment to Rule 51 of the Plan to include two additional conditions: <i>(f) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</i> <i>(g) 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.</i>	Accept The Hearing Panel notes that Rule 51 relates to allowing minor disturbances of the foreshore and seabed for the purpose of removing accumulated sediment that is adversely affecting the use and performance of a culvert, outfall or intake structure. At the time of the original placement and erection of the structure wider considerations relating to historic heritage and indigenous biodiversity would have been addressed (under alternative rules). However, to ensure a precautionary approach, the Hearing Panel recommends the inclusion of additional standards terms and conditions to ensure no adverse effects to significant indigenous biodiversity, including taonga species and historic heritage identified in Schedules 5A and B. These are reflected in new standards terms and conditions (aa), (ab) and (ac).
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
40 – Te Rūnanga o Ngāti Mutunga	1068	Amend Submitter opposes permitting the clearance of outfalls, culverts and intake structures in the coastal marine area and seek amendment to Rule 51 of the Plan to make such activities be a discretionary activity.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that the activity is to allow minor disturbances of the foreshore and seabed for the purpose of removing accumulated sediment that is adversely affecting the use and performance of a culvert, outfall or intake structure. Anticipated effects should be less than minor, subject to compliance with the standards, terms and conditions. Of note Rule 51 relates only to maintenance activities (and incidental discharges) associated with existing structures rather than the discharge itself. Requiring a resource consent for ongoing maintenance works is not considered appropriate or necessary.
43 – Royal Forest and Bird Protection Society	1069	Amend Submitter seeks amendment to Rule 51 of the Plan to clarify that the rule provides for clearance of lawfully established structures only and add further conditions and limits to specify: <ul style="list-style-type: none"> the amount of disturbance or deposition of material 	Accept in part The Hearing Panel recommends amending the Activity Description of Rule 51 to refer to lawfully established structures. In relation to the other matters raised by the submitter, the Hearing Panel does not recommend granting the reliefs sought. Of note, the Rule is based on an equivalent rule in the current Plan for which there have been no issues

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> a limit or guidance on "<i>minimum necessary</i>" to ensure removal of material does not result in adverse effects whether mitigation may be appropriate in outstanding or significant locations and require consent the type of material which can be deposited adverse effects of depositing the material inappropriately. 	<p>with its implementation and application to date. Specific comments are as follows:</p> <ul style="list-style-type: none"> The amount of disturbance or deposition of material will depend upon the structure but given there can be significant costs associated with doing this maintenance works there is an incentive for the person not to do more than they need to do to protect the use and performance of their culvert, outfall or intake structure. As per above, the minimum amount of material that can be removed will depend upon the structure but given there can be significant costs associated with doing this maintenance works, again, there is an incentive for the person not to do more than they need to do to protect the use and performance of their culvert, outfall or intake structure. As per the reading of the condition, any material placed on the foreshore or seabed will consist of the same material as the receiving environment, e.g. shingle or rocks on rocky shores, sand on sandy beaches or sea floors. Subject to the standards, terms and conditions, the Hearing Panel believes adverse environments will be appropriately managed. However, in response to concerns raised by the submitter, the Hearing Panel recommends the inclusion of two new standards, terms and conditions addressing adverse effects on indigenous biodiversity and historic heritage.
47 – Fonterra	1070	<p>Amend</p> <p>Submitter seeks amendment to Condition (e) of Rule 51 of the Plan to read: <i>(e) activity does not restrict public access for more than <u>seven days 24 hours</u>.</i></p>	<p>Accept in part</p> <p>Submitter notes that clearance activities on larger structures may take longer than one day due to weather events and notes that these structures are located in areas where there is generally low levels of demand for access.</p> <p>The Hearing Panel agrees in part but consider a restriction on public access up to 7 days to be excessive for a permitted activity. Instead, the Hearing Panel recommends that public access restrictions be limited to 72 hours.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
57 – Heritage New Zealand	1071	Amend Submitter seeks amendment to Rule 51 of the Plan to include an additional condition: <i>(f) disturbance does not occur within a site included in Schedule 5 [Historic Heritage].</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter with the inclusion of new standard, term and condition (ac).
58 – Te Atiawa	1072	Amend Submitter seeks amendment to Rule 51 of the Plan to include two additional conditions to read: <i>(f) 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;</i> <i>(g) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
59 – KiwiRail	1073	Support Retain Rule 51 of the Plan as notified.	Accept Support noted. Rule 51 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1074	Amend Submitter seeks amendment to Rule 51 of the Plan to include new standards, terms and conditions to read: [...] <i>(f) 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];</i> <i>(g) the discharge does not have adverse effect on Schedules 1 and 2;</i> <i>(h) 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;</i>	Accept in part The submitter is seeking amendment to Rule 51 of the Plan to include new and amended standards, terms and conditions that primarily address cultural and historic heritage and indigenous biodiversity considerations. The Hearing Panel notes that a number of submitters have raised similar considerations. The Panel recommends that in a manner that is consistent to that adopted in conditions adopted in other rules that three new conditions be added to the rule that reads as follows: [...]

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p><u>(i) the discharge does not adversely affect the suitability of the receiving environment for customary use;</u></p> <p><u>(j) 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>	<p><u>(aa) disturbance does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</u></p> <p><u>(ab) the activity does not have a significant effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u></p> <p><u>(ac) disturbance does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B [Historic heritage];</u></p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Rule 52 – Collection of benthic grab samples			
6 – Trans-Tasman Resources Ltd	1075	<p>Support</p> <p>Retain Rule 52 of the Plan as this rule appropriately enables monitoring of effects on benthic communities by providing for the removal of benthic material as a permitted activity where it is for scientific or monitoring purposes and where it meets the terms set out in the rule.</p>	<p>Accept</p> <p>Support noted. Rule 52 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.</p> <p>The Hearing Panel further note that in relation to other requests from the submitter (and others) additional rules have been incorporated into the Plan to address other disturbance activities for scientific sampling and monitoring purposes generally (Rules 52, 52A and 52B).</p>
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
6 – Trans-Tasman Resources Ltd	1076	<p>Amend</p> <p>Submitter seeks consequential changes to Condition (g) of Rule 52 of the Plan that gives effect to previous reliefs sought. Consequential amendments read as follows:</p> <p><u>(g) sampling does not have an adverse effect on any threatened or at risk, or regionally distinctive (declining) species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; [...]</u></p>	<p>Decline</p> <p>The Hearing Panel does not recommend granting this relief as deleting reference to regionally distinctive species would be inconsistent with Bio Policy 4 of the <i>Regional Policy Statement</i>, which refers to, amongst other things, the presence of regionally distinctive species as a criteria for identifying significant indigenous biodiversity values in Taranaki. The category also contributes to giving effect to Policy 11(a)(iv) of the <i>New Zealand Coastal Policy Statement</i>. It is the Hearing Panel's view that Plan provisions should recognise the local context and provide for the protection of indigenous species that are locally significant to the Taranaki region, irrespective of their national threat status.</p>
Further submissions – Department of Conservation (29)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			The Hearing Panel also recommends declining the relief sought in relation to deleting reference to sensitive benthic habitats. Sensitive benthic habitats refer to marine habitats identified in the report https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/SensitiveHabitats.PDF that have low tolerance to habitat damage and for which the time for the habitat to recover from any damage would be significant. Given the sensitivity and vulnerability of such marine habitats, the Hearing Panel considers it appropriate that they be recognised and provided for in Rule 52.
41 – Te Korowai o Ngāruahine Trust	1077	Amend Submitter seeks amendment to Rule 52 of the Plan to require notification to iwi of any benthic grab sampling authorised by this rule.	Accept The Hearing Panel notes that, under Condition (h), the Council requires to be informed of the activity at least five working days prior to the activity commencing and have agreed to pass this information to iwi authorities. The Hearing Panel recommends including an additional note under the Activity Description in response to the submitters request to read as follows: <i><u>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</u></i>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
43 – Royal Forest and Bird Protection Society	1078	Support Retain Rule 52 of the Plan as notified.	Accept Support noted. Rule 52 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.
58 – Te Atiawa	1079	Amend Submitter seeks amendment to Rule 52 of the Plan so that Iwi are notified.	Accept In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. However, in relation to permitted activity notifications, the Council requires notification under standard, term and condition (h) at least five working day before the activity is due to commence, and has agreed to forward this notification to iwi authorities that have requested to be kept informed. The Hearing Panel recommends including Note (2) in response to the submitters request to read:
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<u>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</u>
61 – Te Rūnanga o Ngāti Ruanui Trust	1080	<p>Amend</p> <p>Submitter seeks amendment to Rule 52 of the Plan to include new and amended standards, terms and conditions to read:</p> <p>[...]</p> <p><i>(f) sampling does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></i></p> <p><i><u>(fa) the sampling does not have adverse effect on Schedules 1 and 2;</u></i></p> <p><i><u>(fb) 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></p> <p><i>(g) 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> [...]</i></p>	<p>Accept in part</p> <p>The submitter is seeking amendment to Rule 52 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (f). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (fa). The Hearing Panel notes that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape and it requires no adverse effects (even those less than minor), Decline relief sought in relation to Condition (fb) as unnecessary and uncertain for Plan users. The Rule is only providing for the collection of benthic grab samples for scientific or monitoring purposes in the coastal marine area. The Hearing Panel notes that impacts on cultural sites of significance are already addressed in Condition (f). Grant the relief in kind in relation to Condition (d). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Rule 53 – Minor disturbance and removal			
6 – Trans-Tasman Resources Ltd	1081	<p>Support</p> <p>Retain Rule 53 of the Plan as this rule recognises the minor effects arising from such disturbance and removal.</p>	<p>Accept</p> <p>Support noted. Rule 53 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
43 – Royal Forest and Bird Protection Society	1082	Amend Submitter supports retaining Conditions (c) to (g) but seeks amendment to Rule 53 of the Plan by removing Outstanding Value, Estuaries Unmodified, and Estuaries Modified coastal management areas from the rule and to make minor disturbance and removal of sand, shingle or other natural material in such areas a restricted discretionary activity (rather than a permitted activity).	Decline The Hearing Panel notes that Rule 53 is a new rule providing for the removal of small quantities of sand for non-commercial purposes, e.g. for the sandpit or material for customary uses. Subject to compliance with standards, terms and conditions set out in the Rule, any adverse effects would be less than minor and transitory. The Panel does not believe it appropriate or necessary to require people to obtain a resource consent to take less than 0.5 m ³ of sand, shingle, shell or other natural material.
Further submissions – Climate Justice Taranaki Inc (21)		Support	
43 – Royal Forest and Bird Protection Society	1083	Amend Submitter seeks amendment to Rule 53 of the Plan by including matters for control to consider effects on indigenous biodiversity, natural character and natural features and landscapes and other matters to consider the effects of noise, light and location.	Decline Refer to submission point 1082. The Hearing Panel does not recommend requiring people to get a resource consent for such small scale activities. Notwithstanding that, it is the Panel's view that indigenous biodiversity considerations are adequately addressed in the standards, terms and conditions.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
43 – Royal Forest and Bird Protection Society	1084	Amend Submitter seeks amendment to Rule 53 of the Plan by adding a new condition that restricts the activity to outside of bird breeding periods.	Decline Refer to submission point 1082. The Hearing Panel does not consider the amendment sought to add any further value and consider the current standards, terms and conditions to provide the necessary direction for Plan users. The Panel notes that the scale of the activity is small and can be appropriately managed as a permitted activity. The Hearing Panel recommends declining the relief requested.
61 – Te Rūnanga o Ngāti Ruanui Trust	1085	Amend Submitter seeks amendment to Rule 53 of the Plan to include new and amended standards, terms and conditions to read:	Accept in part

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(a) the activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></p> <p><u>(aa) the activity does not have adverse effect on Schedules 1 and 2;</u></p> <p><u>(ab) 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>(b) 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, 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>	<p>The submitter is seeking amendment to Rule 53 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (a). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (aa). The Hearing Panel notes that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape and it requires no adverse effects (even those less than minor or transitory). Decline relief sought in relation to Condition (ab) as unnecessary and uncertain for Plan users. The Rule is only providing for the extraction of small quantities of material (e.g. for a sandpit) in the coastal marine area. The Hearing Panel also notes that impacts on cultural sites of significance are already addressed in Condition (a) Grant the relief in kind in relation to Condition (b). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support	
Rule 54 – Burial of dead animals			
29 – Department of Conservation	1086	<p>Amend</p> <p>Submitter seeks amendment to Rule 54(e) of the Plan to read:</p> <p>(e) <u>except for seals</u>, where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place [...]</p>	<p>Accept</p> <p>The submitter notes that most of the marine mammals that the Department of Conservation bury are dead seals and that the frequency of dead seal burials means that it is likely to be impracticable to consult with iwi on every occasion. The submitter further notes that the Taranaki Iwi deed of settlement already adequately covers the requirement for the Department to cooperate with and advise iwi of any marine mammal strandings and burials.</p> <p>The Hearing Panel recommends granting the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	1087	Amend Submitter seeks amendment to Rule 54(b) of the Plan to read: <i>(b) the activity does not occur at any site identified in Schedule 56B [Sites of significance to Māori] [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
58 – Te Atiawa	1088	Support in Part Submitter seeks amendment to Rule 54(b) of the Plan to read: <i>(b) the activity does not occur at any site identified in Schedule 56B [Sites of significance to Māori] [...]</i>	Accept The Hearing Panel recommends granting the relief sought by the submitter.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
60 – Te Kaahui o Rauru	1089	Amend Submitter seeks amendment to Rule 54 of the Plan to require active involvement of tangata whenua (not just notification) when it comes to the burial of dead animals on the beach, particularly the burial of marine mammals.	Decline In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements. In addition, the Hearing Panel notes that the activity of burying marine mammals in the coastal marine area is undertaken by the Department of Conservation and notes that involvement with local iwi and hapu is often provided for through the Department of Conservation engagement processes. The Hearing Panel notes that Council routinely works with the Department of Conservation in such matters. Treaty of Waitangi deeds of settlement adequately covers Departmental requirements to cooperate with and advise iwi of any marine mammal strandings and burials.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	1090	<p>Amend</p> <p>Submitter seeks amendment to Rule 54 of the Plan to include new and amended standards, terms and conditions to read:</p> <p><i>(a) the activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></i></p> <p><i><u>(aa) the activity does not have adverse effect on Schedules 1 and 2;</u></i></p> <p><i><u>(ab) 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></p> <p><i><u>(b) 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;</u></i></p> <p><i>(c) activity complies with the general standards in Section 8.6;</i></p> <p><i>(d) 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, 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></i></p>	<p>Accept in part</p> <p>The submitter is seeking amendment to Rule 54 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows:</p> <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (a). The Hearing Panel refers the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (aa) and (ab). Hearing Panel note that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape and it requires no adverse effects (even those less than minor or transitory). Decline relief sought in relation to deleting Condition (b) as express permission from the appropriate iwi authority should the burial of dead animals be required in their sites of significance is considered appropriate. Grant the relief in kind in relation to Condition (b). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Rule 55 – Dredging and spoil disposal (Port)			
43 – Royal Forest and Bird Protection Society	1091	<p>Support</p> <p>Retain Rule 55 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted.</p>
58 – Te Atiawa	1092	<p>Support</p> <p>Retain Rule 55 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 56 – Dredging and spoil disposal (Open Coast)			
43 – Royal Forest and Bird Protection Society	1093	Support Retain Rule 56 of the Plan as notified.	Accept Rule 56 is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	1094	Amend Submitter seeks amendment to Rule 56 of the Plan to include the following conditions: <i><u>(a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity], and;</u></i> <i><u>(b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</u></i>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to Discretionary activities. The Hearing Panel declines the relief noting that it is not standard planning practice for discretionary or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 39, 40, 41, 42, 43, 44 and 49 being given effect to. In particular, Policy 14 [Indigenous biodiversity], Policy 15 [Historic heritage] and Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1095	Amend Submitter seeks amendment to Rule 56 of the Plan to include standards, terms and conditions to read: <i><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></i> <i><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i> <i><u>(c) the activity is consistent with iwi management plan.</u></i> AND Include the following notification note: <i><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></i>	Decline The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to Discretionary activities. The Hearing Panel declines the relief noting that it is not standard planning practice for Discretionary or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 39, 40, 41, 42, 43, 44 and 49 being given effect to. In particular, Policy 16

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	<p>[Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p>
Rule 57 – Beach replenishment			
29 – Department of Conservation	1096	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to read:</p> <p><i>Deposition of natural marine material [...]</i></p> <p>AND</p> <p>Include controls around particle size, and requirements for marine material similar to that of the receiving environment.</p>	<p>Decline</p> <p>The Hearing Panel agrees that beach replenishment materials should be similar to the sediments that already existing in the natural receiving environment, however, this is a detail that would be addressed within the consenting process on a case-by-case basis and does not require mention within the rule itself.</p>
40 – Te Rūnanga o Ngāti Mutunga	1097	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to include 2 additional conditions:</p> <p><i><u>(c) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic Heritage]</u></i></p> <p><i><u>(d) the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A.</u></i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a discretionary activity classification.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that effects on species and ecosystems are provided for and protected under Policy 14 [Indigenous biodiversity] and will be required to be given effect through this rule by having regard for Policies 1 to 21, 22, 40, 41, 42, 44 and 49 being given effect to.</p>
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
41 – Te Korowai o Ngāruahine Trust	1098	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to acknowledge the role that kaitiaki play in wanting to protect areas of ecological value and biodiversity and sites of significance.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The Hearing Panel does not consider the rules to be an appropriate place to discuss the role of kaitiaki in wanting to protect areas of ecological value,</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>biodiversity and sites of significance. Such matters have been addressed elsewhere in the Plan.</p> <p>The Hearing Panel notes that the rules are subject to the provisions within the policies and as such kaitiaki is already provided for within Policy 16 [Relationship of tangata whenua]. Thus, kaitiaki will have to be considered through this rule irrespective of whether it is explicitly mentioned or not and can be done so through iwi involvement in the consent process on a case-by-case basis.</p>
41 – Te Korowai o Ngāruahine Trust	1099	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to include standards, terms and conditions to ensure that the activities do not have any adverse effects on species and ecosystems and do not impact on the values of the sites listed in Schedules 5A and B.</p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a discretionary activity classification.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that effects on species and ecosystems are provided for and protected under Policy 14 [Indigenous biodiversity] and will be subject to the activity obtaining a resource consent and giving effect to Policies 1 to 21, 22, 40, 41, 42, 44 and 49.</p>
43 – Royal Forest and Bird Protection Society	1100	<p>Support</p> <p>Retain Rule 57 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Rule 57 is retained as notified.</p>
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	1101	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to include the following conditions:</p> <p><i>(a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]. and:</i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a discretionary activity classification.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u><i>b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</i></u>	<p>complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 40, 41, 42, 44 and 49 being given effect to. In particular, Policy 14 [Indigenous biodiversity] and Policy 15 [Historic heritage] will provide for the areas of concern raised by the submitter.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1102	<p>Amend</p> <p>Submitter seeks amendment to Rule 57 of the Plan to include standards, terms and conditions to read:</p> <p><u><i>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</i></u></p> <p><u><i>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</i></u></p> <p><u><i>(c) the activity is consistent with iwi management plan.</i></u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u><i>Resource consent applications under this Rule will be notified to tangata whenua.</i></u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a discretionary activity classification.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 40, 41, 42, 44 and 49 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 58 – Introduction of exotic plants			
29 – Department of Conservation	1103	Support	Accept
		Retain Rule 58 of the Plan as notified.	Support noted. Rule 58 is retained as notified.
43 – Royal Forest and Bird Protection Society	1104	Support	Accept
		Retain Rule 58 of the Plan as notified.	Support noted. Rule 58 is retained as notified.
58 – Te Atiawa	1105	Other	No relief necessary
		Seek discussion with the Taranaki Regional Council with respect to the purpose of allowing the introduction of exotic plants into the coastal marine area.	Comments noted. The Hearing Panel note that the Rule framework recognises that the introduction of exotic plants into the coastal marine area would not generally be acceptable. Hence, the activity can only be authorised through the consenting process as a discretionary activity or a non-complying activity (depending upon the coastal marine area where the activity is proposed to occur).
Further submissions – Te Rūnanga o Ngāti Mutunga (40)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1106	Amend	Decline
		<p>Submitter seeks amendment to Rule 58 of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) the activity is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a discretionary activity classification.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with General Policies 1 to 21 and Activity-specific Policy 28 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] would provide protections for areas of concern identified by the submitter.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 59 – Introduction of exotic plants			
29 – Department of Conservation	1107	Support	Accept
		Retain Rule 59 of the Plan as notified.	Rule 59 retained as notified.
40 – Te Rūnanga o Ngāti Mutunga	1108	Support	Accept
		Retain Rule 59 of the Plan as notified.	Rule 59 retained as notified.
43 – Royal Forest and Bird Protection Society	1109	Amend	No relief necessary
		Submitter seek amendment to Rule 59 to give effect to the <i>New Zealand Coastal Policy Statement</i> .	The submitter notes that the introduction of exotic plants is not consistent with protection or enhancement of natural character. In particular they are concerned about adverse effects on significant biodiversity values. The Hearing Panel does not believe that relief is required. The Panel agrees with the submitter that the introduction of exotic plants in the coastal marine area is likely to degrade natural character. This has been recognised in the Plan whereby Rule 59 makes this activity a non-complying activity for which a resource consent would be required. The Panel notes that non-complying activity represents a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan.
58 – Te Atiawa	1110	Support	Accept
		Submitter supports Rule 59 of the Plan as notified.	Support noted. Rule 59 retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	1111	<p>Amend</p> <p>Submitter seeks amendment to Rule 59 of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) the activity is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for a rule in the Plan that has a non-complying activity classification.</p> <p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21 and 28 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Rule 60 – Other disturbance, damage, destruction, removal or deposition			
26 – Transpower NZ Ltd	1112	<p>Amend</p> <p>Submitter supports Rule 60 of the Plan but seeks amendment to Rule to delete reference to National Environmental Standards for Electricity Transmission Activities:</p>	<p>Accept</p> <p>The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).	
40 – Te Rūnanga o Ngāti Mutunga	1113	Amend Submitter seeks amendment to Rule 60 of the Plan to make disturbance, damage, destruction, removal or deposition of the foreshore and seabed a non-complying activity in Estuaries Modified, Open Coast and Port coastal management areas (i.e. all coastal management areas).	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that discretionary activity classifications provides a high level of regulatory protection and Hearing Panel do not consider it appropriate to preclude this activity across coastal management areas already modified by coastal activities without determining the scale and possible effects as would be determined on a case-by-case basis through the consenting process.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support	
43 – Royal Forest and Bird Protection Society	1114	Amend Submitter seeks amendment to Rule 60 of the Plan to give effect to the <i>New Zealand Coastal Policy Statement</i> .	No relief necessary The Hearing Panel recommends declining the relief sought by the submitter. The submitter suggests that these activities can have significant adverse effects on indigenous biodiversity and natural character not identified in the Plan. The submitter seeks amendments to Plan policies to give effect to the <i>New Zealand Coastal Policy Statement</i> and believes amendments are necessary to provide for this activity as a discretionary activity. The Hearing Panel notes that the submitters concerns regarding indigenous biodiversity and natural character are provided for within the Plan in Policy 9 [Natural character and natural features and landscapes] and Policy 14 [Indigenous biodiversity] and that Rule 60 must give effect to the relevant policies including all of the General Policies as indicated in the Policy reference column. It is Hearing Panel's view that the requirements of the <i>New Zealand Coastal Policy Statement</i> have been fulfilled through the Proposed Plan and suggested amendments to the Proposed Plan (addressed elsewhere in this report).
47 – Fonterra	1115	Support Retain Rule 60 of the Plan as notified.	Accept Support noted. Rule 60 retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Support	
58 – Te Atiawa	1116	Amend	Decline
		Submitter seeks amendment to Rule 60 of the Plan to change the activity classification to non-complying (currently discretionary activity) for the Estuaries Modified and the Open Coast coastal management areas.	The Hearing Panel recommends declining the relief requested by the submitter. The Hearing Panel does not consider it appropriate to further restrict this activity in the Estuaries Modified and the Open Coast coastal management areas. As a discretionary activity a resource consent is required and, through the consenting process, any application for disturbance activities on the foreshore or seabed can be fully considered.
Further submissions – Trans-Tasman Resources Ltd (6), Department of Conservation (29)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1117	Amend	Decline
		Submitter seeks amendment to Rule 60 of the Plan to include standards, terms and conditions to read: <u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> <u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> <u>(c) the activity is consistent with iwi management plan.</u> AND Include the following notification note: <u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 39, 40, 41, 42 and 44 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter. In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to " <i>matters of control/discretion</i> " and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rules 60 and 61 - Other disturbance, damage, destruction, removal, or deposition that is not provided for in Rules 51 to 59			
6 – Trans-Tasman Resources Ltd	1118	Support Retain Rules 60 and 61 providing for other disturbance activities as Discretionary or non-complying in more sensitive areas and suggests this is appropriate and consistent with the way in which the other rules have approached similar catch all provisions (Rules 13, 14, 33, 34, 42, and 43).	Accept Support noted. Rules 60 and 61 are retained with minor amendment to Rule 61 to remove the reference to the <i>Resource Management (National Environmental Standards for Electricity Transmission Activity Regulations 2009 (Appendix 6))</i> .
Further submissions – Port Taranaki Ltd (32)		Support	
21 – Climate Justice Taranaki	1119	Amend Submitter notes concerns that Rules 60 and 61 are silent on seabed mining and seeks that the Plan be amended to make seabed mining a prohibited activity.	Decline The Hearing Panel notes that non-complying activity is already a very high level of regulatory protection whereby a resource consent cannot be granted unless the effects of the activity are minor and the activity is not contrary to the objectives and policies of the Plan. Of note the policies themselves are very prescriptive and that it is necessary to give effect to all policies recognised in the policy reference column, namely General Policies 1 – 21 and Activity-based Policies 39, 40, 41, 42 and 44. The Hearing Panel does not believe it is appropriate to preclude any consideration of an activity being considered without first determining the possible effects.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rule 61 - Other disturbance, damage, destruction, removal, or deposition that is not provided for in Rules 51 to 59 (Outstanding Value, Estuaries Unmodified)			
26 – Transpower NZ Ltd	1120	Amend	Accept
		Submitter supports Rule 61 but seeks amendment to Rule to delete reference to National Environmental Standards for Electricity Transmission Activities: <i>[...] or the Resource Management (National Environmental Standards for Electricity Transmission Activities Regulations 2009 (Appendix 6)).</i>	The reference to the <i>National Environmental Standards for Electricity Transmission</i> is redundant and does not add further value to the Plan. The Hearing Panel recommends granting the relief sought by the submitter.
58 – Te Atiawa	1121	Support	Accept
		Retain Rule 61 as notified.	Support noted. Rule 61 is retained with minor amendment to remove the reference to the <i>Resource Management (National Environmental Standards for Electricity Transmission Activity Regulations 2009 (Appendix 6))</i> .
61 – Te Rūnanga o Ngāti Ruanui Trust	1122	Amend	Decline
		Submitter seeks amendment to Rule 61 of the Plan to include standards, terms and conditions to read: <i>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</i> <i>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</i> <i>(c) the activity is consistent with iwi management plan.</i> AND Include the following notification note: <i>Resource consent applications under this Rule will be notified to tangata whenua.</i>	The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities. The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies. The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 39, 40, 41, 42 and 44 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements. In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Hearing Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
NEW Rule 61A – Other disturbance, damage, destruction, removal or deposition associated with the National Grid			
26 – Transpower NZ Ltd	1123	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include a new rule that provides for Regionally Important Infrastructure (or specific to the National Grid) and reads as follows:</p> <p><u>Rule 61A - Discretionary Activity</u></p> <p><u>Coastal management areas: Outstanding Value; Estuaries Unmodified</u></p> <p><u>Other disturbance, damage, destruction, removal or deposition associated with Regionally Significant Infrastructure (or the National Grid) and any associated works:</u></p> <p><u>(a) removal of sand, shell, shingle or other natural material; or</u></p> <p><u>(b) deposition of material in, on or under the foreshore or seabed that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</u></p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter.</p> <p>The Hearing Panel does not believe it necessary to have a new 'catch-all' rule for disturbance activities on the seafloor and seabed (not otherwise provided for in Rules 51 to 59) addressing regionally important infrastructure in Outstanding Value and Estuaries Unmodified coastal management areas.</p> <p>The Hearing Panel notes that applications for a resource consent for Regionally Important Infrastructure may still be considered under Rule 61 as a non-complying activity. While the Panel recognises that non-complying activities represent a very high level of regulatory protection, this level of protection is considered appropriate due to the exceptional/significant values in these areas. The Panel notes that a resource consent can still be granted where the effects of the activity are less than minor and the activity is not contrary to the objectives and policies of the Plan.</p>
Further submissions – Department of Conservation (29), Royal Forest and Bird Protection Society (43)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose (seek clarification)	
Rule 62 - Reclamation or drainage for erosion and flood control within areas of outstanding coastal value and unmodified estuaries			
29 – Department of Conservation	1124	<p>Support</p> <p>Retain Rule 62 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted. Rule 62 is retained as notified.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
61 – Te Rūnanga o Ngāti Ruanui Trust	1125	<p>Amend</p> <p>Submitter seeks amendment to Rule 62 of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) the activity is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies as detailed in the Policy reference column. In this instance, this includes all the General Policies 1 to 21 as well as Activity-based Policies 22, 39, 40, 41, 42, 44, 45, 46, 49.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process by giving effect to the above policies.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Panel recommends amending the heading throughout the rules section to refer only to "matters of control/discretion" and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>
Rule 63 – Other reclamation or drainage that is not provided for in Rule 62 (Estuaries Modified, Open Coast, Port)			
29 – Department of Conservation	1126	<p>Support</p> <p>Retain Rule 63 of the Plan as notified.</p>	<p>Accept</p> <p>Support noted</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Support	
40 – Te Rūnanga o Ngāti Mutunga	1127	Amend Submitter seeks amendment to Rule 63 of the Plan to include 2 additional conditions: <u>(a) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> <u>(b) the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A.</u>	Decline The Hearing Panel recommends declining the relief requested by the submitter as rules with a discretionary activity classification do not include standards, terms or conditions as they are determined on a case-by-case basis through the consenting process. The Panel notes that the activity will be required to give effect to the relevant policies, namely General Policies 1 to 21 and Activity-based Policies 45 and 46. The submitter's concerns regarding historic heritage and biodiversity will be explicitly considered and addressed when giving effect to Policy 14 [indigenous biodiversity] and Policy 15 [historic heritage].
41 – Te Korowai o Ngāruahine Trust	1128	Amend Submitter seeks amendment to Rule 63 of the Plan to acknowledge the role that kaitiaki play in wanting to protect areas of ecological value and biodiversity and sites of significance.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel does not consider the rules to be an appropriate place to discuss the role of kaitiaki in wanting to protect areas of ecological value, biodiversity and sites of significance. Such matters have been addressed elsewhere in the Plan. The Hearing Panel note that the rules are subject to the provisions within the policies and as such kaitiaki is already provided for within Policy 16 [Relationship of tangata whenua]. Thus, kaitiaki will have to be considered through this Rule irrespective of whether it is explicitly mentioned or not and can be done so through iwi involvement in consents.
41 – Te Korowai o Ngāruahine Trust	1129	Amend Submitter seeks amendment to Rule 63 of the Plan to include conditions to ensure that the activities do not have any adverse effects on species and ecosystems and do not impact on the values of the sites listed in Schedules 5A and B.	Decline It is not standard planning practice for discretionary and non-complying activities to contain standards, terms or conditions. These considerations are addressed through the consenting process on a case-by-case basis by giving effect to the relevant policies (1 to 21 and 47). The Hearing Panel notes that Policy 14 [Indigenous biodiversity] provides protections for regionally important species and ecosystems and Policy 15 [Historic heritage] provides protections for the values of sites listed in Schedules 5A and 5B. The Hearing Panel recommends declining the requested relief as it is an operational level of detail that is not required within the rules section of the Plan.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
58 – Te Atiawa	1130	<p>Amend</p> <p>Submitter seeks amendment to Rule 63 of the Plan to include the following conditions:</p> <p><i><u>(a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity], and;</u></i></p> <p><i><u>(b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</u></i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to Discretionary Activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 39, 40, 41, 42, 44, 45, 46 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1131	<p>Amend</p> <p>Submitter seeks amendment to Rule 63 of the Plan to include standards, terms and conditions to read:</p> <p><i><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></i></p> <p><i><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></i></p> <p><i><u>(c) the activity is consistent with iwi management plan.</u></i></p> <p>AND</p> <p>Include the following notification note:</p> <p><i><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 39, 40, 41, 42, 44, 45, 46 and 49 being given effect to.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and or Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Panel recommends amending the heading throughout the rules section to refer only to “matters of control/discretion” and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).
Rule 64 – Other reclamation or drainage that is not provided for in Rule 62 (Outstanding Value, Estuaries Unmodified)			
29 – Department of Conservation	1132	Support	Accept
		Retain Rule 64 of the Plan as notified.	Support noted.
40 – Te Rūnanga o Ngāti Mutunga	1133	Support	Accept
		Retain Rule 64 of the Plan as notified.	Support noted.
43 – Royal Forest and Bird Protection Society	1134	Support	Accept
		Retain Rule 64 of the Plan as notified.	Support noted.
58 – Te Atiawa	1135	Support	Accept
		Retain Rule 64 of the Plan as notified.	Support noted.
Rule 65 – Taking or use of water, heat or energy			
6 – Trans-Tasman Resources Ltd	1136	Support	Accept
		Retain Rule 65 as this rule appropriately provides for the taking and use of coastal water as a permitted activity where the taking and use would not affect significant sites, species, or ecosystems.	Support noted. Rule 65 is retained subject to amendments made to offer relief to other submitters' concerns where appropriate.
Further submissions – Port Taranaki Ltd (32)		Support	At the hearing, the submitter presented further on Rule 65 standard, term and condition (ca). The submitter considers that there is no quantity or rate of water take that would result in a significant adverse environmental effect and consider that the condition should be removed. The Hearing Panel agrees in part that it is difficult to envisage a quantity or rate of take from coastal waters likely to have adverse environmental effects. However, the Panel considers that, as part of a precautionary approach, and in response to other submitter
Further submissions– Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			requests, the condition should be retained in the unlikely event or scenario that wider environmental impacts do occur through the taking of coastal water.
33 - New Zealand Defence Force	1137	Amend Submitter seeks amendment to Rule 65 of the Plan to determine a limit on quantity and/or rate of water take, or otherwise amend to ensure consistency with Policy 47.	Accept The Hearing Panel is not aware of any water allocation limit that is likely to result in sea level dropping or prevent the availability of coastal water for other uses and values. Notwithstanding that, as part of a precautionary approach, the Hearing Panel recommends granting the relief sought by amending Rule 65 to include a new condition that is consistent with Policy 47 of the Plan to read as follows: <u>(ca) the taking or use of water is not at a quantity or rate that would cause significant adverse environmental effects.</u>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
40 – Te Rūnanga o Ngāti Mutunga	1138	Amend Submitter seeks amendment to Rule 65 of the Plan to exclude coastal management area Outstanding Value from the rule.	Decline The Hearing Panel recommends declining the relief sought by the submitter. Hearing Panel is not aware of any water allocation limit that is likely to result in sea level dropping, prevent the availability of coastal water for other uses and values, and or have noticeable effects on natural character, features and landscapes.
40 – Te Rūnanga o Ngāti Mutunga	1139	Amend Submitter seeks amendment to Rule 65 by including a new standard, term and condition (and impose a limit) on the quantity of water that can be taken and to read as follows: <u>(c) taking or use of water is not at a quantity or rate that would cause adverse environmental effects.</u>	Accept in part The Hearing Panel is not aware of any water allocation limit that is likely to result in sea level dropping or prevent the availability of coastal water for other uses and values. Notwithstanding that, as part of a precautionary approach, the Panel recommends granting the relief sought noting that the new Condition (ca) is consistent with Policy 47 of the Plan.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
41 – Te Korowai o Ngāruahine Trust	1140	Amend	Accept
		Submitter seeks amendment to Condition (b) of Rule 65 of the Plan to read: <i>(b) activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B Historic heritage;[...]</i>	The Hearing Panel recommends granting the relief sought by the submitter.
43 – Royal Forest and Bird Protection Society	1141	Amend	Decline
		Submitter seeks amendment to Rule 65 of the Plan by incorporating previous reliefs sought in relation to indigenous biodiversity.	The Hearing Panel notes that Rule 65 already includes a condition specifically addressing indigenous biodiversity and no further changes are considered necessary. It is unclear what amendments are sought by the submitter to the rule noting that previous reliefs sought in other provisions will be addressed elsewhere.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
58 – Te Atiawa	1142	Amend	Decline
		Submitter seeks amendment to Rule 65 of the Plan by removing areas of Outstanding Value from the coastal management area.	The Hearing Panel recommends declining the relief sought by the submitter. Outstanding areas includes substantial areas of the Open Coast which are unlikely to be impacted upon by any takes of water from the coastal marine area. Notwithstanding that, as part of a precautionary approach, Rule 65 of the Plan does not apply to estuaries and standards, terms and conditions apply to ensure no adverse effects on significant indigenous biodiversity, historic heritage, and surf breaks.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
58 – Te Atiawa	1143	Amend	Accept
		Submitter seeks amendment to Rule 65 of the Plan by adding a new standard, term and condition setting a water take limit.	The Hearing Panel is not aware of any water allocation limit that is likely to result in sea level dropping or prevent the availability of coastal water for other uses and values. Notwithstanding that, in response to relief sought by other submitters Hearing Panel have included a new condition that reads as follows: <u>(ca) the taking or use of water is not at a quantity or rate that would cause significant adverse environmental effects</u>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
60 – Te Kaahui o Rauru	1144	Amend Submitter seeks amendment to Rule 65 of the Plan to notify Te Kaahui o Rauru of this kind of activity, especially in regards to the scale and timing of the activity.	Decline Unlike other permitted activity rules, the standards, terms and conditions do not require that the person undertaking the activity notify the Council of the activity, which, in some instances, the Council has agreed to pass on the notification details to iwi authorities. This is because the activity is considered to result in less than minor effects (if any). The Hearing Panel note that if the activity cannot comply with the standards, terms and conditions the activity will be managed as a discretionary activity under Rule 66. The Hearing Panel recommends declining the relief requested.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
61 – Te Rūnanga o Ngāti Ruanui Trust	1145	Amend Submitter seeks amendment to Rule 65 of the Plan to include new and amended standards, terms and conditions to read: [...] <i>(b) the activity does not have an adverse effect on the values associated with <u>cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></i> <i>(c) the activity does not have adverse effect on Schedules 1 and 2;</i> <i>(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;</i> <i>(e) the activity does not adversely affect the suitability of the receiving environment for customary use;</i> <i>(f) 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]</i> <i>(g) activity complies with the general standards in Section 8.6 [...]</i>	Accept in part The submitter is seeking amendment to Rule 65 of the Plan to include new and amended standards, terms and conditions. Specific comments on the new and amended proposed conditions are as follows: <ul style="list-style-type: none"> Decline the relief sought in relation to Condition (b). The Hearing Panel refer the submitter to previous comments made on expanding the scope of historic heritage. Decline the relief sought in relation to Condition (c). The Hearing Panel note that the effect of granting this relief would also make this rule redundant as Schedules 1 and 2 capture the whole coastal marine area plus landward parts of the coastal environment identified as having outstanding natural character or being an outstanding natural feature or landscape and it requires no adverse effects (even those less than minor or transitory). Decline the relief sought in relation to Condition (c) and (e) noting that such matters are already addressed under Condition (b) and a new condition addressing taonga species. Grant the relief in kind in relation to Condition (f). The Hearing Panel recommends expanding the scope of Rule conditions to include reference to scheduled taonga species.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submission – Te Korowai o Ngāruahine Trust (41)		Support	
Rule 66 – Taking or use of water, heat or energy			
40 – Te Rūnanga o Ngāti Mutunga	1146	<p>Amend</p> <p>Submitter seeks amendment to Rule 66 of the Plan to include standards, terms and conditions to read:</p> <p><i><u>(a) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic Heritage]</u></i></p> <p><i><u>(b) the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u></i></p> <p><i><u>(c) Taking or use of water is not at a quantity or rate that would cause adverse environmental effects.</u></i></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary activities.</p> <p>The Hearing Panel recommends declining the relief noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21, 22, 39, 40, 41, 42, 44, 45, 46 and 49 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.</p>
58 – Te Atiawa	1147	<p>Amend</p> <p>Submitter seeks amendment to Rule 66 of the Plan by removing areas of Outstanding Value, Estuaries Unmodified and Estuaries Modified from the coastal management area.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. Hearing Panel note that Rule 66 specifically addresses, amongst other things, the taking and use of water, heat and energy from estuaries and areas of outstanding value as a discretionary activity. This is considered an appropriate activity classification for activities that are allowed under sections 14(3)(d) or (e) of the RMA.</p>
58 – Te Atiawa	1148	<p>Amend</p> <p>Submitter seeks amendment to Rule 66 of the Plan by adding a new standard, term and condition setting a water take limit.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a non-complying activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			Notwithstanding the above, the Hearing Panel notes that the setting of any limit relating to a coastal water take may be determined through the consenting process on a case-by-case basis taking into consideration the relevant policies and the nature of the activity.
61 – Te Rūnanga o Ngāti Ruanui Trust	1149	<p>Amend</p> <p>Submitter seeks amendment to Rule 66 of the Plan to include standards, terms and conditions to read:</p> <p><u>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p><u>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p><u>(c) the activity is consistent with iwi management plan.</u></p> <p>AND</p> <p>Include the following notification note:</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>Decline</p> <p>The submitter has sought the inclusion of standards, terms and conditions for rules in the Plan relating to discretionary and non-complying activities.</p> <p>The Hearing Panel recommends declining the relief sought noting that it is not standard planning practice for discretionary activity or non-complying activity rules to include standards, terms and conditions. Conditions relating to a discretionary activity are developed on a case-by-case basis through the consenting process having regard to the relevant Plan policies.</p> <p>The Hearing Panel notes that all matters identified by the submitter would be considered through the consenting process with Policies 1 to 21 and 47 being given effect to. In particular, Policy 16 [Relationship with tangata whenua] will provide protections for areas of concern identified by the submitter.</p> <p>In relation to notification requirements proposed by the submitter, the Hearing Panel notes that the Plan is not intended to provide the operational detail for implementing every aspect of the Plan. Such detail is more appropriately included in the Council's standard operating procedures and/or any Mana Whakahono a Rohe agreements.</p> <p>In relation to notification requirements, the submitter (and others) has highlighted an issue with the notification requirements stated in the Plan which in turn raises issues with notification requirements in the RMA being regularly changed. The Hearing Panel notes that, over time the notification requirements identified in the Plan may become misleading and outdated following changes to RMA. Consequently, the Panel recommends amending the heading throughout the rules section to refer only to “matters of control/discretion” and deleting any references to consenting notification requirements in the rules (noting that the relevant notification requirements are set out in sections 95A to 95G of the RMA).</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Rules 1 to 66			
28 – Grant Knuckey	1150	Amend	Decline
		Amend Rules 1 to 66, as appropriate, to identify/address two new marine spatial management areas – Wahi Tapu Areas and Wahi Taonga Areas.	The Hearing Panel recommends declining the relief sought by the submitter. Refer to submission point 1296 for further information.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Ministry for Primary Industries (16)		Oppose in part	
50 – Te Kāhui o Taranaki Trust	1151	Amend	Decline
		Submitter seeks amendment to all rules in Section 8 of the Plan to provide a new standard/term/condition to read: <i>[...] <u>the activity does not adversely impact on Māori cultural values</u> [...]</i>	All of the rules are subject to the policies within the Plan. Māori cultural values are recognised and provided for in Policy 16 [Relationship of tangata whenua] where it states: <i>Recognise and provide for the relationship of tangata whenua culture, values and traditions within the coastal environment [...]</i> The Hearing Panel recommends declining the relief sought on the basis that it is already provided for and it is unnecessary to reiterate provisions within the Plan where they already apply. The Panel notes that activities will be subject to meeting the requirements of all of the General Policies as well as the relevant Activity-based Policies when being considered through the resource consenting process.
Further submissions – Trans-Tasman Resources (6)		Oppose	
General Standards			
43 – Royal Forest and Bird Protection Society	1152	Amend	Decline
		Submitter seeks amendment to General Standards to include limits for permitted activities for: <ul style="list-style-type: none">• foreshore and seabed disturbance, vegetation disturbance and removal• limits on sediment disturbance and resulting sediment plumes• time periods to avoid removal or disturbance of vegetation during fish spawning to protect eggs until hatching	The requests of the submitter are already addressed within the rules under rules relating the disturbance, deposition and extraction and therefore do not require further iteration within the general standards. The Hearing Panel recommends declining the relief requested as the necessary standards and limits for permitted activities are already addressed in the relevant rules standards, terms and conditions. In addition, the concerns regarding disturbance of vegetation seems to be a matter

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> 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. 	concerned with the terrestrial environment and not within the coastal marine area, therefore, not relevant to this particular Plan.
General standards 8.6.2 – Light			
43 – Royal Forest and Bird Protection Society	1153	Amend Submitter seeks amendment to General Standard 8.6.2 [Lights] of the Plan to include: <ul style="list-style-type: none"> standards for lights to be shielded or of a colour so that they do not attract or disturb seabirds new standard to avoid lighting near any seabird, including penguin, breeding areas new standards for navigational aids and safety to mitigate any adverse effects on seabirds. 	Decline The Hearing Panel recommends declining this relief sought by the submitter and note the following: <ul style="list-style-type: none"> General standard 8.6.2 already states that light sources will be shielded except for navigational aids and lights required under the Acts of Parliament. For navigational aids, a shielded light would lessen its effective over long distances and result in higher risks to vessels within the coastal marine area. A further consideration is that light colour is an important identifier of hazards and vessel pathways. Specific colours are required to comply with international regulations and standards. Lights in the coastal marine area are largely used for navigation and safety. As they are in the coastal marine area (and not on land) impacts on penguin breeding areas is likely to be minimal. Navigational aids are critical and ensure the safe passage of vessels within the coastal marine area and avoid incidents at sea, which, in turn are likely to have a much more significant impacts on seabirds and other marine life, e.g. marine oil spills.
Further submissions – Port Taranaki Ltd (32)		Oppose	
60 – Te Kaahui o Rauru	1154	Amend Submitter seeks amendment to General Standard 8.6.2 [Lights] of the Plan to include a limit for biodiversity impacts.	Decline The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel notes that biodiversity impacts will be considered through the consenting process on a case-by-case basis. The Hearing Panel notes that lighting is an important tool for effective and safe movement of vessels within the coastal marine area and in most instances, the benefits of correct lighting will outweigh any adverse effects caused by their use. An example of an adverse effect occurring as a result of incorrect lighting would be a ship wreck or collision causing an oil spill. The adverse environmental effects of

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			such an incident may be higher for biodiversity than the correct operation of navigational aids and lighting within the coastal marine area.
General standards 8.6.3 – Noise			
9 – Karen Pratt	1155	Other	No relief necessary
		Note that the noises limits written in the General Standards for noise would not be able to be complied with should an operation the size of the recently permitted ironsand mining occur in the territorial waters.	Comments noted.
		Further submissions – Trans-Tasman Resources Ltd (6)	
32 – Port Taranaki	1156	Support	Accept
		Retain the noise provisions in the Plan based on implementation of the Port Noise Standard and alignment between the New Plymouth District Plan and the Proposed Coastal Plan provisions as each go through their respective review processes.	Support noted. General Standards 8.6.3 relating to Port activities are retained as notified.
33 – New Zealand Defence Force	1157	Amend	Accept
		Submitter seeks amendment to General Standard 8.6.2(c) of the Plan by removing the provisions within general standards and replacing with standards prepared by the New Zealand Defence Force specifically for temporary military training activities (NZDF standards provided with submission).	<p>The Hearing Panel recommends accepting the relief sought by the submitter.</p> <p>The Hearing Panel agrees with the submitter that the noise provisions set out in General Standard 8.6.2(c) of the Plan, plus revised standards recommended in the Officers' Report would be unnecessarily and excessively restrictive to the submitter from undertaking essential training exercises.</p> <p>The submitter has suggested the inclusion of noise standards prepared specifically to address temporary military training activities and which the submitter has successfully sought to be included in district and regional coastal plans nationally. It is the Hearing Panel's view that the noise standards proposed by the submitter will protect residential amenity values adjoining the coastal marine area.</p> <p>The Hearing Panel notes that the amended standard include new separation distances for activities involving live firing, firing of blanks or explosives, new guidance for helicopter noise as well as amended limits for noise during different time intervals.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
37 – Petroleum Exploration and Production Association of NZ	1158	Other	No relief necessary
		Submitter note the noise limits under (d) from 10pm to 7am is now 40dB LAeq, while under the current Coastal Plan the limit is 45 dBA L10 but are unaware of any issues warranting the proposed stricter condition.	The submitter has not requested any changes to the Plan. However, the Hearing Panel notes that as part of this Plan review, the Council has sought to better align noise provisions with equivalent provisions arising from the New Plymouth district plan review. Notwithstanding that, in response to reliefs sought by submitter 33, noise limits are recommended to be amended that are more aligned with the current Coastal Plan. Refer to submission point 1157 for further information.
43 – Royal Forest and Bird Protection Society	1159	Amend	Decline
		Submitter seeks amendment to General Standard 8.6.2 [Noise] of the Plan to 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 that reads as follows (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>	The Hearing Panel recommends declining the relief sought by the submitter. The Hearing Panel is concerned that references to the “latest information” and “most recent professionally supported noise modelling for the marine environment” does not provide sufficient clarity for Plan users, is ambiguous and would result in potentially different standards to be applied throughout the life of the Plan. Further, there is often a level of division amongst the scientific community within any area of research, and therefore, may be difficult to determine a “professionally supported” noise model.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	The Hearing Panel notes that the General Standards only apply where a rule explicitly states that the standards apply. Activities to which these General Standards apply have been assessed as generally having less than minor adverse effects.
48 – Taranaki District Health Board	1160	Support	Accept
		Retain General Standards 8.6.3(a), (b) and (c) [Noise] of the Plan as notified.	Support noted. General Standards 8.6.3(a) and (b) are retained as notified subject to minor amendments. The Hearing Panel note that amendments are recommended to General Standard 8.6.3(c) to align with similar noise levels for temporary military training activities adopted in other district plans and coastal plans adopted nationally.
48 – Taranaki District Health Board	1161	Amend	Accept
		Submitter seeks amendment to General Standards 8.6.3(d) [Noise] of the Plan to read:	The amendment retains the intention of the clause but contains language that is more directive and commonly understood. The Hearing Panel recommends granting the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		Noise generated by any other activity in the coastal marine area (excluding those in (a), (b) and (c) above) shall not exceed the following at any point landward of at or beyond the boundary of the coastal marine area: [...]	
9 – Karen Pratt	1161A	Other Note that the noises limits written in the General Standards for noise would not be able to be complied with should an operation the size of the recently permitted ironsand mining occur in the territorial waters.	No relief necessary Comments noted.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	

4.7 Financial contributions, monitoring and review

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Section 9 – Financial contributions			
15 – Surfbreak Protection Society	1162	<p>Other</p> <p>Submitter notes that the use of economic instruments to mitigate adverse effects to surf breaks could be problematic and that surf breaks are finite. Currently there are no manmade structures that can produce surf breaks and suggests that it is imperative that existing breaks should be given a high priority of protection.</p>	<p>No relief necessary</p> <p>Comments noted. Policy 19 provides strong direction and guidance on the protection of surf breaks.</p> <p>The Hearing Panel agrees that surf breaks are finite and that for some values such as surf breaks economic instruments are not necessarily the most appropriate response to avoiding, remedying or mitigating any adverse effects arising from use and development in the coastal marine area. However, economic instruments may be an option for offsetting some adverse effects (where that is appropriate).</p> <p>Economic instruments are implemented only in accordance with Section 9 of the Plan and relevant policies and when other avoidance, mitigation and remedial options have been exhausted.</p>
29 – Department of Conservation	1163	<p>Amend</p> <p>Submitter seeks amendment to Section 9 of the Plan to include a statement that states consideration of whether a coastal occupation charging regime is included in the Plan.</p>	<p>Accept</p> <p>The Council will not be operating a coastal occupation charging regime. Under section 64A [Imposition of coastal occupation charges] of the RMA, the Council must include a statement to explain this. Therefore, the Hearing Panel recommends amending Section 9 to include the following statement:</p> <p><i><u>Note: The Council is not operating a charging regime for occupation of the coastal area.</u></i></p> <p>At the hearing of submissions the submitter presented further on this submission point noting that section 64A identifies other statutory requirements necessary before the relief can be officially adopted by the Council. The Hearing Panel note that steps have been taken to ensure that the correct statutory process is being followed prior to Plan adoption by the Council.</p>
32 – Port Taranaki	1164	<p>Amend</p> <p>Retain Section 9 of the Plan but seek amendment of the heading of Section 9 of the Plan to read:</p> <p><i>9 - Financial contributions <u>and environmental compensation.</u></i></p>	<p>Accept</p> <p>The Hearing Panel agrees to the requested amendment as it more accurately describes the content of this section which is not limited to financial contributions but also includes environmental compensation.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society	1165	Support	Accept
		Submitter supports retaining the note in Section 9.1.1 of the Plan, which recognises that changes to the RMA mean that councils will no longer be able to require financial contributions under the Act from 2022.	Support noted. The note is retained as notified.
	Further submissions – Fonterra (47)	Support in part	
Section 9.1 – Purpose			
2 – Federated Farmers	1166	Support	Accept
		Submitter supports the note in Section 9.1.1 of the Plan. Retain as notified.	Support noted. The note is retained as notified.
32 – Port Taranaki	1167	Amend	No relief necessary
		Submitter seeks amendment to Section 9.1 of the Plan to include wording that provides for environmental compensation to be applied wider afield than the immediate/adjacent site or surrounding area.	<p>Hearing Panel note that Section 9 does not generally require environmental compensation to be applied in the immediate/adjacent site or surrounding area.</p> <p>The majority of situations described in Section 9.1 refer to “<i>the general area</i>” or “<i>locality</i>” and is not confined to “<i>immediate or adjacent sites</i>”. The only exception is Section 9.1.4 [Protection, maintenance or enhancement of visual amenity and landscape] which requires compensation to occur adjacent to the site to address visual amenity impacts. The Hearing Panel considers these conditions to be appropriate and provides the necessary flexibility for Council to consider the effects of consenting a particular activity and the appropriateness of avoidance, mitigation and remediation measures to address adverse environmental effects.</p> <p>On occasion there may be a requirement to offset or mitigate any residual effects. Such matters necessarily need to be considered on a case-by-case basis having regard for the scale of the activity and the nature of the receiving location, including the surrounding landscape.</p>
Sections 9.1.3 – Protection, maintenance or enhancement of biodiversity			
60 – Te Kaahui o Rauru	1168	Amend	Grant in kind
		Submitter seeks amendment to Sections 9.1.3 [Protection, maintenance or enhancement of biodiversity] of the Plan to include the option of financial contributions to improve kaitiakitanga.	The purpose of this section is to set out the criteria by which Council may require financial contributions from consent applicants. The purpose of the financial

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	contributions are confined to giving effect to the objectives and policies of the Plan and, in particular, those values and uses identified in General Policies 1 to 21. Of note, the Hearing Panel considers that there is scope for financial contributions to enhance or restore the habitats of taonga and other species and recommends the inclusion of an additional Clause (c) in section 9.1.5 [Protection, maintenance or restoration of sites of historic importance] that reads as follows: <i>Purpose: To mitigate adverse effects on sites of historic importance by:</i> [...] <u>(c) enhancing or restoring habitat of taonga species.</u>
Section 9.1.5 – Protection, maintenance or restoration of sites of historic importance			
60 – Te Kaahui o Rauru	1169	Amend Submitter seeks further engagement and discussion regarding Section 9.1.5 [Protection, maintenance or restoration of sites of historic importance]. Specifically to widen offset options.	No relief necessary Comments noted. The Hearing Panel considers the current offset options to be reasonable and note that the options should already provide for the appropriate protection of historic heritage, including sites of significance to Māori.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	
Section 9.1.6 – Protection, restoration or enhancement of seabed and foreshore			
60 – Te Kaahui o Rauru	1170	Amend Submitter seeks amendment to Section 9.1.6 [Protection, restoration or enhancement of seabed and foreshore] of the Plan to include the option of improving kaitiakitanga.	Decline The purpose of this section is to set out the criteria by which Council may require financial contributions from consent applicants. The purpose of the financial contributions are confined to giving effect to the objectives and policies of the Plan and, in particular, those values and uses identified in General Policies 1 to 21. There will be occasion when financial contributions addressing those matters set out in Section 9 will also contribute to improving kaitiakitanga. However, the Hearing Panel does not believe it appropriate for the Plan to specify that the purpose of financial contributions to address resource management effects in the coastal marine area should be <u>specifically</u> to enhance kaitiakitanga. Such matters are implicit given the matters of consideration.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Section 9.1.8 – General – environmental compensation			
43 – Royal Forest and Bird Protection Society	1171	<p>Amend</p> <p>The submitter is uncertain as to how these provisions are to be applied and states that it is not appropriate to consider compensation for adverse effects which are to be avoided under the <i>New Zealand Coastal Policy Statement</i>. The submitter suggests compensation does not achieve protection of the values and characteristics to be protected. There must be limits to compensation to give effect to the <i>New Zealand Coastal Policy Statement</i>.</p> <p>Submitter seeks amendment to the Plan by deleting Section 9.1.8 [General environmental compensation]:</p> <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>	<p>Decline</p> <p>The submitter's comments are noted. However, the Hearing Panel notes that environmental compensation is still subject to the objectives and policies of the Plan, which provide varying levels of protection including avoidance type policies. Environmental compensation cannot be considered in lieu of compliance with those policies.</p> <p>The Hearing Panel recommends declining the relief sought. Environmental compensation may be a useful tool for activities unable to avoid adverse effects. This may be the case for necessary developments, upgrade or the placement of regionally important infrastructure which is provided for under the <i>Regional Policy Statement</i> (Section 15.2 [Providing for regionally significant infrastructure]). Further, the <i>New Zealand Coastal Policy Statement</i> does not require avoidance of <u>all</u> adverse effects. In such instances the Council may be required to "avoid significant adverse effects" or to "have regard to". This language may introduce instances where financial contributions are appropriate, acceptable, reasonable and recommended.</p> <p>It is important to recognise that these compensations can only be implemented when the policies within the Plan permit. The Hearing Panel considers the policies within the Plan to be strong and to uphold the requirements of the <i>New Zealand Coastal Policy Statement</i> and therefore the compensations provided for here will be in alignment with requirements of the <i>New Zealand Coastal Policy Statement</i>.</p>
Further submissions – Trans-Tasman Resources Ltd (6), Port Taranaki Ltd (32)		<p>Oppose</p>	
Section 9.2 and 9.2.6 – Determining a financial contribution			
60 – Te Kaahui o Rauru	1172	<p>Other</p> <p>Submitter seeks further clarification on Section 9.2 of the Plan on the use of financial contributions and their application</p> <p>AND</p> <p>Seek further engagement and discussion regarding Section 9.2.6 specifically to clarify whether it is the intention to aim for full mitigation or compensation in general, although that may not always be achieved.</p>	<p>No relief necessary</p> <p>The use of financial contributions will be tailored to the consent activity on a case-by-case basis having regard for the likely effects and in accordance with Plan policies.</p> <p>Full mitigation is a desirable outcome. However, the Hearing Panel recognises that this may not be achievable in all circumstances. Compensation is a way of recognising and providing for instances where full mitigation is not possible or is only partially possible. Section 9.2.6 provides for these instances so is a provision</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			for compensation in general, however, it is preferable to mitigate in full if/where possible.
Section 9.2.1 –Matters to be considered			
60 – Te Kaahui o Rauru	1173	Other	No relief necessary The Hearing Panel note that consideration of community effects encompasses cultural effects, amongst other things, and will recognise and take into consideration any possible cultural effects.
		Submitter seeks clarification within Section 9.2.1 of the Plan to specify whether “community effects” is considered under cultural effects.	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)	Support		
Section 10.1 – Monitoring			
41 – Te Korowai o Ngāruahine Trust	1174	Amend	Accept This section specifically describes how the Council will determine the effectiveness of the Plan through ongoing monitoring and evaluation processes. The Council is not currently in a position to implement any monitoring programmes that include elements of māuri values or the application of mātauranga Māori but will be seeking to engage with local iwi and hapū to investigate the development of such a system. The Hearing Panel recommends granting the relief sought by the submitter by including a new Clause (3A) in Section 10.1 of the Plan that reads as follows: <u><i>3A. Investigate, develop and implement appropriate and relevant monitoring methods for the incorporation of mātauranga Māori into state of the environment monitoring for the coastal environment.</i></u>
		Submitter seeks amendment to Section 10.1 of the Plan to include a specific method about engaging in dialogue with iwi in order to understand perceptions and values, and the application of mātauranga Māori.	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)	Support		
50 – Te Kāhui o Taranaki Trust	1175	Amend	Accept in part There are two elements in relation to the relief sought by the submitter. In relation to the development of a mātauranga Te Ao Māori monitoring system in partnership with Iwi, the Hearing Panel agrees to the relief sought by including a new Clause (3A) in Section 10.1 of the Plan that reads as follows:
		Submitter seeks amendment to Section 10.1 of the Plan to include the following new monitoring methods: <ul style="list-style-type: none">development of a mātauranga Te Ao Māori monitoring system in partnership with iwi	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> annual review in partnership with Iwi of the effectiveness of a co-designed and resourced Memorandum of Understanding, Mana Whakahono a Rohe Agreement and policy and consent processes. 	<u>3A. Investigate, develop and implement appropriate and relevant monitoring methods for the incorporation of mātauranga Māori into state of the environment monitoring for the coastal environment.</u>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Te Atiawa (58)		Support	<p>In relation to a new method to undertake an annual review of the effectiveness of a co-designed and a resourced Memorandum of Understanding and Mana Whakahono a Rohe Agreement, the Hearing Panel does not recommend granting the relief sought.</p> <p>The Hearing Panel is advised that the Council are hopeful that a Memorandum of Understanding or Mana Whakahono a Rohe agreements will be implemented in the future. However, at this point in time, there are no such agreements and it is not considered appropriate to pre-empt the outcomes of those agreements, including operational details around the scope and timeframes for implementing particular aspects of those agreements, by including such detail in the Plan.</p>
60 – Te Kaahui o Rauru	1176	Amend <p>The procedures for a review programme should include specific mention of reviewing achievement of conditions to iwi and Māori values.</p> <p>Submitter seeks amendment to Section 10.1 of the Plan to include Māori values as a focus point in monitoring.</p>	Accept <p>The Hearing Panel notes Implementation Method 30 of the Plan, which states that the Council will work with iwi authorities to develop memoranda of understanding that establish and maintain an effective working relationship. In particular, Mana Whakahono a Rohe agreements between the Council and iwi represent an opportunity to set out agreements on Council/iwi relationship, including any requirements to review and report on the achievement of consent conditions relating to tangata whenua values.</p> <p>Section 10.1 of the Plan specifically describes how the Council will determine the effectiveness of the Plan through ongoing monitoring and evaluation processes. The Council is not currently in a position to implement any monitoring programmes that include elements of māuri values or the application of mātauranga Māori but will be seeking to engage with local iwi and hapū to investigate the development of such a systems.</p> <p>The Hearing Panel recommends granting the relief sought by the submitter by including a new Clause (3A) in Section 10.1 of the Plan that reads as follows</p> <p><u>3A. Investigate, develop and implement appropriate and relevant monitoring methods for the incorporation of mātauranga Māori into state of the environment monitoring for the coastal environment.</u></p>
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	

4.8 Definitions

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definitions – General			
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1177	Support	Accept Definitions for “ <i>best practicable option</i> ”, “ <i>coastal marine area</i> ”, “ <i>common marine and coastal areas</i> ”, “ <i>discharge</i> ”, “ <i>environment</i> ”, “ <i>structure</i> ”, and “ <i>industrial or trade premises</i> ” are retained as notified.
		Retain the RMA definitions such as “ <i>best practicable option</i> ”, “ <i>coastal marine area</i> ”, “ <i>common marine and coastal areas</i> ”, “ <i>discharge</i> ”, “ <i>environment</i> ”, “ <i>structure</i> ”, and “ <i>industrial or trade premises</i> ”.	
Further submissions – Port Taranaki Ltd (32)	Support		
Definition – Accretion			
43 – Royal Forest and Bird Protection Society	1178	Amend	Accept Within the Plan, accretion is mentioned once in Policy 32 [Placement of structures] and therefore has been defined to assist in the interpretation and application of that Policy. The Hearing Panel agrees with the submitter that accretion is related to natural processes and recommend amending the definition of “ <i>accretion</i> ” to read: Accretion means the seaward extension of land as a result <u>of the natural process of deposition of sediments</u> .
		Submitter notes that “ <i>accretion</i> ” is not provided for in the rules and that the definition should be amended to clarify that the term relates to the natural processes. It is suggested that, as worded, the definition could include deposition resulting from reclamation. Submitter seeks amendment to the definition of “ <i>accretion</i> ” to clarify that accretion is a result of natural processes.	
Definition – Adaptive management			
6 – Trans-Tasman Resources Ltd	1179	Amend	Decline Recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse. As a result, the Hearing Panel recommends removing reference to adaptive management from the Plan entirely, including the definition of adaptive management.
		Submitter seeks amendment to the term “ <i>adaptive management</i> ” to read: <i>Adaptive management means a structured, iterative process of robust decision making in the face of uncertainty, <u>which includes allowing an activity to commence on a small scale or for a short period so that its effects can be assessed and a decision made about the appropriateness of continuing the activity (with or without amendment) on the basis of those effects with an aim to reducing uncertainty over time via system monitoring.</u> For the purposes of this Plan, the principles underpinning adaptive management include:</i>	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		(a) robust baseline monitoring to <u>good baseline information to</u> establish the existing receiving environment; (b) resource consent conditions that require <u>provide for</u> effective monitoring of adverse effects using appropriate indicators; [...]	
Further submissions – Royal Forest and Bird Protection Society (43), Rūnanga o Ngāti Ruanui Trust (61)		Oppose	
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
29 – Department of Conservation	1180	Support Retain the definition “adaptive management” as notified.	Decline Recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse. As a result, the Hearing Panel recommends removing reference to adaptive management from the Plan entirely, including the definition of adaptive management.
Further submissions – Meridian Energy Ltd (20), Port Taranaki Ltd (32)		Support	
43 – Royal Forest and Bird Protection Society	1181	Amend The submitter requests reference to “adaptive management” be deleted from Policy 3 and also seeks the deletion of the definition of adaptive management from the Plan.	Accept Recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse. As a result, the Hearing Panel recommends removing reference to adaptive management from the Plan entirely, including the definition of adaptive management as requested by the submitter.
NEW Definition – Alteration			
57 – Heritage New Zealand	1182	Amend Alteration is referred to in a number of rules relating to structures in the coastal environment. This term can be interpreted in a variety of ways, so a specific definition would aid in Plan interpretation. Submitter seeks amendment to the Plan to include a new definition for “alteration” to read: <u>Alteration, in relation to buildings, means any changes to the fabric or characteristics of a structure involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or</u>	Accept in part The Hearing Panels agrees that the interpretation and application of the Plan, particularly in relation to rules addressing structures in the coastal marine area, would be improved by defining the term “alteration”. The Panel notes that alteration may apply to many types of structures and is not restricted to buildings, therefore, for the purpose of the Plan, reads as follows: <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>externally and includes any sign attached to the structure. In relation to structures, means any changes to function, layout, or appearance of a structure without changing its physical dimensions.</u>	The Hearing Panel notes that change to the external dimensions of a structure is defined through the term "extension" which the Panel suggests should also be included within the definitions section for consistency. The definition of "extension" reads: <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u>
Further submissions – Port Taranaki Ltd (32), Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
Definition – Amenity values			
43 – Royal Forest and Bird Protection Society	1183	Amend The submitter seeks clarity on whether "amenity values" includes visual amenity so that the areas identified in Policy 18 are recognised under the <i>National Environmental Standard for Plantation Forestry</i> and seeks that, if it does not include visual amenity, that the definition be amended to include visual amenity as part of amenity values.	Decline Under the <i>National Environmental Standard for Plantation Forestry</i> , 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 (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area." The Hearing Panel recommends declining the request to amend the definition of "amenity values". The term "amenity values" is defined by the RMA and the Hearing Panel does not consider it appropriate to amend the statutory definition. In addition, the Panel notes that the use of "landscapes" in the suggested amendment provides a different meaning and the application of the term "amenity values" meaning that only landscapes identified in plans or policy statements can be considered to have any amenity values, significantly reduces the locations where Policy 18 can be applied within the Plan. Notwithstanding the above, visual amenity is already implied within the current definition being a quality that contributes to "people's appreciation of its pleasantness and aesthetic coherence".
Further submissions – Meridian Energy Ltd (20), Port Taranaki Ltd (32)		Oppose	
Definition – Biofouling			
16 – Ministry for Primary Industries	1184	Amend Submitter seeks amendment to the definition of "biofouling" to include the following words after aquatic environment:	Grant in kind The Hearing Panel recommends accepting the inclusion of definitions for macrofouling and microfouling but propose an alternative relief to that sought by

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<ul style="list-style-type: none"> "microfouling" – 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" – any organism not included in the definition of "microfouling". 	<p>the submitter. The Hearing Panel suggests that the appropriate location of these definitions is not within the definition of biofouling and that each term should have its own, stand-alone definition following the alphabetical listing order that is within this section of the Plan and that the definition for "biofouling" should remain as notified.</p> <p>Refer to new definitions for macrofouling and microfouling within this section.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Neutral	
Further submissions – Port Taranaki Ltd (32)		Oppose	
33 – New Zealand Defence Force	1185	Support	Accept
		Retain the definition of "biofouling" as notified.	Definition of biofouling is retained as notified.
Further submissions – Port Taranaki Ltd (32)		Support	
Definition – Coastal environment			
43 – Royal Forest and Bird Protection Society	1186	Amend	Accept
		<p>Submitter seeks amendment to the Plan by mapping the coastal environment for Taranaki and referencing this in an amended definition of "coastal environment"</p> <p>OR</p> <p>Alternatively delete the definition:</p> <p>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</p>	<p>The Hearing Panel notes previous recommendations to include an indicative line incorporated within the coastal mapping layers to help establish the extent of the coastal environment.</p> <p>The submitter further presented at the hearing on this issue and suggested a simplified definition of coastal environment to that presented in the Section 42A Repor (plus a footnote referring the reader to the planning maps showing the indicative coastal marine area and coastal environment line).</p> <p>The Hearing Panel supports the suggestions and recommend an amended definition of coastal environment to read:</p> <p>Coastal environment means:</p> <p><u>(a) all of the coastal marine area; and</u></p> <p><u>(b) areas landward of the coastal marine area and identified under Policy 4.</u></p>
Further submissions – Meridian Energy Ltd (20)		Oppose	
Further submissions – Port Taranaki Ltd (32)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
45 – Powerco	1187	Amend Submitter seeks amendment to the Plan by mapping the coastal environment line for Taranaki and referencing this in an amended definition of “coastal environment” to read: <i>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 all of the coastal marine areas, <u>land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.</u></i>	Accept The Hearing Panel recommends including an indicative coastal environment line into the coastal mapping layers to help establish the extent of the coastal environment and to amend the definition of “coastal environment”. However, the Panel notes that this line is only an indicative line and the range of coastal processes captured in the original definition may still apply and may be relevant for determining on a case-by-case basis, whether or not an activity affects the coastal environment. The amended definition would read as follows: Coastal environment means: <u>(a) all of the coastal marine area; and</u> <u>(b) areas landward of the coastal marine area and identified under Policy 4.</u> The Hearing Panel also recommends additional consequential amendments to the Plan, including amendments to associated planning maps to identify the coastal environment line that are aligned with the coastal environment line identified in a district plan or proposed district plan (or their equivalent).
Further submissions – Meridian Energy Ltd (20)		Oppose	
Further submissions – Transpower NZ Ltd (26)		Support in part	
Further submissions – Fonterra (47)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1188	Amend Submitter seeks amendment to the Plan by mapping the coastal environment line for Taranaki and referencing this in an amended definition of “coastal environment” to read: <i>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 all of the coastal marine areas, <u>land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.</u></i>	Accept The Hearing Panel recommends granting the relief sought by the submitter. Refer to submission point 1187 above.
Further submissions – Meridian Energy Ltd (20)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Definition – Data deficient			
43 – Royal Forest and Bird Protection Society	1189	Amend	Accept
		Submitter seeks amendment to the Plan to include a new definition for “ <i>data deficient</i> ” 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.	The Hearing Panel recommends including a new definition for “ <i>data deficient species</i> ” to read: <i>Data deficient species means those species that are likely to be at risk or threatened, however, populations are so low that information is not available to determine their status under the New Zealand Threat Classification. This includes but is not limited to, species identified as such in Schedule 4A.</i>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Definition – Disturbance			
43 – Royal Forest and Bird Protection Society	1190	Support	Accept
		Retain definition of “ <i>disturbance</i> ” as notified.	Support noted. Definition of “ <i>disturbance</i> ” is retained as currently notified.
Definition – Ecosystem			
43 – Royal Forest and Bird Protection Society	1191	Support	Accept
		Retain definition of “ <i>ecosystem</i> ” as notified.	Support noted. Definition of “ <i>ecosystem</i> ” is retained as currently notified.
Definition – Erosion			
43 – Royal Forest and Bird Protection Society	1192	Support	Accept
		Retain definition of “ <i>erosion</i> ” as notified.	Support noted. Definition of “ <i>erosion</i> ” is retained as currently notified.
Definition – Estuary Modified			
29 – Department of Conservation	1193	Amend	Accept
		Submitter seeks amendment to the definition of “ <i>Estuary Modified</i> ” to read: <i>[...] means the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiho or Waitara Estuaries and their outlets, and which are surrounded by urban, extensively modified environments.</i>	The Hearing Panel recommend amending the definition of Estuaries Unmodified, with a minor word change to maintain consistency with the RMA and the <i>Regional Policy Statement for Taranaki</i> . The amended definition would read as follows:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<i>Estuaries Modified refers to the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiho or Waitara Estuaries <u>and river mouths</u>, and which are surrounded by extensively modified environments.</i>
43 – Royal Forest and Bird Protection Society	1194	<p>Amend</p> <p>Submitter seeks amendment to the definition of “<i>Estuary Modified</i>” to reflect other reliefs sought by the submitter in relation to Policy 1.</p>	<p>Accept in part</p> <p>The Hearing Panel recommend amending the definition of Estuaries Unmodified, with a minor word change to maintain consistency with the RMA and the <i>Regional Policy Statement for Taranaki</i>.</p> <p>The amended definition would read as follows:</p> <p><i>Estuaries Modified refers to the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiho or Waitara Estuaries <u>and river mouths</u>, and which are surrounded by extensively modified environments.</i></p>
Definition – Estuary Unmodified			
29 – Department of Conservation	1195	<p>Amend</p> <p>The submitter seeks amendment to the definition of “<i>Estuary Unmodified</i>” to read: [...] refers to estuaries identified in Schedule 1 of the Plan, <u>and their outlets</u> that are permanently open to tidal movements and are characteristically largely unmodified.</p>	<p>Accept in part</p> <p>The Hearing Panel recommend amending the definition of Estuaries Unmodified, with a minor word change to maintain consistency with the RMA and the <i>Regional Policy Statement for Taranaki</i>.</p> <p>The amended definition would read as follows:</p> <p><i>Estuaries unmodified refers to estuaries <u>and river mouths</u> identified in Schedule 1 of the Plan, that are permanently open to tidal movements and are characteristically largely unmodified.</i></p>
43 – Royal Forest and Bird Protection Society	1196	<p>Amend</p> <p>Submitter seeks amendment to the definition of “<i>Estuary Unmodified</i>” to reflect other reliefs sought by submitter in relation to Policy 1.</p>	<p>Decline</p> <p>The Hearing Panel recommends retaining the definition of “<i>Estuaries Unmodified</i>” subject to minor amendments sought by other submitters. Refer to recommendations on Policy 1.</p>
NEW definition – Functional need			
26 – Transpower NZ Ltd	1197	<p>Amend</p> <p>Amend Plan to include a new definition for “<i>functional need</i>” to read: <u>The locational, operational, practical or technical needs of an activity, including development and upgrades.</u></p>	<p>Accept</p> <p>The Hearing Panel recommends including a definition for “<i>functional need</i>” but noting that the definition must be aligned with the <i>National Planning Standards 2019</i>.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Meridian Energy Ltd (20)		Support	<p>The definition would read as follows:</p> <p><u>Functional need means the need for a proposal of activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</u></p>
Further submissions – Port Taranaki Ltd (32), Royal Forest and Bird Protection Society – (43)		Oppose	
Further submissions - Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Support in part	
45 – Powerco	1198	<p>Amend</p> <p>Amend Plan to include a new definition for “functional need” to read:</p> <p><u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u></p>	<p>Accept in part</p> <p>The Hearing Panel recommends including a definition for “functional need” but note that the definition must be aligned with the <i>National Planning Standards 2019</i> provided by the Ministry for the Environment as this sets and aims to standardise the definitions of district and regional plans going forward.</p> <p>The definition would read as follows:</p> <p><u>Functional need means the need for a proposal of activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</u></p>
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1199	<p>Amend</p> <p>Amend Plan to include a new definition for “functional need” to read:</p> <p><u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u></p>	<p>Accept in kind</p> <p>The Hearing Panel agrees to include a definition for “functional need” as amendments to the Plan include reference to functional need within the Policies and Rules. The Hearing Panel recommends alignment with the <i>National Planning Standards 2019</i> provided by the Ministry for the Environment as this sets and aims to standardise the definitions of district and regional plans going forward.</p> <p>The definition would read as follows:</p> <p><u>Functional need means the need for a proposal of activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</u></p>
47 – Fonterra	1200	<p>Amend</p> <p>Amend Plan to include a new definition for “functional need” to read:</p> <p><u>Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.</u></p>	<p>Accept</p> <p>The Hearing Panel agrees to include a definition for “functional need” as requested by the submitter.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Trans-Tasman Resources Ltd (6)		Support	
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	
Definition – Habitat			
43 – Royal Forest and Bird Protection Society	1201	Support	Accept
		Retain definition of “ <i>habitat</i> ” as notified.	Support noted. Definition of “ <i>habitat</i> ” is retained as currently notified.
Definition – Hapū			
42 – Ngati Rahiri Hapū	1202	Amend	Accept
		Submitter seek amendment to the definition of “ <i>hapū</i> ” to specify: [...] <i>families of people of Māori descent</i> .	<p>The definition of hapū was originally taken from the <i>Regional Policy Statement</i> and was adopted in this instance to maintain consistency with this and other regional plans. However, the Hearing Panel agrees that the relief sought provides important detail that aids in the understanding of the definition. Over time the Council will update and align the definitions that have changed across different planning documents.</p> <p>The Hearing Panel recommends amending the definition to read: Hapū means sub-tribe, usually a number of whanau (families) <i>of people of Māori descent</i> with a common ancestor.</p>
Definition – Hard protection structure			
43 – Royal Forest and Bird Protection Society	1203	Support	Accept
		Retain definition of “ <i>hard protection structure</i> ” as notified.	Support noted. Definition of “ <i>hard protection structure</i> ” is retained as currently notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Hazardous substance			
43 – Royal Forest and Bird Protection Society	1204	Support	Accept
		Retain definition of “ <i>hazardous substance</i> ” as notified.	Support noted. Definition of “ <i>hazardous substance</i> ” is retained as currently notified.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1205	Support	Accept
		Retain definition of “ <i>hazardous substances</i> ” as notified.	Support noted. Definition of “ <i>hazardous substance</i> ” is retained as currently notified.
Definition – Heritage values			
43 – Royal Forest and Bird Protection Society	1206	Other	No relief necessary
		Submitter seeks clarification on whether definition of “ <i>heritage values</i> ” includes natural heritage values.	The Hearing Panel notes that, depending upon context, “ <i>heritage values</i> ” does include natural heritage values.
Definition – Historic heritage			
42 – Ngati Rahiri Hapū	1207	Amend	Decline
		Submitter seeks amendment of the Plan to include the currently accepted definition of waahi taonga (Treasured Place) and requests amendment to (b)(iii) of the definition for “historic heritage” to read : [...] (b)(iii) sites of significance to Māori, including waahi tapu, <u>and waahi taonga</u> ; and [...]	The submitter comments that while the RMA generally includes sites of significance under the definition of “historic heritage”, the submitter believes this to be a too broad approach to their sites. It is their view that Environment Court case law has eroded the definition of traditional waahi tapu sites, to such an extent that waahi tapu are now no more than isolated and very small areas of land. The submitter further points out, the current definition for historic heritage is given by the RMA and dictates the current definition of historic heritage. The Hearing Panel notes the submitter’s comments but do not believe it appropriate to deviate from the legislative definition. However, the Panel notes that, in an effort to recognise wider cultural values associated with sites of significance to Māori, both wāhi tapu and wāhi taonga sites have been identified within the Plan and both of these terms have received their own definitions.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Incidental water			
43 – Royal Forest and Bird Protection Society	1208	Support	Accept
		Retain definition of “ <i>incidental water</i> ” as notified.	Support noted. Definition of “ <i>incidental water</i> ” is retained as currently notified.
NEW Definition – Industrial or trade site			
42 – Ngati Rahiri Hapū	1209	Amend	Decline
		This definition is not included in the Plan, however, “ <i>industrial or trade premises</i> ” is. The submitter believes that there is far more chance of problems happening with a “ <i>site</i> ” than with a “ <i>premise</i> ” so would like to see this definition added. Amend Plan to include a definition of “industrial or trade site”.	The definition of “ <i>industrial or trade premises</i> ” is taken from the RMA The definition has a wide application that also covers industrial or trade “sites” although this is not explicitly recognised. The Hearing Panel does not consider it necessary to include a new definition when the location in question has already been provided for under the original definition.
Definition – Integrated management			
43 – Royal Forest and Bird Protection Society	1210	Amend	Accept
		Submitter seeks amendment to the Plan by deleting definition of “ <i>integrated management</i> ”.	The submitter comments that it is not clear whether the Plan definition of “ <i>integrated management</i> ” is consistent with Policy 2. The submitter suggests that it is not necessary to have a definition as this is more appropriately set out in Policy 2 of the Plan to give effect to the <i>New Zealand Coastal Policy Statement</i> . The Hearing Panel agrees with the submitter and considers that Policy 2 sets out the necessary and appropriate direction for Plan users. The Panel recommends deleting the definition for ‘ <i>integrated management</i> ’.
Definition – Land			
42 – Ngati Rahiri Hapū	1211	Amend	Accept in part
		Submitter seeks amendment to the definition of “ <i>land</i> ” to include everything below the surface as well as above the surface.	The Hearing Panel recommends amending the definition of “ <i>land</i> ” to reflect previous amendments to that definition in the RMA. However, Hearing Panel notes that the statutory definition must prevail. Within this definition it refers to land covered by water and it is implicit that this covers all area above and below the surface. The amended definition reads: <i>Land</i> –

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p><u>(a) includes land covered by water and the airspace above the land; and</u></p> <p><u>(b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</u></p> <p><u>(c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</u></p>
NEW Definition – Macrofouling			
29 – Department of Conservation	1212	<p>Amend</p> <p>Submitter seeks amendment to the Plan by including a new definition of “macrofouling” that reads:</p> <p><u>Macrofouling - is any organism not included in the definition of microfouling.</u></p>	<p>Accept</p> <p>The Hearing Panel recommends accepting the requested relief as it provides further clarity for Plan users and is consistent with additional relief requested by other submitters.</p> <p>The new definition of “macrofouling” would read as follows:</p> <p><u>Macrofouling is any biofouling organism not included in the definition of microfouling.</u></p>
Definition – Maintenance			
43 – Royal Forest and Bird Protection Society	1213	<p>Amend</p> <p>Submitter seeks amendment to the definition of “maintenance” to read:</p> <p><i>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.</i></p> <p>AND</p> <p>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>	<p>Grant in kind</p> <p>The submitter comments that the definition is generally helpful, however, believes that the exclusion of repair is confusing. 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>The submitter supports the exclusion of “extension”; however they are not clear how this relates to Policy 37 which provides for “major alterations and extensions”. The Oxford dictionary defines “extension” as to enlarge or prolong something. As such it would generally fit with the policy requirements for “major upgrades”.</p> <p>In the submitter’s view, the Plan could provide for minor alterations or extensions in the same rules for “maintenance”, however, major alterations or extensions must be considered under separate rules which enable adequate consideration of effects.</p> <p>The Hearing Panel recommend largely giving effect to the relief sought by the submitter by an alternative relief involving reframing the maintenance, alteration, extension and removal rules (to more clearly differentiate between the respective</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
			<p>activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for “maintenance” and with new definitions for “alteration” and “extension” also proposed.</p> <p>The definition of “maintenance” has been reworded to better reflect the scope of the term and reads as follows:</p> <p><u>Maintenance includes the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</u></p>
45 – Powerco	1214	<p>Amend</p> <p>Submitter comments that much of the maintenance work taken by the submitter arises when it has to replace old 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 by amending the definition of “maintenance”.</p> <p>Submitter seeks amendment to the definition of “maintenance” to read:</p> <p><i>Maintenance in relation to structures, includes <u>replacement, repair, or renewal</u>, activities <u>for the purpose of keeping a structure in good condition and/or working efficiently</u> which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, <u>or asset or site</u> remains the same or similar. <u>In relation to network utilities it includes the addition of extra lines.</u> It excludes the extension or repair of structures or assets, or change in location.</i></p>	<p>Grant in kind</p> <p>The Hearing Panel notes that the distinction between a maintenance activities and alteration activities may overlap in some instances, however, do not recommend including alteration within the definition of maintenance. The Hearing Panel recommends that definitions differentiate between ‘maintenance’ and ‘alteration’. These definitions align with relevant rules, particularly Rules 35 to 43.</p> <p>The Hearing Panel recommends the definition for “maintenance” read as follows:</p> <p><u>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</u></p> <p>The Hearing Panel further notes that alterations may not be restricted to alterations completed in order to bring a piece of equipment up to a new standard and there may be other reasons for altering a structure and may include other modifications for other purposes. The Panel considers that it is appropriate to leave the definition broad so that it can be applied to other scenarios. For the purpose of the Plan, the Panel recommends that the definition of alteration read as follows:</p> <p><u>Alteration, in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u></p>
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support in part	
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1215	<p>Amend</p> <p>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</p>	<p>Accept</p> <p>Hearing Panel note that the distinction between a maintenance activities and alteration activities may overlap in some instances, however, do not recommend</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>up to a new standard is not provided for. This is opposed but could be readily addressed by amending the definition of “maintenance”.</p> <p>Submitter seeks amendment to the definition of “maintenance” to read:</p> <p><i>Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, or asset or site remains the same or similar. It excludes the extension, or repair of structures or assets, or change in location.</i></p>	<p>including alteration within the definition of maintenance. The Hearing Panel recommends that definitions differentiate between “maintenance” and “alteration”. These definitions align with relevant rules, particularly Rules 35 to 43.</p> <p>The following amendments to the definition of “maintenance” are recommended:</p> <p><u>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</u></p> <p>The Hearing Panel further notes that alterations may not be restricted to alterations completed in order to bring a piece of equipment up to a new standard and there may be other reasons for altering a structure and may include other modifications for other purposes. The Panel considers that it is appropriate to leave the definition broad so that it can be applied to other scenarios. For the purpose of the Plan, the Panel recommends that the definition of alteration read as follows:</p> <p><u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u></p>
Further submissions – Port Taranaki Ltd (32)		Support	
Further submissions – Petroleum Exploration and Production Association of New Zealand (37)		Support in part	
57 – Heritage New Zealand	1216	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include definition of “maintenance” to read:</p> <p><i>Maintenance means the ongoing protective care of a place.</i></p>	<p>Grant in kind</p> <p>The Hearing Panel does not consider that the relief suggested by the submitter provides the necessary direction or clarification as to what activities can be considered “maintenance” due to the use of the term “protective care”. This term is broad and has potential to be misinterpreted or distorted to fit a user’s requirements irrespective of the intent of the Plan.</p> <p>The Hearing Panel recommends amending the definition of ‘maintenance to read’ as follows:</p> <p><u>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</u></p>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose	
Definition – Maintenance dredging			
43 – Royal Forest and Bird Protection Society	1217	<p>Support</p> <p>Retain definition of “maintenance dredging” as notified.</p>	<p>Accept</p> <p>Definition of “maintenance dredging” is retained as notified.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Definition – Major alteration or extension			
43 – Royal Forest and Bird Protection Society	1218	Amend Submitter seeks amendment to the Plan to include a new definition of “ <i>major alteration or extension</i> ” to mean any alteration or extension of a structure which does not meet the definition of a minor alteration or extension.	Accept in part The Hearing Panel recommends giving partial relief to the request sought by the submitter involving reframing the maintenance, alterations, extensions and removal rules (to more clearly differentiate between the respective activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for ‘ <i>maintenance</i> ’ and with new definitions for ‘ <i>alteration</i> ’ and ‘ <i>extension</i> ’ also proposed. However, the Hearing Panel does not believe it is necessary to include a definition for “ <i>major alteration</i> ”. The Panel suggests that the distinction between major and minor alterations is determinable through the individual reading of relevant rules. The Hearing Panel recommends that the following new definitions of “ <i>alteration</i> ” and “ <i>extension</i> ” be included in the Plan to read as follows: <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u> <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u>
Further submissions – Port Taranaki Ltd (32), Powerco (45)		Oppose	
Definition – Marine and coastal area			
43 – Royal Forest and Bird Protection Society	1219	Support Retain definition of “ <i>marine and coastal area</i> ” as notified.	Accept Definition of “ <i>marine and coastal area</i> ” is retained as notified.
Definition – Method			
43 – Royal Forest and Bird Protection Society	1220	Support Retain definition of “ <i>method</i> ” as notified.	Accept Definition of “ <i>method</i> ” is retained as notified.
NEW Definition – Microfouling			
29 – Department of Conservation	1221	Amend Submitter seeks amendment to the Plan to include a new definition of “ <i>microfouling</i> ” that reads:	Accept The Hearing Panel recommends granting the relief sought by the submitter and to include a new definition of ‘ <i>microfouling</i> ’ to read as follows:

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>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.</u>	<u>Microfoul is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a 'slime layer'.</u> With the following footnote: <u>Microfouling can usually be removed by gently passing a finger over the surface.</u>
Further submissions – Port Taranaki Ltd (32)		Oppose	
Definition – Military training			
33 – New Zealand Defence Force	1222	<p>Support</p> <p>Retain the definition of “military training” as notified.</p>	<p>Accept in part</p> <p>Definition of “military training” is retained subject to amendments to align the Plan with the definition for ‘temporary military training activities’ within the <i>National Planning Standards 2019</i> to read:</p> <p><u>Temporary military training activity means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:</u></p> <p><u>(a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;</u></p> <p><u>(b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere;</u></p> <p><u>(c) the contribution of forces under collective security threats, agreements, or arrangements;</u></p> <p><u>(d) the contribution of forces to, or for any of the purpose of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;</u></p> <p><u>(e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;</u></p> <p><u>(f) the provision of any public service.</u></p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Definition – Minor alteration or extension			
43 – Royal Forest and Bird Protection Society	1223	Amend	Accept in part The Hearing Panel recommends giving partial relief to the request sought by the submitter involving reframing the maintenance, alterations, extensions and removal rules of the Plan (to more clearly differentiate between the respective activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for “ <i>maintenance</i> ” and with new definitions for “ <i>alteration</i> ” and “ <i>extension</i> ” also proposed. However, the Hearing Panel does not believe it is necessary to include a definition. Use of the term minor alteration is only used within Rule 35 of the Plan. This rule includes a number of standards, terms and conditions that establish the parameters for what would be considered ‘minor’. The Hearing Panel notes that activities that do not fit these standards, terms and conditions would not be considered to be ‘minor’ and would be considered under another rule. The Hearing Panel recommends that the following new definitions of “ <i>alteration</i> ” and “ <i>extension</i> ” be included in the Plan to read as follows: <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u> <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u>
		Submitter seeks amendment to the Plan to include a new definition of “ <i>minor alteration or extension</i> ” to read: <u><i>Minor alteration or extension means, the alteration of a 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.</i></u>	
Further submissions – Port Taranaki Ltd (32)		Oppose	
Further submissions – Powerco (45)		Oppose in part	
Definition – Natural			
43 – Royal Forest and Bird Protection Society	1224	Support	Accept
		Retain the definition of “ <i>natural</i> ” as notified.	Definition of “ <i>natural</i> ” is retained as notified.
Definition – Natural Character			
29 – Department of Conservation	1225	Amend	Decline
		Submitter seeks amendment to the definition of “ <i>natural character</i> ” to better reflect Policy 13 of the <i>New Zealand Coastal Policy Statement</i> .	The Hearing Panel recommends declining the relief sought by the submitter.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Meridian Energy Ltd (20)		Support	<p>The Hearing Panel notes that the proposed definition of natural character would encompass all of the qualities identified in Policy 13 of the <i>New Zealand Coastal Policy Statement</i> and that Policy 13 is not an exhaustive list but merely identifies some characteristics that <u>may</u> (emphasis added) be recognised as natural character. For this reason, the Panel considers that a more generic and broader definition than that sought by the submitter is required in order to avoid a verbose Plan and the inclusion of an unnecessarily lengthy definition that do not capture all of the possible characteristics.</p> <p>The Hearing Panel notes that all of the characteristics listed in Policy 13 of the <i>New Zealand Coastal Policy Statement</i> are either natural elements, patterns or process or are the experiential perceptions of those processes.</p>
Further submissions – Port Taranaki Ltd (32)		Support in part	
Further submissions – Powerco (45)		Oppose	
43 – Royal Forest and Bird Protection Society	1226	<p>Amend</p> <p>Submitter seeks amendment to the definition of “<i>natural character</i>” to include in the definition that protection of natural character of the coastal environment is set out in Policy 13 of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter and notes that protection of natural character introduces elements that are not appropriate to be included within a definition. The Panel notes that a definition should be limited to a statement of the exact meaning of a word as it applies to the Plan.</p> <p>In addition, protection of natural character, as required by the <i>New Zealand Coastal Policy Statement</i>, is provided for within this Plan and is not solely confined to the <i>New Zealand Coastal Policy Statement</i>. This Plan recognises and gives effect to Policy 13 of the <i>New Zealand Coastal Policy Statement</i> in a number of ways and areas within the Plan such as the objectives and policies including (but not limited to) Objective 6 [Natural character], Policy 9 [Natural character and natural features and landscapes] and Policy 10 [Restoration of natural character].</p> <p>The Hearing Panel further recommends against cross referencing external documents within the definitions as this creates uncertainty if the <i>New Zealand Coastal Policy Statement</i> is revised or amended during the life of the Plan.</p>
Definition – Natural feature			
29 – Department of Conservation	1227	<p>Amend</p> <p>Submitter seeks amendment to the definition of “<i>natural feature</i>” to better reflect Policy 15(c) of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Decline</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Meridian Energy Ltd (20)		Support	<p>The Hearing Panel recommends declining the relief sought by the submitter and note that the definition of “<i>natural feature</i>” encompasses those elements and characteristic identified in Policy 15 of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel notes that Policy 15 of the <i>New Zealand Coastal Policy Statement</i> includes a list of features, characteristics and values that are components of a natural landscape which are either part of the physical character of the area (such as natural science factors, presence of water, vegetation and presence of wildlife), the perceptions of that character or associations with that area (such as the legibility or expressiveness of those characters, their aesthetic values, memorability and wild or scenic values), and cultural spiritual, historical and heritage associations (such as values of tangata whenua and historic heritage associations).</p>
Further submissions – Port Taranaki Ltd (32)		Support in part	
Further submissions – Powerco (45)		Oppose	
43 – Royal Forest and Bird Protection Society	1228	<p>Amend</p> <p>Amend definition of “<i>natural feature</i>” to include in the definition that protection of natural character of the coastal environment as set out in Policy 15 of the <i>New Zealand Coastal Policy Statement</i>.</p>	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought by the submitter. The Panel does not believe it is necessary to paraphrase the <i>New Zealand Coastal Policy Statement</i> policies in the Plan. The Hearing Panel suggests the definition as proposed reflects most people’s understanding of what is a “<i>natural feature</i>” and to amend the definition to paraphrase those elements set out in Policy 15 of the <i>New Zealand Coastal Policy Statement</i> risks making the Plan overly verbose.</p> <p>Notwithstanding the above, the Hearing Panel notes that elsewhere in the Plan, provisions apply to give effect to Policy 15 of the <i>New Zealand Coastal Policy Statement</i>, e.g. Objective 7 [Natural features and landscapes] and Policy 9 [Natural character and natural features and landscapes]. The Hearing Panel further notes that other objectives and policies contribute to giving effect to Policy 15 of the <i>New Zealand Coastal Policy Statement</i> by identifying and protecting independent values identified as natural features (for example, policies protecting indigenous biodiversity, historic heritage, relationships of tangata whenua with the coastal environment and amenity values).</p> <p>The Hearing Panel further recommends against cross referencing external documents within the definitions as this creates uncertainty if the <i>New Zealand Coastal Policy Statement</i> is revised or amended during the life of the Plan.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Natural landscape			
43 – Royal Forest and Bird Protection Society	1229	Amend	Decline The Hearing Panel recommends declining the relief sought. The Panel does not believe it necessary for the definition to specifically reference Policy 15 of the <i>New Zealand Coastal Policy Statement</i> and risks making the Plan overly verbose, particularly if this approach is adopted for other terms used in the <i>New Zealand Coastal Policy Statement</i> .
		Submitter seeks amendment to the definition of “ <i>natural landscape</i> ” to include in the definition that protection of natural character of the coastal environment is set out in Policy 15 of the <i>New Zealand Coastal Policy Statement</i> .	
Further submissions – Port Taranaki Ltd (32)	Oppose		
Definition – Naturally rare or originally rare			
43 – Royal Forest and Bird Protection Society	1230	Support	Accept
		Retain definition of “ <i>naturally rare or originally rare</i> ” as notified.	Definition of “ <i>naturally rare or originally rare</i> ” is retained as notified.
Definition – Network utility			
12 – Chorus New Zealand Limited	1231	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
13 – Spark New Zealand Trading Limited	1232	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
14 – Vodafone New Zealand Limited	1233	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
	1234	Support	Accept

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
43 – Royal Forest and Bird Protection Society		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
45 – Powerco	1235	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
Further submissions – Transpower NZ Ltd (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1236	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
59 – KiwiRail	1237	Support	Accept
		Retain the definition of “ <i>network utility</i> ” as notified.	Definition of “ <i>network utility</i> ” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.
Definition – Offshore installation or installation			
43 – Royal Forest and Bird Protection Society	1238	Support	Accept
		Retain the definition of “ <i>offshore installation or installation</i> ” as notified.	Definition of “ <i>offshore installation or installation</i> ” is retained as notified.
NEW definition – Operational requirement			
47 – Fonterra	1239	Amend	Grant in kind
		Submitter seeks amendment to the Plan to include a new definition for “operational requirement” to read: <u>Operational requirement means the requirement for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u>	Submitter requests amendment to the Plan to include a definition for “ <i>operational requirement</i> ” as a consequential amendment as a result of amendments requested for Policy 5 [Appropriate use and development of the coastal environment] of the Plan.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	The Hearing Panel recommends granting the relief sought by the submitter in kind by including a new definition for “ <i>operational need</i> ”, which is aligned with the <i>National Planning Standards 2019</i> and reads as follows: <u>Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u>
Further submissions – Powerco (45), Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	
Definition – Outstanding Value			
43 – Royal Forest and Bird Protection Society	1240	Amend	No relief required
		Submitter seeks amendment to the definition of “ <i>Outstanding Value</i> ” to refer to areas identified under Policy 8 of the Plan.	These areas are already identified within the definition of outstanding value with reference to Schedule 1 and 2 of the Plan. Schedules 1 and 2 are the main sources whereby Policy 8 also directs the reader to this location. Therefore, it is not necessary to also refer to Policy 8. The Hearing Panel recommends retaining the current wording of “ <i>outstanding value</i> ” as notified.
Definition – Petroleum			
42 – Ngati Rahiri Hapū	1241	Amend	Accept
		Submitter considers the definition of “ <i>petroleum</i> ” to be rather long-winded and that (a) and (b) could be combined to simply read: [...] any naturally occurring hydrocarbon <u>or naturally occurring mixture of hydrocarbons</u> (other than coal) whether in a gaseous, liquid or solid state.	The Hearing Panel agrees with the submitter and recommends granting the relief sought by amending the definition of “ <i>petroleum</i> ” to read: [...] any naturally occurring hydrocarbon <u>or naturally occurring mixture of hydrocarbons</u> (other than coal) whether in a gaseous, liquid or solid state.
43 – Royal Forest and Bird Protection Society	1242	Support	Accept
		Retain the definition of “ <i>petroleum</i> ” as notified.	Definition of “ <i>petroleum</i> ” is retained subject to minor amendment in response to a relief sought by another submitter (refer submission point 1241).
Definition – Pipeline			
42 – Ngati Rahiri Hapū	1243	Amend	Decline
		Submitter seeks amendment to definition of “ <i>pipeline</i> ” to delete reference to machinery and tanks and read:	The submitter considers the definition of pipeline, as it stands, to be too broad. A pipeline does not mean all machinery, tanks and fittings connected to the pipeline. The submitter will accept that pipelines includes fittings connected to the line.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		[...] a pipeline constructed or used to convey any matter or substance, and includes all machinery, tanks and fittings connected to the pipeline.	<p>however other machinery and tanks should be removed from this definition and, if required, have their own definition.</p> <p>The Hearing Panel considers a “pipeline” to encompass any equipment that aids the pipeline in the normal safe transportation of materials through that pipeline. The Panel notes that there are no instances within the Plan where a pipeline would be considered separate from all equipment that aids in its operation and therefore consider it unnecessary, and potentially confusing for Plan users, to separate them within the definition. Further, this amendment would require additional consequential amendments throughout the Plan, to align the policies and rules to the new definitions, which the Hearing Panel does not believe offers additional value in either the clarity or readability of the Plan.</p> <p>The Hearing Panel recommends retaining the definition of “<i>pipeline</i>” as currently notified.</p>
43 – Royal Forest and Bird Protection Society	1244	Support	Accept
		Retain the definition of “ <i>pipeline</i> ” as notified.	Definition of “ <i>pipeline</i> ” retained as notified.
45 – Powerco	1245	Support	Accept
		Retain the definition of “ <i>pipeline</i> ” as notified.	Definition of “ <i>pipeline</i> ” retained as notified.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1246	Support	Accept
		Retain the definition of “ <i>pipeline</i> ” as notified.	Definition of “ <i>pipeline</i> ” retained as notified.
Definition – Port			
43 – Royal Forest and Bird Protection Society	1247	Amend	Accept
		Submitter seeks amendment of the definition of “ <i>Port</i> ” to state that the port is Port Taranaki OR Alternatively delete the definition.	<p>The submitter contends that the current definition does not make sense given the common meaning of port. The submitter suggests Policy 1 sets out that the “<i>port</i>” is Port Taranaki and states the definition would be clearer if it said it was the Port of Taranaki.</p> <p>The Hearing Panel agrees and recommends amending the definition of “<i>Port</i>” to read:</p>
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Further submissions – Port Taranaki Ltd (32)		Oppose	Port refers to the coastal management area identified in Schedule 1 of the Plan <u>as Port Taranaki</u> .
Definition – Port Air Zone			
43 – Royal Forest and Bird Protection Society	1248	Amend Submitter seeks amendment to the definition of “Port Air Zone” to state that it relates to Port Taranaki.	Accept The Hearing Panel recommend amending the definition of “port air zone” to read: Port air zone <u>relates to Port Taranaki and is identified in</u> refer to Schedule 8 of the Plan.
Definition – Produced water			
42 – Ngati Rahiri Hapū	1249	Amend Submitter seeks amendment to the definition of “produced water” to read: <i>Produced water means water with <u>or without</u> high mineral or salt content associated with the production of oil and gas from reservoirs. It may include water, water that has been injected into the reservoir, and any chemicals added during the production/treatment/enhancement process.</i>	Decline Produced water is a specific by product of the petroleum industry. The characteristics of this by product are well known and anticipated due to the operational methods and associated products used during petroleum production. Produced water is a brine liquid that, due to the operational methods, will contain high mineral and/or salt content. It is therefore not necessary to include the possibility that the water may not contain high mineral or salt content. The Hearing Panel considers this addition unnecessary and broadens the scope of the definition unreasonably. Therefore, the Hearing Panel recommends retaining the definition of “produced water” as currently notified.
43 – Royal Forest and Bird Protection Society	1250	Support Retain the definition of “produced water” as notified.	Accept Definition of “produced water” retained as notified.
Definition – Rare and uncommon ecosystem type			
43 – Royal Forest and Bird Protection Society	1251	Support Retain the definition of “rare and uncommon ecosystem type” as notified.	Accept Definition of “rare and uncommon ecosystems” retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
NEW Definition – Reclamation			
43 – Royal Forest and Bird Protection Society	1252	Amend Submitter seeks amendment to the definition of “reclamation” to read (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>	Grant in kind The Hearing Panel recommends granting the relief sought by the submitter by amending the Plan to include a definition for “reclamation”, however, recommend aligning with the definition in the <i>National Planning Standards</i> , which reads as follows: <u>Reclamation means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area; and</u> <u>(a) includes the construction of any causeway; but</u> <u>(b) excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.</u>
Further submissions – Port Taranaki Ltd (32)		Oppose	
Definition – Regionally distinctive			
43 – Royal Forest and Bird Protection Society	1253	Support Retain the definition of “regionally distinctive” as notified.	Accept The definition of “regionally distinctive” is retained as notified.
Definition – Regionally important infrastructure			
12 – Chorus New Zealand Limited	1254	Amend Submitter seeks amendment to the definition of “regionally important infrastructure” so that it preferably refers only to “infrastructure” and to read as follows: Regionally important infrastructure means infrastructure of regional and/or national importance and is includes: (a) Port Taranaki and its approaches and on-going development to meet changing operational needs; (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;	Accept in part The intent of this definition is to specifically highlight infrastructure that the Council considers to be of added significance to the economic and social wellbeing of Taranaki and New Zealand and which, through policies and rules, should be recognised and provided for. This definition has been intentionally constrained to only include specific infrastructures and exclude others. It is therefore considered inappropriate to broaden the term to encompass all “infrastructure”. Notwithstanding the above, the Hearing Panel recommends granting that part of the relief sought by the submitter to amend (h) and (i) by deleting reference to strategic facilities. The Panel recommends making that part of the change to better align with terminology adopted in relevant legislation relating to those facilities.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(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;</p> <p>(e) defence facilities;</p> <p>(f) flood protection works;</p> <p>(g) infrastructure associated with the safe and efficient operation of state highways and the rail network;</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) New Plymouth airport, including flight paths;</p> <p>(k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</p> <p>(l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants.</p> <p>OR</p> <p>amend the definition of “regionally important infrastructure” as follows: <i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i> [...] (h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001; (i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989 [...]</p>	
13 – Spark New Zealand Trading Limited	1255	<p>Amend</p> <p>Submitter seeks amendment to the definition of “regionally important infrastructure” so that it preferably refers only to “infrastructure” and to read as follows: Regionally important infrastructure means infrastructure of regional and/or national importance and is includes: (a) Port Taranaki and its approaches and on-going development to meet changing operational needs;</p>	<p>Accept in part</p> <p>The intent of this definition is to specifically highlight infrastructure that the Council considers to be of added significance to the economic and social wellbeing of Taranaki and New Zealand and which through policies and rules should be recognised and provided for. This definition has been intentionally constrained to only include specific infrastructures and exclude others. It is therefore considered inappropriate to broaden the term to encompass all “infrastructure”.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>(b) facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;</p> <p>(c) the national electricity grid, as defined by the Electricity Industry Act 2010;</p> <p>(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;</p> <p>(e) defence facilities;</p> <p>(f) flood protection works;</p> <p>(g) infrastructure associated with the safe and efficient operation of state highways and the rail network;</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) New Plymouth airport, including flight paths;</p> <p>(k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</p> <p>(l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants.</p> <p>OR</p> <p>amend the definition of "regionally important infrastructure" as follows:</p> <p><i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i></p> <p>[...]</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989 [...]</p>	<p>However, the Hearing Panel recommends granting that part of the relief sought by the submitter to amend (h) and (i) by deleting reference to strategic facilities. The Panel recommends making that part of the change to better align with terminology adopted in relevant legislation relating to those facilities.</p>
14 – Vodafone New Zealand Ltd	1256	<p>Amend</p> <p>Submitter seeks amendment to the definition of "regionally important infrastructure" so that it preferably refers only to "infrastructure" and to read as follows:</p>	<p>Accept in part</p> <p>The intent of this definition is to specifically highlight infrastructure that the Council considers to be of added significance to the economic and social wellbeing of Taranaki and New Zealand and which through policies and rules should be</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<p>Regionally important infrastructure means infrastructure of regional and/or national importance and is includes:</p> <p>(a) Port Taranaki and its approaches and on-going development to meet changing operational needs;</p> <p>(b) facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;</p> <p>(c) the national electricity grid, as defined by the Electricity Industry Act 2010;</p> <p>(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;</p> <p>(e) defence facilities;</p> <p>(f) flood protection works;</p> <p>(g) infrastructure associated with the safe and efficient operation of state highways and the rail network;</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) New Plymouth airport, including flight paths;</p> <p>(k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</p> <p>(l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants.</p> <p>OR</p> <p>amend the definition of "regionally important infrastructure" as follows:</p> <p>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</p> <p>[...]</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989 [...]</p>	<p>recognised and provided for. This definition has been intentionally constrained to only include specific infrastructures and exclude others. It is therefore considered inappropriate to broaden the term to encompass all "infrastructure".</p> <p>Notwithstanding the above, the Hearing Panel recommends granting that part of the relief sought by the submitter to amend (h) and (i) by deleting reference to strategic facilities. The recommended amendments better align with terminology adopted in relevant legislation relating to those facilities.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
23 – New Plymouth District Council	1257	Support	Accept
		Retain (k) and (l) in the definition of “regionally important infrastructure”.	Clauses (k) and (l) in the definition of “regionally important infrastructure” are retained as notified.
26 – Transpower NZ Ltd	1258	Amend	Decline
		Submitter seeks amendment to the definition of “regionally important infrastructure” throughout the Plan to refer to “regionally significant infrastructure” AND That the reference to the National Grid be amended to read: (c) the N ational electricity G grid, <u>being the assets used or owned by Transpower New Zealand Limited as defined by the Electricity Industry Act 2010;</u> AND That a new definition of “National Grid” is added to the Definition Chapter as follows: <u>National Grid means the assets used or owned by Transpower New Zealand Limited.</u>	The Hearing Panel recommends declining the relief sought to amend the Plan to refer to “regionally significant infrastructure” rather than “regionally important infrastructure” in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans). The Hearing Panel also recommends no amendments to (c) as the definition should be directly aligned to specific legislation rather than any particular company. This allows the definition to be future proofed in the event that Transpower NZ Ltd is no longer the National Grid provider or the company's name changes. The Hearing Panel notes that reference to the National Grid has not been used within the Plan outside of the definition of “regionally important infrastructure”, and do not believe a definition is necessary.
33 – New Zealand Defence Force	1259	Support	Accept
		Retain the definition of “regionally important infrastructure” as notified, particularly (e) which refers to defence facilities.	Clause (e) of “regionally important infrastructure” is retained as notified.
35 – Radio New Zealand Ltd	1260	Amend	Accept
		Submitter seeks amendment to the definition of “regionally important infrastructure” as follows: <i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i> [...] (i) strategic radio communications <u>radiocommunications</u> facilities as defined in section 2(1) of the Radiocommunications Act 1989 [...]	The reason for including “strategic” radiocommunications facilities within the definition for “regionally important infrastructure” is to highlight those essential radiocommunications facilities that provide an essential national or regional service and to differentiate these from less critical facilities. Notwithstanding the above, the Hearing Panel recommends granting the relief sought by the submitter seeking amendments to (i) to delete reference to strategic facilities. The recommended changes better align with terminology adopted in relevant legislation relating to those facilities.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
37 – Petroleum Exploration and Production Association of NZ	1261	Amend	Accept
		Submitter seeks amendment to the definition of "regionally important infrastructure" to read: <i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i> [...] (c) facilities and arterial pipelines for the supply, <u>storage</u> or distribution of minerals including oil and gas and their derivatives; [...]	The Hearing Panel recommends amending Clause (c) of the definition of "regionally important infrastructure" to include the storage of minerals including oil and gas and their derivatives as requested by the submitter to read: <i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i> [...] (b) facilities and arterial pipelines for the supply, <u>storage</u> or distribution of minerals including oil and gas and their derivatives; [...]
Further submissions – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (46)		Neutral	
43 – Royal Forest and Bird Protection Society	1262	Support	Accept in part
		Retain the definition of "regionally important infrastructure" as notified.	The definition of "regionally important infrastructure" is retained subject to minor amendments sought by other submitters.
Further submissions – Te Atiawa (58)		Support	At the hearing, the submitter opposed the inclusion of "storage" in the amended definition of "regionally important infrastructure" and sought that the definition return to its notified version. However, the Hearing Panel considers that the definition addressing facilities and arterial pipelines for, amongst other things, the storage of minerals is entirely appropriate.
45 – Powerco	1263	Support	Decline
		Retain the definition of "regionally important infrastructure" as notified but adopt the term "regionally significant infrastructure" (instead of the term "regionally important infrastructure") to ensure consistency between the Plan and other planning documents such as the Regional Policy Statement.	The Hearing Panel recommends declining the relief sought to amend the Plan to refer to "regionally significant infrastructure" rather than "regionally important infrastructure" in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans).
Further submissions – Port Taranaki Ltd (32)		Support in part	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1264	Support	Accept
		Retain the definition of "regionally important infrastructure" as notified but adopt the term "regionally significant infrastructure" (instead of the term "regionally important infrastructure") to ensure consistency between the Plan and other planning documents such as the Regional Policy Statement.	The Hearing Panel recommends declining the relief sought to amend the Plan to refer to "regionally significant infrastructure" rather than "regionally important infrastructure" in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans).

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
59 – KiwiRail	1265	Support	Accept
		Retain the definition of “ <i>regionally important infrastructure</i> ” as notified.	The definition of “ <i>regionally important infrastructure</i> ” is retained subject to minor amendments sought by other submitters.
Definition – Repair			
43 – Royal Forest and Bird Protection Society	1266	Amend	Accept
		Submitter seeks amendment to the Plan by deleting the definition of “ <i>repair</i> ”: <i>Repair means reconstruction.</i>	The submitter suggests that repair is a key aspect of maintenance and must be included within that definition. The Hearing Panel agrees and recommends granting the relief sought. Repairs are a type of maintenance activity and the standalone definition should be deleted. Consequential amendments are also necessary to the definition of maintenance and associated rules.
45 – Powerco	1267	Amend	Accept
		Submitter seeks amendment to the Plan by deleting the definition of “ <i>repair</i> ”: <i>Repair means reconstruction.</i>	The submitter suggests that repair is a type of maintenance activity and that the standalone definition should be deleted. The Hearing Panel agrees and recommends granting the relief sought. Consequential amendments are also necessary to the definition of maintenance and associated rules.
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1268	Amend	Accept
		Submitter seeks amendment to the Plan by deleting the definition of “ <i>repair</i> ”: <i>Repair means reconstruction.</i>	The submitter suggests that repair is a type of maintenance activity and that the stand-alone definition should be deleted. The Hearing Panel agrees and recommends granting the relief sought. Consequential amendments are also necessary to the definition of maintenance and associated rules.
47 – Fonterra	1269	Support	Decline
		Retain the definition of “repair”.	Several submitters have requested deletion of the definition of “ <i>repair</i> ”. The Hearing Panel recommends deletion of the term.
Further submissions – Port Taranaki Ltd (32)	Support		

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
57 – Heritage New Zealand	1270	Amend Submitter seeks amendment to the Plan by changing the definition of “repair” to read: Repair means reconstruction. <u>Repair (of historic heritage) means the restoration to good or sound condition of any existing structure (or any part of an existing structure) for the purpose of its maintenance.</u>	Accept in part Several submitters have requested deletion of the definition of “repair” to which the Hearing Panel agrees. Repair is proposed to be addressed under an amended definition for “maintenance” which, in part, addresses the suggestion made by the submitter, however, in relation to this Plan, is not limited by its application to historic heritage.
Definition – Reverse sensitivity			
43 – Royal Forest and Bird Protection Society	1271	Support Retain the definition of “reverse sensitivity” as notified.	Grant in kind Support noted. The definition of reverse sensitivity is recommended to be amended in order to provide more clear direction to Plan users. However, the intent and scope of the definition is retained.
Further submissions – Port Taranaki Ltd (32)		Support	
45 – Powerco	1272	Amend Submitter seeks amendment to the definition of “reverse sensitivity” to read: Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other <u>lawfully established activity</u> yes 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.	Accept 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. The submitter has suggested amendments to the definition that retain its intent but provides added clarity and minimises potential for misinterpretation. The Hearing Panel agrees that the definition for “reverse sensitivity” is ambiguous and potentially confusing. The Hearing Panel recommends amending the definition to read as follows: Reverse sensitivity refers to the potential for the operation of an existing lawfully established activity <u>to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the existing activity.</u>
Further submissions – Federated Farmers (2)		Support in part	
Further submissions – Transpower NZ Ltd (26)		Support	
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1273	Amend Submitter seeks amendment to the definition of “reverse sensitivity” to read: Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other <u>lawfully established activity</u> yes to be constrained or	Accept A range of activities may be susceptible to reverse sensitivity effects. As drafted, the submitter believes that the definition could be interpreted that only sensitive activities, for instance residential activities, care facilities, and the like could be

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
		<u>curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity in their vicinity.</u>	affected in this way. This does not recognise that other activities may also be affected. The submitter has suggested amendments to the definition that retain its intent but provides added clarity and minimises potential for misinterpretation.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Oppose	The Hearing Panel agrees that the definition for “reverse sensitivity” is ambiguous and potentially confusing. The Panel recommends amending the definition to read as follows: <i>Reverse sensitivity refers to <u>the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the existing activity.</u></i>
Definition – Seascape			
43 – Royal Forest and Bird Protection Society	1274	Support	Accept
		Retain the definition of “seascape” as notified.	Definition of “seascape” is retained as notified.
Definition – Sensitive marine benthic habitats			
43 – Royal Forest and Bird Protection Society	1275	Support	Accept
		Retain the definition of “sensitive marine benthic habitats” as notified.	Definition of “sensitive marine benthic habitats” as notified.
Definition – Sewage			
42 – Ngati Rahiri Hapū	1276	Amend	Grant in kind
		Submitter seeks amendment to the definition of “sewage” to read: <i>Sewage means: drainage and other wastes from any form of toilet, urinal and WC <u>water closet</u> scupper [...]</i>	The Hearing Panel recommends consequential amendments to align with the definition of “sewage” in the <i>National Planning Standards 2019</i> to read as follows: Sewage means <u>human excrement and urine.</u>
43 – Royal Forest and Bird Protection Society	1277	Support	Decline
		Retain the definition of “sewage” as notified.	The Hearing Panel recommends retaining the definition of sewage but notes consequential amendments to align with the definition of “sewage” in the <i>National Planning Standards 2019</i> to read: Sewage means <u>human excrement and urine.</u> The Hearing Panel notes that this amendment does not change the intent of the definition or the intent of its application within the Plan.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Significant indigenous biodiversity			
43 – Royal Forest and Bird Protection Society	1278	Support	Accept
		Retain the definition of “significant indigenous biodiversity” as notified.	Definition of “significant indigenous biodiversity” is retained as notified.
Definition – Silent files			
42 – Ngati Rahiri Hapū	1279	Amend	Decline
		Submitter seeks amendment to the Plan to include a new definition for “silent files” added to describe those sites that iwi/hapū have identified but do not wish to disclose details or even the location of.	The Hearing Panel does not believe that the use of the term “silent files” requires reference in the definitions section. The term is generally understood by the public and does not take on any additional, or contrary meaning within the Plan. The location of its use within the Plan indicates that these files relate to iwi/hapū sites. The Panel does not consider the addition of a definition for “silent files” to be necessary.
Definition – Stormwater			
43 – Royal Forest and Bird Protection Society	1280	Support	Grant in kind
		Retain the definition of “stormwater” as notified.	The Hearing Panel recommends retaining the definition of stormwater but note consequential amendments to align with the definition of “stormwater” in the National Planning Standards 2019 to read: Stormwater means runoff that has been channelled, diverted, intensified or accelerated by human modification of <u>a</u> land surface or runoff from the surface of any structure, as a result of precipitation and includes <u>any</u> contaminants <u>contained within</u> .
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1281	Support	Grant in kind
		Retain the definition of “stormwater” as notified.	The Hearing Panel recommends retaining the definition of stormwater but note consequential amendments to align with the definition of “stormwater” in the National Planning Standards 2019 to read: Stormwater means runoff that has been channelled, diverted, intensified or accelerated by human modification of <u>a</u> land surface or runoff from the surface of any structure, as a result of precipitation and includes <u>any</u> contaminants <u>contained within</u> .

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Structure			
45 – Powerco	1282	Support	Accept
		Retain the definition of “ <i>structure</i> ” as notified.	Definition of “ <i>structure</i> ” is retained as notified.
Definition – Surf break			
43 – Royal Forest and Bird Protection Society	1283	Support	Accept
		Retain the definition of “ <i>surf break</i> ” as notified.	Definition of “ <i>surf break</i> ” is retained as notified.
Definition – Surfable wave			
43 – Royal Forest and Bird Protection Society	1284	Support	Accept
		Retain the definition of “ <i>surfable wave</i> ” as notified.	Definition of “ <i>surfable wave</i> ” is retained as notified.
Definition – Synthetic based drilling muds			
43 – Royal Forest and Bird Protection Society	1285	Support	Accept
		Retain the definition of “ <i>synthetic based drilling muds</i> ” as notified.	Definition of “ <i>synthetic based drilling muds</i> ” is retained as notified.
Definition – Tangata whenua			
42 – Ngati Rahiri Hapū	1286	Amend	Decline
		Submitter seeks amendment to the definition of “ <i>tangata whenua</i> ” to read: <i>Tangata whenua* in relation to a particular area, means the iwi, or hapū, <u>or whanau</u> that holds mana whenua over the area.</i>	<p>The RMA sets out the legislative definition of tangata whenua from which the Plan takes the definition from. The Hearing Panel recommends retaining the current definition of “<i>tangata whenua</i>” as notified to maintain consistency with the RMA as well as other regional and national plans.</p> <p>Notwithstanding the above, the Hearing Panel offer reassurance to the submitter that the definition does not exclude “<i>whanau</i>” but is implicit within the inclusion of hapū which is defined within the Plan and includes whanau. Refer to the amended definition of hapū for more information.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Taonga			
42 – Ngati Rahiri Hapū	1287	Amend	Grant in kind
		Submitter seeks amendment to the definition of “ <i>taonga</i> ” to include iwi, hapū and whanau, or perhaps generically, use the word Māori.	The submitter comments that currently the definition describes prized possessions of the tribe only. The Hearing Panel has investigated the meaning of the word “ <i>taonga</i> ” and recommends simplifying the meaning to broaden it and not to refer to iwi, hapū, whanau or Māori as this is implicit. The revised definition would read as follows: <u><i>Taonga means treasured and/or prized possession(s).</i></u>
Definition – Threatened			
43 – Royal Forest and Bird Protection Society	1288	Support	Accept
		Retain the definition of “ <i>threatened</i> ” as notified.	The definition of “ <i>threatened</i> ” is retained as notified.
Definition – Waihi taonga			
42 – Ngati Rahiri Hapū	1289	Amend	Accept
		Submitter seeks amendment to the Plan to include a new definition for “ <i>wahi taonga</i> ”.	The Hearing Panel recommends granting the relief sought by the submitter by including a definition of “ <i>wahi taonga</i> ” that reads as follows: <u><i>Wahi taonga means a treasured location or place.</i></u>
Definition – Wastewater			
43 – Royal Forest and Bird Protection Society	1290	Support	Accept
		Retain the definition of “ <i>wastewater</i> ” as notified.	The definition of “ <i>wastewater</i> ” is retained as notified.
Definition – Water based drilling muds			
43 – Royal Forest and Bird Protection Society	1291	Support	Accept
		Retain the definition of “ <i>water based drilling muds</i> ” as notified.	The definition of “ <i>water based drilling muds</i> ” is retained as notified.

Submitter	Submission point	Submitter's requests	Hearing Panel's recommendation and response
Definition – Water quality			
43 – Royal Forest and Bird Protection Society	1292	Support	Accept
		Retain the definition of “water quality” as notified.	The definition of “water quality” is retained as notified.
Definition – Well			
32 – Port Taranaki Ltd	1293	Amend	Accept in part
		Submitter seeks amendment to the definition of “well” to include wells and bores for other purposes, including for the purposes of geotechnical investigations AND provide for such investigations through a rule that permits test bores/wells for geotechnical investigative purposes subject to permitted conditions. The proposed definition of “well” would read as follows: Well means a hole drilled for <i>geotechnical investigation or for</i> the purpose of exploring for, appraising or extracting hydrocarbons and includes: <i>(a) any hole for injection purposes;</i> <i>(b) any down-hole pressure containing equipment; and</i> <i>(c) any pressure-containing equipment on top of the well.</i>	The Hearing Panel recommends declining the relief sought in relation to “well” which is deliberately framed to capture drilling for hydrocarbon exploration and production only. However, the Panel does recommend amending the Plan to include a new pathway for drilling for scientific purposes involving a Permitted, Controlled and Restricted Discretionary pathway depending on the activity and the coastal management areas. Rule 52 [Collection of benthic grab samples] (Permitted) has been amended to broaden the gateway and additional Controlled and Restrictive Discretionary rules follow as new Rules 52A and 52B.
43 – Royal Forest and Bird Protection Society	1294	Support	Accept
		Retain the definition of “well” as notified.	The definition of “well” is retained as notified.
Definition – Wetland			
43 – Royal Forest and Bird Protection Society	1295	Support	Accept
		Retain the definition of “wetland” as notified.	The definition of “wetland” is retained as notified.

4.9 Schedules and appendices

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Schedule 1 – Coastal management areas			
28 – Grant Knuckey	1296	Amend Submitter seeks amendment to Schedule 1 of the Plan to identify two new marine spatial management areas – Wahi Tapu Areas and Wahi Taonga Areas.	Grant in kind The Hearing Panel does not consider it appropriate to include wāhi tapu and wāhi taonga as independent coastal management areas within Schedule 1.
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	<p>The Hearing Panel has noted requests for amendments to the Plan to include reference to both wāhi tapu and wāhi taonga sites and have agreed to many of these requests provided it is within the correct context. Of note, Schedule 5B identifies sites of significance to Māori (and associated values) and should include wāhi tapu and wāhi taonga areas as identified by iwi or hapū. The Panel are aware that this is not explicitly stated in Schedule 5B so recommend amending the introduction of Schedule 5B to read:</p> <p><i>Schedule 5B - Sites of significance to Māori and associated values</i></p> <p><i>This schedule identifies known sites with special cultural, spiritual, historical and traditional associations located within the coastal marine area. The Taranaki Regional Council is committed to working with iwi o Taranaki to identify all culturally significant sites that are located within the coastal marine area. Site locations area approximate only and are not intended to provide a definitive location or extent of a site. <u>These include those sites that are identified as wāhi tapu and wāhi taonga by the iwi and hapū.</u> [...]</i></p> <p>In addition, the Hearing Panel recommends amending Schedule 5B to identify additional wāhi tapu and wāhi taonga sites identified through pre-hearing engagement by iwi and hapū.</p>
43 – Royal Forest and Bird Protection Society	1297	Amend Submitter seeks amendment to Schedule 1 of the Plan by identifying significant indigenous biodiversity areas and add them as individual map links for each site, under the corresponding management area. Include information that sets out the values and characteristics that contribute to the significance of each area.	Grant in kind The Hearing Panel notes that, although the Council does maintain information relating to significant indigenous biodiversity areas, there is a lack of comprehensive information relating to <u>all</u> significant indigenous biodiversity within the coastal marine area and that some information that exists may be better suited to sit outside of the Plan.
Further submissions – Department of Conservation (29)		Support	<p>In relation to identifying 'significant indigenous biodiversity', the Hearing Panel believes that the planning maps already largely identifies known sites of interest in</p>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<p>the coastal marine area (noting that the identification of terrestrial sites in the coastal environment are considered the responsibility of the district councils). In particular, the Plan and associated planning maps identify for the coastal marine area the following areas with known significant indigenous biodiversity values:</p> <ul style="list-style-type: none"> • Outstanding Value coastal management areas – Whitecliffs, Mimi Estuary, Paritutu, Ngā Motu (Sugar Loaf Islands), Tapuae, Hangatahua River, Oaonui (Sandy Bay), Kaupokonui, Kapuni, Whenuakura, Waipipi Dunes, Project Reef, North and South Traps, Waverley Beach, and Waitotara • Estuaries Unmodified coastal management areas – Urenui, Onaero, Waiongana, Oākura, Waingongoro, Tangahoe, and Manawapou estuaries • Estuaries Modified coastal management areas – Patea, Waiwhakaiho, and Waitara estuaries • Parinihihi Marine Reserve • Ngā Motu/Sugar Loaf Islands Marine Protected Area • Tapuae Marine Reserve • All inshore reefs. <p>Notwithstanding the above, the Hearing Panel further recommends amending the planning maps to better identify the aforementioned areas as significant indigenous biodiversity areas. The Panel further recommends amending the Plan and associated planning maps to identify additional spatial information relating to significant indigenous biodiversity in the coastal marine area, these being the marine mammal sanctuary and also the significant sea bird areas.</p>
43 – Royal Forest and Bird Protection Society	1298	Amend	Accept
		Submitter seeks amendment to Schedule 1 of the Plan by replacing the numbering (e.g. 1 to 5) so that each coastal management area is identified as (a) to (e) in a manner consistent with Policy 1 (a) to (e).	The Hearing Panel recommends amending the numbering system of coastal management areas in Schedule 1 to reflect the same style used in Policy 1.
47 – Fonterra	1299	Support	Accept
		Retain the classification of the coastal management area in the vicinity of Whareroa as Open Coast.	The classification of the coastal management area in the vicinity of Whareroa is retained as an Open Coast coastal management area as currently notified.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Schedules 1 and 2 – Coastal management areas and areas of outstanding value			
21 – Climate Justice Taranaki	1300	<p>Amend</p> <p>Submitter seeks amendment to Schedules 1 and 2 of the Plan to include and identify as coastal management areas of Outstanding Value based on the recommendation of Cawthron from the report <i>Sensitive habitats and threatened species in the Taranaki Coastal Marine Area (TCMA)</i>:</p> <ul style="list-style-type: none"> • Patea Shoals • Rolling Ground. <p>The submitter requests that the Council investigate the value of Graham Bank as this has potential to be an outstanding area.</p>	<p>Decline</p> <p>The Hearing Panel recognises the recommendation of the report to <u>consider</u> Patea Shoals and that the Council report by Cawthron (2016) described the Patea Shoals and Rolling Ground as "worth considering". However, it is the opinion of Hearing Panel that, at this point in time, there is insufficient information to confirm that 'outstanding' criteria have been met.</p> <p>With regards to the Graham Bank, as the submitter has recognised, there is insufficient information to determine whether this is an area of Outstanding Value. At present it is not within the scope of the Council to conduct an investigation into this location in time to determine its value prior to this Plan becoming fully operative.</p>
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose in part	
45 – Powerco	1301	<p>Amend</p> <p>Submitter seeks amendment to Schedules 1 and 2 of the Plan by:</p> <ul style="list-style-type: none"> • mapping the coastal environment line • ensuring that the extent of sensitive coastal management areas (outstanding areas, modified and unmodified estuaries) are appropriate having particular regard to existing infrastructure, including roads and overhead electricity lines • amending the corresponding descriptions of the coastal management areas throughout the Plan to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate. 	<p>Accept in part</p> <p>A number of submitters have requested to have the coastal environment defined by a line that recognises its extent.</p> <p>The Hearing Panel recommends granting the relief sought by referencing an 'indicative coastal environment line in the planning maps and identifying the coastal environment on associated planning maps that are aligned with the coastal environment line identified in a district plan or proposed district plan (or their equivalent).</p> <p>The indicative nature of this line is to recognise that the coastal environment is a dynamic environment where process of can occur rapidly and induce change to the nature and character of the area and as such the coastal environment line may become redundant or inaccurate in the future due to these changes. The indicative line is useful for identifying whether a particular activity is likely to fall within the coastal environment, however, proper assessment of the location with regards to coastal features and processes may still be necessary from time to time to consider the nature of that location, including the relative significance of any coastal features and characteristics (such matters to be considered on a case-by-case basis through the consenting process).</p> <p>With regards to existing infrastructure, the location of infrastructure has been considered, however, the values associated with these locations are considered to</p>
Further submissions – Transpower NZ Ltd (26)		Support in part	
Further submissions – Fonterra (47)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<p>be high enough to afford the protections provided for within the Plan despite any infrastructure that may exist in their vicinity. Further, the Hearing Panel considers it unnecessary and inappropriate to retrospectively amend the extent of any sensitive management areas or their descriptions to simply provide for existing infrastructure.</p> <p>The Hearing Panel further note that areas of Outstanding Value are consistent with the extents of outstanding natural feature and landscapes identified by the New Plymouth District Council in the Draft District Plan and South Taranaki District Council. The Hearing Panel recommends that the Council seek, as far as is practicable, alignment and consistency with other plans within the region.</p>
46 – Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	1302	<p>Amend</p> <p>Submitter seeks amendment to Schedules 1 and 2 of the Plan by:</p> <ul style="list-style-type: none"> • mapping the coastal environment line • ensuring that the extent of sensitive coastal management areas are appropriate having particular regard to existing infrastructure, particularly the landward edge of Nga Motu and Tapuae areas of outstanding value • amending the corresponding descriptions of the coastal management areas throughout the Plan to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate. 	<p>Accept in part</p> <p>A number of submitters have requested that the coastal environment be defined by a line that recognises its extent.</p> <p>The Hearing Panel recommends granting this relief subject to it being identified as the “indicative coastal environment line”. The indicative nature of this line is to recognise that the coastal environment is a dynamic environment where process of can occur rapidly and induce change to the nature and character of the area and as such the coastal environment line may become redundant or inaccurate in the future due to these changes. The line that is also aligned with the coastal environment line identified in a district plan or proposed district plan (or their equivalent) would be useful for identifying whether a particular activity is likely to fall within the coastal environment. However, proper assessment of the location with regards to coastal features and processes may be necessary from time to time to determine with complete assurance the coastal nature and characteristics of that location.</p> <p>The extents of Nga Motu and Tapuae are considered appropriate having specific regard to the natural character of the location.</p> <p>The Hearing Panel notes that infrastructure has been recognised but is not considered in the assessment contributing to outstanding values. Instead, the areas are evaluated based upon the natural character attributes present and despite any existing infrastructure. Further, the Hearing Panel considers it inappropriate to amend the extents of any sensitive management areas or their descriptions to reflect existing infrastructure as this would defeat the purpose of the management areas.</p>
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<p>The Hearing Panel further note that areas of Outstanding Value are consistent with the extents of outstanding natural feature and landscapes identified by the New Plymouth District Council in the Draft District Plan and South Taranaki District Council. The Hearing Panel seeks, as far as is practicable, alignment and consistency with other Plans within the region.</p> <p>The Hearing Panel maintains that the descriptions of coastal management areas are appropriate and that the recognition of existing infrastructure is not necessary.</p>
61 – Te Rūnanga o Ngāti Ruanui Trust	1303	<p>Amend</p> <p>Submitter seeks amendment to Schedules 1 and 2 of the Plan (and associated planning maps) to include and identify as coastal management areas Estuaries Unmodified:</p> <ul style="list-style-type: none"> • Huroto Stream • Waihi Stream • Katewheta Stream • Waikaikai Stream • Mangaroa Stream • Kaikura Stream • Whenuakura River • Manawapou River. 	<p>Accept in part</p> <p>The Council has assessed the requested locations and have determined that the majority of these streams (Huroto Stream, Waihi Stream, Katewheta Stream, Waikaikai Stream, Mangaroa Stream and Kaikura Stream), although they exist in generally unmodified environments, do not meet the requirement of scale (need to be large) and being permanently open to tidal movements.</p> <p>The Hearing Panel notes that the flow of coastal water upstream of the river mouth depends upon tidal movements and there will be a salinity gradient decreasing upstream from the mouth of the river. The predominance of coastal processes is essential for river mouths to be recognised as estuaries (and thereby covered in the Coastal Plan rather than Freshwater Plan). Without these characteristics these locations cannot be considered estuaries irrespective of the low amounts of development.</p> <p>Notwithstanding the above, the Hearing Panel notes that the Whenuakura River has been identified as an area of outstanding value and as a site of significance to Māori providing significant protections for this location. Further, the Manawapou River has also been identified as an unmodified estuary as requested by the submitter.</p>
Schedule 2 – Coastal areas of outstanding value			
6 – Trans-Tasman Resources Ltd	1304	<p>Amend</p> <p>Submitter seeks amendment to Schedule 2 of the Plan to delete inclusion of the Project Reef (ONC6) as an area of outstanding value, including:</p> <ul style="list-style-type: none"> • the reference to ONC6 and Map-link Map 42 on page 121; • the entire ONC6 Project Reef material on page 129; and • Map Link Map 42. 	<p>Decline</p> <p>The Hearing Panel recommends declining the relief sought.</p> <p>The ONC 6 area was assessed under the outstanding natural character criteria and found to exhibit a very high degree of natural character in all assessment areas which include abiotic attributes (two large adjoining pinnacle reefs which are unusual features on a shelf region dominated by sand), biotic attributes (important</p>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Further submissions – Karen Pratt (9), South Taranaki Underwater Club (10), Department of Conservation (29), Te Rūnanga o Ngāti Mutunga (40), Royal Forest and Bird Protection Society (43), Nga Motu Marine Reserve Society Inc (44), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	kelp beds, a diverse range of fish and encrusting sponge species, and provides a valuable habitat for crayfish) and perceptual and experiential attributes (minimum human activity and the location experience maintains a high sense of wilderness and remoteness). “Very high” is the highest rating on a 7 point grading system and illustrates unequivocally that this as an area of outstanding natural character as currently determined. These individual assessment criteria contribute to the overall rating for the area as being “outstanding”. Further, the Hearing Panel notes strong support for this inclusion from other submitters confirming these values. The Panel recommends maintaining ONC 6 as an area of outstanding natural character.
9 – Karen Pratt	1305	Support	Accept
		Support inclusion of the Project Reef (ONC6) as an area of outstanding value.	Support noted.
Further submissions – Nga Motu Marine Reserve Society Inc (44), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
10 – South Taranaki Underwater Club	1306	Support	Accept
		Support inclusion of the Project Reef (ONC6) as an area of outstanding value.	Support noted.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Nga Motu Marine Reserve Society Inc (44), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
11 – Bruce Boyd	1307	Support	Accept
		Support inclusion of the Project Reef (ONC6) as an area of outstanding value.	Support noted.
Further submissions – Nga Motu Marine Reserve Society Inc (44), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
17 – David Pearce	1308	Amend Submitter seeks amendment to boundaries of ONC 8 and ONFL 9 [Waitotara] as an area of outstanding value to exclude modified landscape and to align with South Taranaki's Proposed District Plan.	Accept The Hearing Panel recommends aligning the extent of ONC 8 and ONFL 9 with South Taranaki District Council's Proposed District Plan recognising that the area to be excluded consists of highly modified scrub and farmland.
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	
19 – South Taranaki District Council	1309	Support Notes support for aligning areas of outstanding value with South Taranaki's Proposed District Plan.	Accept Support noted.
21 – Climate Justice Taranaki	1310	Amend Submitter seeks amendment to boundaries of ONC 8 and ONFL9 [Waitotara] as an area of outstanding value to align with South Taranaki's Proposed District Plan.	Accept The Hearing Panel recommends granting the relief sought by the submitter by aligning the extent of ONC 8 and ONFL 9 with South Taranaki District Council's Proposed District Plan – recognising that the area to be excluded consists of highly modified scrub and farmland.
Further submissions – Trans-Tasman Resources Ltd (6)		Neutral in part	
23 – New Plymouth District Council	1311	Support Submitter supports Schedule 2 as notified.	Accept Support noted.
Further submissions – Port Taranaki Ltd (32)		Support	
26 – Transpower NZ Ltd	1312	Amend Submitter seeks amendment to Schedule 2 of the Plan and associated planning maps so that the Indicative coastal marine area boundary line on Map 44 is retained, but the Outstanding Value area landward of the Indicative coastal marine area boundary line is moved to align with the Indicative coastal marine area boundary line.	Decline The Hearing Panel recommends declining the relief sought. The coastal marine area line does not delineate the maximum extent of the Coastal Plan. The Coastal Plan covers both the coastal marine area and the coastal environment, landward of the indicative coastal marine area boundary line. As such, through analysis of the values and characteristics associated with the outstanding value area (ONC3 and ONFL2), The Hearing Panel recommends that the Plan retains the extent of the outstanding value areas to show the landward component recognising that these values are not only associated with features within the coastal marine area.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			The Hearing Panel further notes that both the Council and the New Plymouth District Council have identified the landward extent of the ONC3 location to extend onto the coastal environment and that councils that operate across the same regional area should maintain consistency between planning maps where possible and practical.
30 – First Gas Ltd	1313	Other Submitter seeks confirmation that the First Gas Pipeline at the Waitotara River is outside the area of outstanding value as identified on planning maps 38-39. If the existing pipeline corridor is in the area of outstanding value amend Schedule 2 and associated maps to exclude the corridor.	No relief necessary The Hearing Panel confirms that the First Gas Pipeline at the Waitotara River is outside the area of outstanding value as identified on planning maps 38-39 (based upon the datasets provided).
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose in part	
44 – Nga Motu Marine Reserve Society Inc	1314	Support Submitter supports the inclusion of eight coastal areas of outstanding value and the nine outstanding natural features or landscapes and, in particular, the inclusion of ONC 6 [Project Reef] and ONC 7 [North and South Traps].	Accept Support noted.
52 – Emily Bailey	1315	Amend Submitter believes that the following locations possess great cultural, ecological, economic and recreational importance and require special protection from development, dredging and uncontrolled recreational disturbance. Submitter seeks amendment to Schedule 2 of the Plan to include the following as areas of outstanding value: <ul style="list-style-type: none"> • Waipapa, Otaraūa Road, Waitara • the Waitara Reefs, and • the reefs, tauranga kia/waka and urupā in the following 8 fishing reserves along the coast of Taranaki: Tui Raho (Tuhiraroa), Te Whanganui, Ihutangi, Okawa, Te Ikaroa, Tipoka 55a and 55b, Mataurukuhia, and Te Wairua (Wairoa) (on Waitaha River). 	Decline For a location/site to be classified under the Outstanding Value Coastal Management Area it must be exceptional and meet a strict set of criteria. For this category, locations are required to exhibit very high natural character attributes with regards to abiotic features (natural features), biotic features (distribution, expression/appearance and diversity of species, natural processes and habitats) and perceptual and experiential values. In addition to these qualifiers, locations that have experienced human modification generally cannot be considered to be outstanding due to the modification elements which detract from the natural features, even if such modifications are not obvious to the viewer. The Hearing Panel does not believe the identified sites meet the outstanding (exceptional) thresholds adopted for the other areas identified as being outstanding natural character and/or outstanding natural features and landscapes. Notwithstanding the above, the Hearing Panel notes that these sites have been included within other Schedules of the Plan because of their 'significant' values, which, in turn means protections through relevant policies and rules will apply. The
Further submissions – Climate Justice Taranaki Inc (21), Royal		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Forest and Bird Protection Society (43)			<p>Plan already recognises the cultural and historic heritage values of these sites (and as identified in the submitter's commentary) as follows:</p> <ul style="list-style-type: none"> • Waipapa, Otaraūa Road, Waitara is identified as a site of significance to Māori due to its Māori heritage values. The Schedule numbers are C68 and C67 under Schedule 5B • the Waitara kaawa/reefs have been identified as near shore reefs but do not possess sufficient qualities to be considered under the outstanding value management criteria. • with the eight fishing reserves identified, all of these are recorded as being sites of significance to Māori due to their cultural and historic heritage values but do not possess sufficient qualities to be considered under the outstanding value management criteria. <p>The Hearing Panel agrees with the submitter that the locations identified by the submitter contain specific values and require special protection, however, consider that the appropriate protections have already been provided within the Plan as notified and recommends declining the relief requested.</p>
53 – Taranaki Regional Council	1316	Amend Submitter seeks amendment to Schedule 2 of the Plan to align the mapping of Outstanding Natural Character Areas with those mapped by the South Taranaki District Council through their district plan review.	Accept Mapping of Outstanding Natural Character Areas have been done to align the mapped extents to those mapped by the South Taranaki District Council with the exception of Waitotara (ONC8). The Hearing Panel recommend aligning the extent of this site to match the extents of Outstanding Natural Character sites identified by the South Taranaki District Council.
Further submissions – Royal Forest and Bird Protection Society (43)		Oppose	
Further submissions – Powerco (45)		Support in part	
61 – Te Rūnanga o Ngāti Ruanui Trust	1317	Amend Submitter seeks amendment to Schedule 2 of the Plan (and associated planning maps) to include and identify as coastal management areas Outstanding Value: <ul style="list-style-type: none"> • Tangahoe - Hawera – Manutahi Reef system • Patea Beach • Patea River Estuary • Ohawe Beach • Manawapou Beach 	Grant in kind For a location/site to be classified under the Outstanding Value coastal management area it must be exceptional and meet a strict set of criteria. For this category, locations are required to exhibit very high natural character attributes with regards to abiotic features (natural features), biotic features (distribution, expression/appearance and diversity of species, natural processes and habitats) and perceptual and experiential values. In addition to these qualifiers, locations that have experienced human modification generally cannot be considered to be

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
		<ul style="list-style-type: none"> Waihi Beach. 	<p>outstanding due to the modification elements which detract from the natural features, even if such modifications are not obvious to the viewer.</p> <p>The Hearing Panel does not believe the identified sites meet the outstanding (exceptional) thresholds adopted for the other areas identified as being outstanding natural character and/or outstanding natural features and landscapes. However, the Hearing Panel believes that these sites could be included within other Schedules because of their 'significant' values. Schedule 5B of the Plan already recognises sites of significance to Māori and Hearing Panel consider that some of these sites maybe better identified in that Schedule. Also of note, the Patea beach lies within the Estuary Modified coastal management area and, as such, has a higher level of regulatory protection.</p> <p>In pre-hearing engagement, the submitter met with Council officers to confirm and identify sites of significance in their rohe and in or adjacent to the coastal marine area to be included in Schedule 5B. The Hearing Panel refers the submitter to submission point 1345 for further information.</p>
Further submissions – Climate Justice Taranaki Inc (21), Royal Forest and Bird Protection Society (43)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1318	Support Submitter supports the identification and inclusion of the Whenuakura River Estuary in Schedules 1 and 2 of the Plan as an area of outstanding value.	Accept Support for inclusion of Whenuakura River Estuary is noted.
Schedule 2 – Coastal areas of outstanding value / Schedule 9 – Documents incorporated by reference			
43 – Royal Forest and Bird Protection Society	1319	Amend Submitter seeks amendment to Schedule 2 of the Plan to incorporate by reference (Schedule 9) the report <i>Regional landscape study of the Taranaki coastal environment</i> (2015).	Decline Part 3 [Incorporation of documents by reference in plans and proposed plans] of Schedule 1 of the RMA states that documents that are standards, requirements or recommended practices of international or national organisations; standards, requirements or recommended practices prescribed in any country or jurisdiction; and any other written material that deals with technical matters and is too large or impractical to include in, or print as part of the plan or proposed plan can be incorporated by reference. These documents will have legal effect as part of the plan or proposed plan. The Hearing Panel does not believe the document requested fits any of the required criteria to be considered an appropriate document to incorporate by reference and has only been referenced in Schedule 2 in order to provide additional background information for the reader's information.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Schedule 2 – Coastal areas of outstanding value			
43 – Royal Forest and Bird Protection Society	1320	<p>Amend</p> <p>Submitter seeks amendment to Schedule 2 of the Plan (or include a new Schedule) and associated planning maps to identify areas of high natural character” and include the values and characteristics of identified areas.</p>	<p>Grant in kind</p> <p>The Hearing Panel notes that, although the Council does maintain information relating to natural character, other parties such as territorial authorities are better placed to address (and map) the terrestrial parts of the coastal environment.</p> <p>In relation to identifying and mapping ‘high natural character’, the Hearing Panel believes that a number of planning instruments currently do this.</p> <p>In relation to the landward parts of the coastal environment, it is not considered appropriate or necessary to pre-empt and/or duplicate district planning processes identifying high natural character and features (noting that the identification of terrestrial sites in the coastal environment are considered the responsibility of the district councils).</p> <p>In relation to the seaward parts of the coastal environment, the Hearing Panel notes that the <i>Regional Policy Statement for Taranaki</i> plus the Proposed Coastal Plan and associated planning maps already largely identify ‘high natural character’ areas. For example, Appendix II of the <i>Regional Policy Statement for Taranaki</i> already identifies high quality or high value areas of the Taranaki coastal environment. The Coastal Plan review process further investigated this issue. In relation to the coastal marine area, the Council has undertaken a precautionary approach in its assessment of natural character ‘by generally identifying areas with ‘high natural character’ as ‘outstanding’. Coastal areas of outstanding value cover a combined area of approximately 67.2 km (or 22.5%) of the Taranaki coastline.</p> <p>The Hearing Panel recommends granting the submitter relief in kind by amending the relevant planning maps to identify those areas already identified in the Plan as having high (or higher) natural character in the coastal marine area - these being outstanding areas and estuaries unmodified, i.e:</p> <ul style="list-style-type: none"> • Whitecliffs • Mimi Estuary • Paritutu • Ngā Motu (Sugar Loaf Islands) • Tapuae • Hangatahua River • Oaonui (Sandy Bay)

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<ul style="list-style-type: none"> • Kaupokonui • Kapuni • Whenuakura • Waipipi Dunes • Project Reef • North and South Traps • Waverley Beach • Waitotara • Urenui estuary • Onaero estuary • Waiongana estuary • Oākura estuary • Waingongoro estuary • Tangahoe estuary • Manawapou estuary. <p>In addition to the above, the Hearing Panel further recommends Council amending the planning maps to identify any additional areas identified in Appendix II of the <i>Regional Policy Statement for Taranaki</i> as having high natural character.</p>
Schedule 4 – Significant indigenous biodiversity			
43 – Royal Forest and Bird Protection Society	1321	Amend Submitter seeks amendment to Schedule 4 [Significant indigenous biodiversity] of the Plan to identify areas of significant indigenous biodiversity in the coastal marine area, including the values and characteristics that contribute to the significance of each area. Areas identified are to include the 'significant coastal areas' identified in the New Plymouth District Plan and the relevant Important Bird Areas for New Zealand Seabirds as show in Appendix 3 to this submission).	Accept in part As noted in the Section 32 Evaluation Report, the Council does not believe any organisation has the required datasets to accurately map all aspects of significant indigenous biodiversity with any certainty. Agencies with monitoring roles for biodiversity include the Department of Conservation, regional councils, district councils, Ministry for Primary Industries, Environmental Protection Authority, and Maritime New Zealand. However, data and knowledge gaps make biodiversity mapping especially challenging. There is no accurate national or regional dataset. One of the challenges for accurately mapping biodiversity is accessing data of sufficient quality and breadth to be confident that all aspects of biodiversity can be adequately mapped. The Hearing Panel is concerned that Taranaki, as with the rest of New Zealand, has incomplete
Further submissions – Federated Farmers (2)		Support in part	
Further submissions – Federated Farmers (2), Powerco (45)		Oppose in part	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Further submissions – Climate Justice Taranaki Inc (21)		Support	<p>information and that mapping sites based upon information we currently have (such as SNAs, KNEs) would have a perverse outcome in that it provides less protection for those aspects of biodiversity that were not mapped. The situation is even worst when it comes to species information and/or the marine environment.</p> <p>The Council's preferred approach is to clearly identify those aspects of biodiversity in the coastal marine area (through Policy 14) that require a higher level of protection by avoiding the adverse effects of activities. Those areas of significant indigenous biodiversity on the landward parts of the coastal environment line are being identified separately by South Taranaki and New Plymouth district councils. The Hearing Panel believes the current protections give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>The Hearing Panel notes that the planning maps already include considerable information of interest. In particular, the Plan and associated planning maps identify for the coastal marine area the following areas with known significant indigenous biodiversity values</p> <ul style="list-style-type: none"> • Outstanding Value coastal management areas – Whitecliffs, Mimi Estuary, Paritutu, Ngā Motu (Sugar Loaf Islands) Tapuae, Hangatahau River, Oaonui (Sandy Bay), Kaupokonui/Kapuni, Whenuakura, Waipipi Dunes, Project Reef, North and South Traps, Waverley Beach, and Waitotara • Estuaries Unmodified coastal management areas – Urenui, Onaero, Waiongana, Oākura, Waingongoro, Tangahoe and Manawapou estuaries • Estuaries Modified coastal management areas – Patea, Waiwhakaiho and Waitara estuaries • Parininihi Marine Reserve • Ngā Motu/Sugar Loaf Islands Marine Protected Area • Tapuae Marine Reserve • All inshore reefs. <p>Notwithstanding the above, the Hearing Panel has reviewed spatial information to ascertain whether any additional biodiversity mapping overlays can be provided. As a result it is recommended that the Important Bird Areas for New Zealand that occur within the Taranaki region be included as a planning layer alongside the marine mammal sanctuary and that appropriate policy linkages be made as a</p>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			consequential amendment. At the hearing, the submitter requested a definition for "significant marine animal and seabird areas". The Hearing Panel notes that the term covers two distinct spatial areas in the Taranaki coastal marine area, the North Island West Coast Marine Mammal Sanctuary and the Important Bird Areas for New Zealand which will be identified and labelled on the planning maps. The Hearing Panel does not consider that a definition is necessary or useful.
Schedule 4A – Significant species and ecosystems			
6 – Trans-Tasman Resources Ltd	1322	Amend Submitter seeks that Schedule 4A is deleted in its entirety or amended to remove any non-threatened species and any at risk species other than those which are listed as at risk (declining) under the New Zealand Threat Classification System.	Decline The submitter considers it inappropriate to include a list of significant species and ecosystems based on the threat classification status given the classification status are reviewed every three years whereas the Coastal Plan is expected to have a ten year life. If the schedule is to remain, the submitter considers that it should be amended to remove reference to non-threatened flora and fauna, and at risk species unless they are declining. Policy 11 [indigenous biological diversity] of the <i>New Zealand Coastal Policy Statement</i> sets out the requirements for protection of indigenous species. These protections are not limited to species that are considered threatened and the Hearing Panel notes that there is much more scope within the Policy to identify other species of importance. The Hearing Panel notes that the Policy provision for threatened species (Policy 14 [Indigenous biodiversity] (a)(i) and (ii)) have been framed to "include" those species listed in Schedule 4A, therefore, the policy references the schedule but does not depend upon the schedule, allowing flexibility with any changes that may occur during the life of the Plan. The Hearing Panel considers that the inclusion of Schedule 4A will further ensure that the appropriate measures are taken with regards to threatened species and removal of the schedule will reduce the effectiveness of the protections provided through the policies. Further, the inclusion of regionally significant species is consistent with the <i>Regional Policy Statement</i> that significant indigenous biodiversity includes the distinctive criterion whereby added protection is provided to species that are important in the local context. Therefore, the Hearing Panel recommends retaining Schedule 4A [Significant species and ecosystems] noting that minor amendments are recommended to grant relief to other submitters requests.
Further submissions – South Taranaki Underwater Club (10), Climate Justice Taranaki Inc (21), Department of Conservation (29), Te Rūnanga o Ngāti Mutunga (40), Te Korowai o Ngāruahine Trust (41), Royal Forest and Bird Protection Society (43), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
29 – Department of Conservation	1323	Amend Submitter seeks amendment to Schedule 4A of the Plan to include maps of areas, ecosystems, and habitats that have significant indigenous biodiversity values.	Decline Agencies with monitoring roles for biodiversity may include the Department of Conservation, regional councils, district councils, Ministry for Primary Industries, Environmental Protection Authority, and Maritime New Zealand. The Hearing Panel does not believe any of these agencies are in a position to supply a complete and accurate record of significant indigenous biodiversity in Taranaki. It is Hearing Panel's view that data and knowledge gaps make biodiversity mapping especially challenging. There is no accurate national or regional dataset. One of the challenges for accurately mapping biodiversity is accessing data of sufficient quality and breadth to be confident that all aspects of biodiversity can be adequately mapped. The Panel is concerned that Taranaki, as with the rest of New Zealand, has incomplete information and that mapping sites based upon information we currently have (such as SNAs, KNEs) would have a perverse outcome in that it provides less protection for those aspects of biodiversity that were not mapped. The situation is even worse when it comes to species information.
Further submissions – Federated Farmers (2), Trans-Tasman Resources (6), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	
Further submissions – Powerco (45)		Support in part	
43 – Royal Forest and Bird Protection Society	1324	Amend Submitter seeks amendment to Schedule 4A of the Plan by identifying and mapping the locations where rare and uncommon ecosystem types identified in the schedule occur.	Decline The Hearing Panel recommends declining the relief sought. Mapping of rare and uncommon ecosystems has not been undertaken due to insufficient information regarding the locations and extents of where these occur. The Hearing Panel notes that many of these locations occur landward of the coastal marine area making the majority of these locations redundant to the purposes of this Plan. Further many of these locations will be very small scale and may be difficult to include within the planning maps. Agencies with monitoring responsibilities for biodiversity may include the Department of Conservation, regional councils, district councils, Ministry for Primary Industries, Environmental Protection Authority, and Maritime New Zealand and the Council considers it unreasonable to expect this agency to conduct such a detailed, fine scale and sensitive analysis out of all other relevant agencies. The Hearing Panel is concerned that the inclusion of incomplete mapping is likely to produce a perverse outcome in that it provides less protection for those rare and uncommon ecosystem types that were not mapped. It may be possible to include this information in future plans (or spatial mapping) once the necessary monitoring, data collection and analysis has been conducted.
Further submissions – Trans-Tasman Resources Ltd (6)		Support in part	
Further submissions – Climate Justice Taranaki Inc (21), Te Rūnanga o Ngāti Ruanui Trust (61)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
43 – Royal Forest and Bird Protection Society	1325	Amend Submitter seeks amendment to Schedule 4A of the Plan by adding to the schedule: non-vascular plant species, including coastal lichens; data deficient marine species; and missing regionally distinctive species including the common dolphin.	Accept in part Non vascular plants are not consistently recorded during site surveys in Taranaki therefore there is insufficient information to adequately identify which threatened, at risk or data deficient species may be present in the region. The Department of Conservation also do not hold this type of distributional data and the Hearing Panel is concerned that the identification and incorporation of incomplete information at this scale would be detrimental to the integrity of the Plan.
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose in part	
Further submissions Te Rūnanga o Ngāti Ruanui Trust (61)		Support	Notwithstanding the above, the Hearing Panel has reviewed the Schedule to ensure it provides the most up-to-date information. In response to the submitter's request, the Council sought advice from the Department of Conservation in relation to candidate marine species that warrant being identified as 'regionally distinctive'. Subsequently amendments have been made to Schedule 4A, including reviewing those species identified as data deficient under the NZ Threat Classification and the Hearing Panel recommends amending Schedule 4A to identify additional marine algae, sharks and mammal species as regionally distinctive as well as amending the threat classifications, where necessary, to contain the most up to date information.
55 – Kiwis Against Seabed Mining	1326	Amend Submitter seeks amendment to Schedule 4A of the Plan by mapping to identify all significant areas, including the spatial extent of intrinsic relationship and biodiversity, to provide for the maintenance and enhancement of biodiversity in the wider coastal marine area.	Accept in part Mapping biodiversity values within the coastal marine area is a particularly difficult tasks primarily due to insufficient data sets. Further, there is a risk in providing incomplete information in plans such as this as it may produce a perverse outcome for those areas that have not been mapped or do not possess sufficient information to accurately determine the spatial values. Notwithstanding the above, the Council has reviewed spatial information to ascertain whether any additional biodiversity mapping overlays can be provided. As a result the Hearing Panel recommendeds that the Important Bird Areas for New Zealand that occur within the Taranaki region be included as a planning layer alongside the Maui dolphin sanctuary and that appropriate policy linkages be made as a consequential amendment.
55 – Kiwis Against Seabed Mining	1327	Amend Submitter seeks amendment to Schedule 4 of the Plan so that rules that prohibit or restrict activities in fishing, seabed mining and oil and gas, in relation to the values of the area, are identified through marine spatial planning.	Decline The Hearing Panel recommends declining the relief sought by the submitter in that rules in the Plan are confined to giving effect to the RMA and the Council's

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Further submissions – Ministry for Primary Industries (16)		Oppose	jurisdictional responsibilities pertaining to the coastal marine area. It is not for the Plan to get into areas covered by other authorities, statutes or jurisdictions. The Hearing Panel also notes that the Plan already utilizes a coastal area management approach which sets out, through the relevant rules, what areas may not be appropriate given the rule activity description. These areas have already been mapped and are shown in the Plan Schedules and online maps.
56 – Greenpeace	1328	Amend Submitter seeks amendment to Schedule 4A of the Plan by mapping to identify all significant areas, including the spatial extent of intrinsic relationship and biodiversity, to provide for the maintenance and enhancement of biodiversity in the wider coastal marine area.	Accept in part Mapping biodiversity values within the coastal marine area is a particularly difficult tasks primarily due to insufficient data sets. Further, there is a risk in providing incomplete information in regional plans such as this as it may produce a perverse outcome for those areas that have not been mapped or do not possess sufficient information to accurately determine the spatial values. Notwithstanding the above, the Council has reviewed spatial information to ascertain whether any additional biodiversity mapping overlays can be provided. As a result, the Hearing Panel recommends that the Important Bird Areas for New Zealand that occur within the Taranaki region be included as a planning layer alongside the Maui dolphin sanctuary and that appropriate policy linkages be made as a consequential amendment.
56 – Greenpeace	1329	Amend Submitter seeks amendment to Schedule 4 of the Plan so that rules that prohibit or restrict activities in fishing, seabed mining and oil and gas, in relation to the values of the area, are identified through marine spatial planning.	Decline The Hearing Panel recommends declining the relief sought by the submitter in that rules in the Plan are confined to giving effect to the RMA and the Council's jurisdictional responsibilities pertaining to the coastal marine area. The Hearing Panel suggest it is not appropriate or necessary for the Plan to get into areas covered by other authorities, statutes or jurisdictions.
Further submissions – Ministry for Primary Industries (16)		Oppose	
Schedule 4B – Sensitive marine benthic habitats			
6 – Trans-Tasman Resources Ltd	1330	Amend Submitter seeks amendment to the Plan by deleting Schedule 4B in its entirety.	Decline Sensitive benthic habitats refer to marine habitats identified in the report <i>Sensitive habitats and threatened species in the Taranaki coastal marine area (TCMA) – database investigation</i> . These areas of marine habitat have been identified to have a low tolerance to habitat damage and for which the time for the habitat to recover from any damage would be significant.
Further submissions – South Taranaki Underwater Club (10), Climate Justice Taranaki Inc (21), Department of Conservation (29), Te		Oppose	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Rūnanga o Ngāti Mutunga (40), Royal Forest and Bird Protection Society (43), Te Atiawa (58), Te Rūnanga o Ngāti Ruanui Trust (61)			As part of a precautionary approach and given the sensitivity and vulnerability of such marine habitats, the Hearing Panel considers it appropriate that they be recognised and provided for within the Plan which requires reference to Schedules. Therefore, the Panel recommends retaining Schedule 4B [Sensitive marine benthic habitats] as currently notified.
Schedule 4C – Significant taonga species			
61 – Te Rūnanga o Ngāti Ruanui Trust	1331	<p>Amend</p> <p>Submitter seeks amendment to the Plan by including a new Schedule 4C that identifies taonga species under the <i>Ngāti Ruanui Claims Settlement Act 2003</i>:</p> <ul style="list-style-type: none"> • Hapuka / Groper (<i>Polypio oxygenios</i>) • Kaeo / Sea tulip (<i>Pyrva 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 novaezeelandise</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 dieffenbachii</i>) • Tuna roa / Eel –short finned (<i>Anguilla australis</i>) • Wheke / Octopus (<i>Octopus maorum</i>) 	<p>Accept</p> <p>The Hearing Panel recognises that taonga species have important cultural value to Māori and recommends including a new Schedule (Schedule 4C [Taonga Species]) to identify those marine species that hold significant value to local iwi. These species were identified through the iwi deeds of settlement and confirmed through pre-hearing engagement.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
		<ul style="list-style-type: none"> • 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</i> group) • Rore, rori / Sea cucumber / sea snail <i>Stichopus mollis</i>) • Patangatanga, patangaroa, pekapeka Starfish (<i>Echinoderms</i>) • 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/kakahi / Pipi (<i>Paphies austral</i>) • Pupu / Pupu (Turbo smaragdus/zediloma spp) • 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>). 	
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Schedule 5A – Archaeological sites of significance and historic areas			
50 – Te Kāhui o Taranaki Trust	1332	Amend Submitter seeks amendment to Schedule 5A of the Plan (and associated planning maps) by deleting the archaeological site names and instead give the sites a number and scheduling system identical to the mapped Taranaki Iwi sites of significance in the Plan.	Decline The Hearing Panel is unsure about the intent and exact request by the submitter., However, with regards to the names of archaeological sites of significance, the Hearing Panel considers the names to be important identifiers that will aid Plan users. Many of these sites are already identified in other Council reports that do not follow a numbering system and removing names would make it difficult to cross reference to these documents resulting in a potentially limited understanding of the scope and values associated with the location.
57 – Heritage New Zealand	1333	Amend Submitter seeks amendment to the title of Schedule 5A of the Plan to read: <i>Archaeological sites of significance, <u>built heritage</u> and historic areas.</i>	Accept The Hearing Panel recognises that Schedule 5A [Archaeological sites of significance and historic areas] contains areas of built heritage, and although the definition for historic heritage includes built heritage, the Hearing Panel considers the inclusion of ' <i>built heritage</i> ' better clarifies what is included within the Schedule and recommends it be amended as requested by the submitter.
57 – Heritage New Zealand	1334	Amend Submitter seeks amendment to the maps within Schedule 5A to reduce ambiguity of mapped sites by: <ul style="list-style-type: none"> • mapping the extent of scheduled sites (if site extents are unknown use buffer zones) • connecting sites on the maps with specific scheduled sites • specifying dates for all sites. 	Accept in part The Hearing Panel recommends granting the relief sought in part as follows: <ul style="list-style-type: none"> • The archaeological sites of significance listed in Schedule 5A do not contain polygons. The Panel does not consider it appropriate to include buffer zones and would prefer to manage these sites on a case-by-case basis through the consenting process having regard for the particular activity and likely effects occurring within their vicinity. The Hearing Panel recommends retaining the point locations of archaeological sites of significance as currently notified. • With regards to connecting sites identified on maps with the schedules, the Hearing Panel recommends adding the listing number that appears in the far left column of the schedule, to the pop up information on the planning maps to aid users in identifying specific locations within the map and correlating them to the relevant information within the schedules. Additional information is also recommended for Plan users ease of use of the planning maps and includes any archaeological/historic reference included in the Schedule.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<ul style="list-style-type: none"> Dates have been included in the Schedules for as many sites as are known with the exception of the Harriet and Lord Worsley shipwrecks which were built in 1819 and 1858, respectively. The Panel recommends amending the Schedule to include this additional data.
57 – Heritage New Zealand	1335	Amend Submitter questions the rationale for why two sites in the Scoping Study were not included in the Schedule and when the Scoping Study will be updated.	No relief required Review of the Scoping Study has revealed only one site that has not been included within the Plan: the Railway Wharf, Waitara. The location of this wharf (as determined within the Scoping study) at its most northerly extent, began at High Street in the Waitara township and extended southwards, meaning that this site is outside the coastal marine area. The Scoping Study will most likely be reviewed in preparation for the next Coastal Plan review in 10 years. As an interim measure, the Council contacted archaeologist Andy Dodd to review the Schedule who confirmed that it was up-to-date.
Schedule 5B – Sites of significance to Māori and associated values			
15 – Surfbreak Protection Society	1336	Support Submitter support the inclusion of sites of significance to Māori and associated values in the list of Schedules.	No relief necessary Support noted.
21 – Climate Justice Taranaki	1337	Amend Submitter seeks amendment to Schedule 5B of the Plan to include sites of significance to Ngāti Maru.	Decline The Ngāti Maru rohe does not extend to the coastal environment or the coastal marine area, nevertheless, the Council recognises that there still may be sites of significance to Ngāti Maru despite their geographic location. The Hearing Panel notes that Ngāti Maru have not provided comment on the Coastal Plan and have not requested correspondence with the Council to discuss any sites of significance that may be affected by the Coastal Plan. Ngāti Maru have received correspondence from the Council informing them of the Proposed Coastal Plan and have had the opportunity to respond. It is not the Council's intent to include this information without the request and/or approval of the relevant iwi authority.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
40 – Te Rūnanga o Ngāti Mutunga	1338	Amend	Accept
		Submitter supports the inclusion of sites of significance to Te Rūnanga o Ngāti Mutunga and associated values in the list of Schedules but seek the inclusion of additional sites.	Comments noted. Council has worked with Ngati Mutunga during pre-hearing engagement to identify additional sites of significance. This has resulted in additional sites being identified and included in the Schedules and associated planning map layers.
41 – Te Korowai o Ngāruahine Trust	1339	Neutral	No relief necessary
		Submitter would like the opportunity to amend and refine Schedule 5B as required as Ngāruahine hapū progress the claims under the <i>Takutai Moana Act 2011</i> .	Comments noted. The Council recognises that successful claims under the <i>Takutai Moana Act 2011</i> would result in legislative recognition of sites that would come under Schedule 5B [Sites of Significance to Māori]. The Council will allow review of the Schedule at a designated time, within the life of the Plan, in order to incorporate additional sites that have been recognised through the <i>Takutai Moana Act 2011</i> .
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	Notwithstanding the above, the Hearing Panel notes that they will have legal status in any case.
42 – Ngati Rahiri Hapū	1340	Amend	Accept
		Submitter seeks amendment to the Plan to include sites of significance to Ngati Rahiri Hapū (and not information contained in the New Plymouth Draft District Plan).	The Hearing Panel recommends granting the relief sought. The Hearing Panel notes that Te Atiawa Iwi has directed the Council to liaise with their hapū as part of Coastal Plan engagement, including the identification of sites of significance. The Council has consulted further with the submitter as part of pre-hearing consultation to investigate the inclusion of additional sites of significance and recommend the inclusion of additional sites as identified in Schedule 5B.
57 – Heritage New Zealand	1341	Amend	No relief necessary
		Submitter seeks amendment to the maps within Schedule 5B of the Plan using polygons to more accurately define the extent of the sites of significance to Māori.	Sites of significance to Māori have been identified by the local iwi and hapū through Council interaction and communication. The sites listed in Schedule 5B are delineated using polygons as identified in these meetings. The Hearing Panel does not consider it necessary to review these sites without the expressed request from iwi/hapū themselves.

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
57 – Heritage New Zealand	1342	Amend Submitter seeks amendment to the Ohunuku map (Ngāruahine) with appendix information supplied by the Heritage New Zealand submission.	Accept The Hearing Panel notes that the submitter's request was proposed to Ngāruahine who have indicated their support for the amendment as sought by the submitter but also wish the site spelling to be corrected to Ōhounuku. The Hearing Panel recommends amending the site extent and spelling as requested.
60 – Te Kaahui o Rauru	1343	Amend Submitter seeks amendment to Schedule 5B of the Plan - Ngaa Rauru Kītahi by: <ul style="list-style-type: none"> including schedule from <i>Ngaa Rauru Kītahi Claims Settlement Act 2005</i> amending site extents including Tapuarau Conservation Area. 	Accept in part The Tapuarau Conservation area is currently identified as an area of outstanding value under Schedule 1 and the Waitotara estuary has been identified as a site of significance to Māori. Sites of significance refer to specific areas or places that have special significance to tangata whenua for their cultural, historical, traditional and spiritual associations within the coastal marine area. The Hearing Panel notes that the extent of sites of significance identified in the Proposed Plan so far is based on the outcomes of discussions and the provision of information by Te Kaahui o Rauru. Notwithstanding the above, in relation to the Tapuarau Conservation Area, officers recommend granting this part of the relief sought. Officers note that the Conservation area extent is identified in the <i>Ngaa Rauru Kītahi Claims Settlement Act 2005</i> and that the values associated with the site are significant to Ngaa Rauru. The Hearing Panel recommends Tapuarau Conservation Area be included in Schedule 5B and the extent identified in the planning maps.
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
61 – Te Rūnanga o Ngāti Ruanui Trust	1344	Amend Submitter seeks amendment to Schedule 5B of the Plan by amending the heading to read: <i>Schedule 5 – <u>Cultural and</u> historic heritage</i>	Decline The Hearing Panel note that “ <i>historic heritage</i> ” has a broad definition under Section 2 of the RMA and includes sites of significance to Māori. Section 2 definition of “historic heritage” reads as follows: <i>“...historic heritage means:</i> <i>(a) those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:</i> <i>(i) archaeological,</i> <i>(ii) architectural,</i> <i>(iii) cultural,</i> <i>(iv) historic, [...].”</i>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			The term cultural heritage potentially has a much broader meaning. Therefore, the Hearing Panel recommends retaining the title for Schedule 5 as currently notified.
61 – Te Rūnanga o Ngāti Ruanui Trust	1345	Amend	Accept in part In pre-hearing consultation with the submitter, Council has discussed the inclusion of additional sites of significance to Ngati Ruanui and the Hearing Panel recommends amending Schedule 5B to include some of these as well as other additional sites. This includes the addition of new pa and kianga sites as well as the identification of important mahinga kai sites along the coastal reef systems. The Hearing Panel notes that the additional sites are not limited to the list of waterbodies provided by the submitter, however, are generally identified next to or near an important waterbody as indicated in the submission. Recommended amendments are identified in Schedule 5B as well as in the planning maps.
		In relation to sites of significance to Ngāti Ruanui, submitter seeks amendment to Schedule 5B of the Plan (noting information is to follow) to include information on: <ul style="list-style-type: none">• Te Moananui A O Ngati Ruanui (Coastal Area)• Waingongoro River• Manawapou River• Waihi Stream• Katewheta Stream• Waikaikai Stream• Mangaroa Stream• Kaikura Stream• Whitikau• Tangahoe-Hawera-Manutahi Reef.	
Further submissions – Trans-Tasman Resources Ltd (6)		Oppose	
Further submissions – Te Rūnanga o Ngāti Mutunga (40), Te Atiawa (58)		Support	
Schedule 7A – Surf breaks			
5 – Point Board Riders	1346	Amend	Decline
		Submitter supports the inclusion of the designated Significant Surfing Area as an overlay in Schedule 7B for protection but submit that the area from Pungarehu to Okato is only a small area and seek to have more of the coastline added to the overlay.	Support for the Significant Surfing Area noted. In relation to extending the Significant Surfing Area, no change is recommended. The area identified was a result of MetOcean Solutions Ltd advice arising from the report <i>Taranaki Surfbreaks of National Significance</i> , highlighting the abundance, uniqueness and large number of high quality surf breaks in that locality. The number and significance of surf breaks in this locality was subsequently confirmed through the <i>Online Wave Survey</i> .

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			Notwithstanding the above, the Hearing Panel notes that regionally significant surf breaks outside the area still have a high level of protection in accordance with Policy 19 [Surf breaks and significant surfing area].
5 – Point Board Riders	1347	Amend	Decline
		Submitter supports the inclusion of Nationally Significant surf breaks and Locally Significant surf breaks but raise the issue of a lack of protection for the remaining surf breaks on the coast.	The Hearing Panel is not currently aware of any additional surf break locations that are not already included within Schedule 7 and have worked closely with the local surfing community in addition to commissioning a report on regionally significant surfbreaks and undertook a surfing community survey to establish the current list. The intention of Schedule 7 is to provide a high level of protection to those surfbreaks that display significant surfing qualities through Policy 19 [Surf breaks and Significant Surfing Area].
15 – Surfbreak Protection Society	1348	Amend	Decline
		Submitter supports the inclusion of the designated Significant Surfing Area but seeks that it be extended to include a larger area and that more surf breaks be added to the locally significant list.	The Hearing Panel considers the extents of the Significant Surfing Areas to be sufficient and recognise that, due to tidal changes and changing weather conditions, a surfable area may be larger or smaller than the area identified in the maps. The polygons depicted are intended to capture the commonly utilised areas on any given day. The Hearing Panel is not currently aware of any additional surf break locations that are not already included within Schedule 7 and notes that the Council has worked closely with the local surfing community in addition to commissioning a report and undertaking a surfing community survey on regionally significant surfbreaks to establish the current list. The intention of Schedule 7 is to provide a high level of protection to those surfbreaks that display significant surfing qualities through Policy 19 [Surf breaks and Significant Surfing Area]. The Council will welcome any additional information for the inclusion of other surfbreaks if they can be valued for their surfing qualities.
18 – Surfing Taranaki	1349	Support	No relief required
		Support the designated Significant Surfing Area as proposed in the Plan.	Support noted.
19 – South Taranaki District Council	1350	Amend	Accept
		Support the inclusion of the designated Significant Surfing Area but seeks that it be confined to the coastal marine area.	The Hearing Panel notes the submitter's concern and recommend amending the landward extent of the significant surf break area to align with the indicative coastal

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Further submissions – Powerco (45)		Support in part	marine area line so as to not capture private land. The Hearing Panel also recommends amending the extent of the Significant Surfing area and confining it to the coastal marine area.
20 – Meridian Energy Limited	1351	Amend	Accept
		Submitter seeks amendment to the Plan and associated Planning Maps to show the locations of locally significant surf breaks.	The Hearing Panel agrees and recommends amending the planning maps to identify the locations of locally significant surf breaks.
24 – Paora Aneti 17 & 18 Māori Reservation Trustees	1352	Amend	Accept
		Submitter opposes the inclusion of sections of Paora Aneti 18 amongst surf breaks identified as nationally or regionally significant.	The Hearing Panel notes the submitter's concern and recommend amending the landward extent of the significant surf break area to align with the indicative coastal marine area line so as to not capture private land.
24 – Paora Aneti 17 & 18 Māori Reservation Trustees	1353	Other	Accept
		Submitter suggests the Plan shows a lack of regard to the Māori language by having an area for surfing identified as "Punihos".	The submitter has not specifically sought any amendments to the Plan. However, the Hearing Panel recommend amending the name of the surf break to Punihos in response to their concerns. Additional amendments to Schedule 7 are also recommended to include the incorporation of traditional Māori names (where they are known) for the surf breaks identified.
31 – Komene 13B Māori Reservation Trustees	1354	Amend	Accept
		Submitter opposes the inclusion of sections of Komene 13 Māori Reservation via Waikirikiri Lagoon in the Plan, including the surf break area AND Note that "Waikirikiri" is not the name of the area.	The Hearing Panel notes the submitter's comments and recommends amending the landward extent of the significant surf break area to align with the indicative coastal marine area line so as not to capture private land.
32 – Port Taranaki Ltd	1355	Amend	Grant in kind
		Submitter seeks amendment to Schedule 7A of the Plan to delete the "Breakwater" surf break from the list of regionally significant surf breaks, and delete references to it on associated maps.	At the hearing, the submitter tabled further evidence from Oceanum consultants on the values and relative significance of the breakwater surf break. In summary, it was argued that the break did not merit being identified as 'regionally significant' as it was entirely anthropogenic and that with the exception of uniqueness (ability to surf under certain conditions) ranked low for other surfing attributes. The Hearing Panel agrees with the aforementioned assessment and recommend that Schedule 7A of the Plan and associated planning maps be amended to delete the 'Breakwater' surf break from the list of regionally significant surf breaks

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
			<p>(although it is recommended that it still be identified in the schedule as being 'locally significant').</p> <p>As a consequential amendment, the Hearing Panel recommend deleting the exclusion for regionally significant infrastructure in Policy 19 (b) [Surf breaks and Significant surfing Area] as the matter has now been addressed through other means and note that the exception is now redundant.</p>
49 – Cam Twigley	1356	Amend	No relief necessary
		Submitter supports the inclusion (and the extent) of the designated Significant Surfing Area.	Support noted.
50 – Te Kāhui o Taranaki Trust	1357	Amend	Grant in kind
		Submitter seeks amendment to Schedule 7A of the Plan (and associated planning maps) by deleting the surf break names instead give the sites a number and scheduling system identical to the mapped Taranaki Iwi sites of significance in the Plan.	<p>Through pre-hearing engagement the submitter (and others) identified that some of the surf break names were incorrect or offensive, which was the basis for the relief requested.</p> <p>The Hearing Panel considers the surfbreak names to be important and useful identifiers of surfbreaks that will aid Plan users in this area.</p> <p>The Hearing Panel recommends an alternative relief that, where possible, alternative and/or more culturally appropriate surfbreak names are incorporated alongside the currently identified surf break names commonly in use amongst the surfing community.</p>
50 – Te Kāhui o Taranaki Trust	1358	Amend	Decline
		Submitter seeks amendment to Schedule 7A of the Plan (and associated planning maps) by delineating the surf breaks in terms of location like the Taranaki Iwi sites of significance.	<p>Surf break locations have not been delineated by the Council. Delineating surf breaks would be an imprecise and expensive exercise and was not considered necessary for the purposes of this review. However, point locations will be added to the planning maps to identify where the surfbreaks occur within the coastal marine area.</p> <p>Notwithstanding the above, the Hearing Panel recommends including additional information relating to the surf breaks within Schedule 7 and the planning layer to use traditional naming of surf break locations alongside the commonly recognised surf break names.</p>

Submitter	Submission point	Submitter's requests	Hearing Panel' recommendation and response
Schedule 8 – Port air zone			
32 – Port Taranaki Ltd	1359	Amend	Accept
		Submitter seeks amendment to Schedule 8 of the Plan (and associated maps) to include the wharves in the Port Air Zone and correspond to the online maps for the Port Air Zone.	The Hearing Panel recommends amending Schedule 8 to include wharves within the Port Air Zone to be consistent with the areal extent of maps online.
Schedule 9 – References			
48 – Taranaki District Health Board	1360	Amend	Accept
		<p>Submitter seeks amendment to Schedule 9 of the Plan to read:</p> <p><i>The documents referenced throughout the Plan are listed below, along with the website addresses that provide access to the documents. <u>Note that New Zealand Standards listed below are subject to copyright and are not available to be viewed on-line and may be inspected by appointment at our customer service centre.</u></i></p> <p>[...]</p> <p><u>Noise standards (Rules 6.10, 8.6.3)</u></p> <p><u>NZS 6801:2008 Acoustics – Measurement of Environmental Sound</u></p> <p><u>NZS 6802:2008 Acoustics – Environmental Noise</u></p> <p><u>NZS 6803:1999 Acoustics – Construction noise</u></p> <p><u>NZS 6809:1999 Acoustics – Port Noise and Land Use Planning</u></p>	<p>The Hearing Panel recommends amending the Plan to include reference to the requested standards in Schedule 9, however note that some changes to those requested by the submitter are also recommended to account for other relief offered within the Plan, to read as follows:</p> <p><u>New Zealand standards (General standards)</u></p> <p><u>NZS 6809:1999 Acoustics – Port Noise and Land Use Planning</u></p> <p><u>NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</u></p> <p><u>NZS6803:1999 Acoustics – Construction Noise</u></p> <p><u>NZS 6801:2008 Acoustics – Measurement of Environmental Sound</u></p> <p><u>NZS 6802:2008 Acoustics – Environmental Noise</u></p> <p><i>Note: the New Zealand Standards are subject to copyright and are not available to be viewed on-line and may be inspected, by appointment, at the Council premises.</i></p>

Appendix I: Evidence and other written material presented at the hearing

This section presents copies of the evidence and other written material presented at the hearing of the Proposed Coastal Plan for Taranaki.

Thank you for the opportunity to speak to my submission. The Taranaki Energy Watch (TEW) original submission remains unchanged through the pre-hearing process. We take this opportunity to emphasise some specific points and include some additional information.

Drilling petroleum wells

- (i) The proposed plan continues to classify exploratory offshore petroleum drilling as a controlled activity (Rule 26).
 - a. In the current plan there are 10 consents required for petroleum exploration- 6 are discretionary and 4 are permitted. Under the RMA these would be bundled and default to the highest status- discretionary. The Council has bundled them into a single controlled activity.
 - b. Both the Section 42a Report and the Offshore Drilling Review emphasise this is for business certainty as applications for a controlled activity can't be turned down.
 - (i) "Some certainty for these uses is considered appropriate which would not be the case if the activity was made a Discretionary Activity (with ability to decline a resource consent application)."¹
 - (ii) "Operator costs are likely to remain similar should exploratory offshore petroleum drilling be classified as a controlled activity that will be non-notified. However, the operator will benefit through having business certainty as applications for a controlled activity cannot be turned down by Council. Applications to undertake a discretionary activity, as currently required, can be turned down by Council."²
 - c. There is no environmental evidence provided in the s42a report and this is not a decision based on the RMA legislation. A regional plan prepared having regard to Part 2 of the Act should contain a coherent set of objectives provisions that achieve environmental outcomes.
 - d. The controlled activity status also precludes public notification. See Attachment 1.
- (ii) It is not appropriate to rely on compliance with relevant legislation and regulations managing well integrity and discharges (Matters of control/discretion (a)).

¹ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/Hearing/PCASect41A-hearing.pdf> at p.319

² <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> at p.27

The recent interim findings of Taranaki Energy Watch v STDC state that WorkSafe can manage these issues however they cannot eliminate them. While the findings relate to onshore petroleum activities they are equally applicable to offshore petroleum activities.

- a. "The key point being, where a risk is minimised, because it cannot be eliminated, there is no absolute guarantee that incidents or accidents will be prevented or that harm will be prevented. Instead, measures are to be implemented to minimise those risks so far as practicable. Thus it cannot be imputed that compliance with WorkSafe legislation and regulation means risk is eliminated".³
- (iii) The section 42 a report states "The drilling associated with seabed exploration is not considered to have more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26".⁴
 - a. As discussed previously complying with WorkSafe legislation does not guarantee adverse effects will be eliminated.
 - b. Drilling does have potential "more than minor adverse effects" regardless of the conditions set by Rule 26. For example while a well blow out may have a low probability it has catastrophic effects. This is also emphasised in the recent interim findings of Taranaki Energy Watch v STDC.⁵
- (iv) It is not clear from the proposed plan how the Council are going to accommodate the transition of an exploration well to a production well.
 - a. Currently the proposal is for drilling an exploratory well to be controlled (Rule 26) and drilling production wells to be discretionary (Rule 29). However the wells are both the same and obviously in the same location.
 - b. When a well is drilled it is initially an exploratory well, if nothing is found then it is abandoned. If something is discovered the same well becomes a production well. Basically the well is the same- exploratory and then producing. This would suggest

³ <https://environmentcourt.govt.nz/assets/Documents/Publications/2018-NZEnvC-227-Taranaki-Energy-Watch-Incorporated-v-South-Taranaki-District-Council.pdf> at para [44].

⁴ https://www.trc.govt.nz/assets/Documents/Plans_policies/CoastalPlanReview/Hearing/PCASect41A-hearing.pdf at p.318

⁵ <https://environmentcourt.govt.nz/assets/Documents/Publications/2018-NZEnvC-227-Taranaki-Energy-Watch-Incorporated-v-South-Taranaki-District-Council.pdf>

that exploratory and production activities need to be bundled together to determine if the site is appropriate at the outset.

- (v) TEW continue to submit that petroleum exploration should be a discretionary activity and publicly notified.

Prohibited status for petroleum activities in outstanding coastal management areas

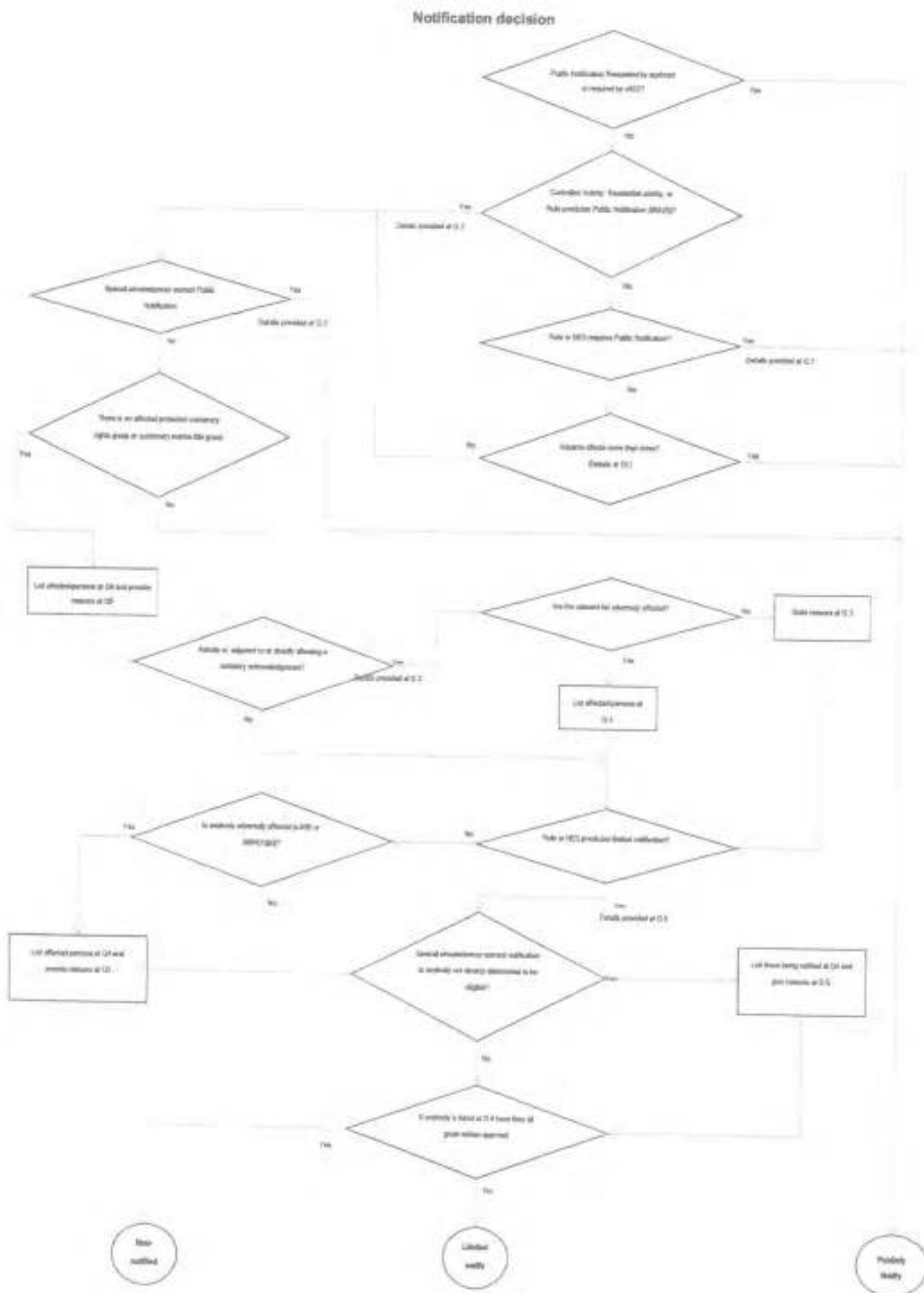
- (i) Policy 29 has a new additional statement added "(aa) in relation to offshore production activities, adopting adequate separation and buffer distances having regard to the values and sensitivity of the environment."
 - a. The outstanding coastal management area would meet the requirements of this policy.
 - b. Rule 30 allows for non-complying status for petroleum production installation including drilling producing wells in outstanding value coastal management areas. Consequentially this policy would direct the Council to avoid this activity in these management areas therefore it would be in effect a prohibited activity.
 - c. Given that exploratory wells become producing wells it would then be appropriate to safeguard this area making it a prohibited activity for exploration wells as even if they are successful policy directs them away from this area.

Other

- (i) The addition to Rule 26 of "the activity does not involve the discharge or deposition of drilling fluids or cuttings" and "drilling cuttings and fluids must be removed for authorised disposal" has been proposed in the s42 a report.
 - a. For completeness and recognising this decision was informed by a commissioned review of buffer distances TEW request that the wording to be "drilling fluids or cuttings or muds".⁶

⁶ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF>

- b. In the s42 a report it is unclear what the Council intends by authorised disposal and what legislation covers this as it still is a discharge.



BEFORE THE TARANAKI REGIONAL COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Coastal Plan for Taranaki**

Legal submissions on behalf of the Minister of Conservation

16 July 2019

Department of Conservation

P O Box 10 420

WELLINGTON

Solicitor acting: M Downing

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MAY IT PLEASE THE PANEL

INTRODUCTION

1. These legal submissions focus on outstanding issues between the Minister of Conservation (Minister) and the Taranaki Regional Council (TRC or Council). They provide the legal context and basis to support the remaining amendments to the Proposed Coastal Plan for Taranaki (Proposed Plan) sought by the Minister, where relevant.
2. The changes recommended in the s 42A report go some way to addressing the issues raised in the Minister's submission and further submission.
3. However, further changes are required to ensure the Minister's concerns are fully addressed, the Department of Conservation (DOC or Department) functionaries can properly undertake their statutory functions, and that the requirements under the Resource Management Act 1991 (RMA) are met.

MINISTER OF CONSERVATION'S FUNCTIONS IN THE COASTAL MARINE AREA

4. The Minister, rather than the Director-General of Conservation, submitted on the Proposed Plan. This is because the Minister has the function of approving regional coastal plans in accordance with Schedule 1 of the RMA.¹ The Minister also monitors the effect and implementation of the New Zealand Coastal Policy Statement (NZCPS).²

EVIDENCE

5. The Minister's case is supported by the evidence from the following five witnesses:
 - a. **Mr Don Neale**, marine technical advisor at the Department of Conservation, on marine ecology;
 - b. **Dr David Lundquist**, technical advisor (marine species and threats), on the Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations;

¹ RMA, section 28(b).

² RMA, section 28(d).

- c. **Ms Sarah Hucker**, senior national RMA advisor at the Department of Conservation, on marine biosecurity;
- d. **Mr Callum Lilley**, senior ranger, on operational work undertaken by the Department, including the burial of marine mammals.
- e. **Mr Graeme Silver**, senior planner at the Department of Conservation.

OUTLINE

- 6. These legal submissions are organised under the following headings:
 - a. Statutory requirements;
 - b. NZCPS Policy 11.
 - c. NZCPS Policies 13 and 15.
 - d. Coastal hazards.
 - e. Biofouling.
 - f. Other remaining matters.
 - g. Conclusion.

STATUTORY REQUIREMENTS

- 7. It is expected that the law applying to proposed plans will be summarised in the submissions of other parties. I do not intend to repeat that here, however there are two RMA matters which I outline below: coastal occupation charges and the NZCPS.

Coastal occupation charges

- 8. In preparing a regional coastal plan, the council must comply with the statutory requirements set out in section 64A of the RMA. The Minister cannot approve a coastal plan that does not comply with section 64A.
- 9. Section 64A(1) requires regional councils to consider introducing coastal occupation charging regimes into coastal plans (if such a regime does not already exist).

10. Under section 64A, regional councils are entitled to forgo a coastal charging occupation charging regime. However in this instance, section 64A prescribes certain steps to be followed:

64A Imposition of coastal occupation charges

- (1) Unless a regional coastal plan or proposed regional coastal plan already addresses coastal occupation charges, in preparing or changing a regional coastal plan or proposed regional coastal plan, a regional council must consider, after having regard to—
- (a) the extent to which public benefits from the coastal marine area are lost or gained; and
 - (b) the extent to which private benefit is obtained from the occupation of the coastal marine area,—

whether or not a coastal occupation charging regime applying to persons who occupy any part of the common marine and coastal area should be included.

- (2) Where the regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in the regional coastal plan.

...

11. The evidence of Mr Silver highlights that there is currently uncertainty as to whether the Taranaki Regional Council has undertaken the statutory steps outlined in paragraph 10 above.³ The reference to “the Council is not operating a charging regime for occupation of the coastal marine” in Chapter 9 of the Proposed Plan does not suffice, particularly as there seems to be no record of decision-making to satisfy that the statutory process in section 64A has been followed.⁴

12. Mr Silver’s evidence offers a practical solution to the matter.

New Zealand Coastal Policy Statement

13. Section 67(3) of the RMA requires that the Proposed Plan must give effect to the NZCPS, any other national policy statement, and the relevant regional policy statement.

³ Statement of evidence of Graeme Silver dated 12 July 2019, at [10]-[16].

⁴ Statement of evidence of Graeme Silver dated 12 July 2019, at [17]-[18].

14. The purpose of the NZCPS is to state objectives and policies in order to achieve the purpose of the RMA (being to promote sustainable management) in relation to the coastal environment of New Zealand.⁵ Accordingly, it is said that “the NZCPS gives substance to part 2’s provisions in relation to the coastal environment.”⁶ Relevant objectives and policies of the NZCPS for the purposes of this hearing are reproduced in Appendix One.
15. In a plan preparation context, the statutory requirement is “to give effect to” the NZCPS. This means “implement”.⁷ This has been recognised as being a “strong directive,”⁸ and one that creates “a firm obligation on the part of those subject to it”.⁹
16. The implementation of the NZCPS is affected by what the objective or policy relates to, or what must be given effect to. Accordingly, the terms of the NZCPS, and the extent to which they are directive is critical:¹⁰

A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction.

17. Accordingly, in giving effect to the NZCPS, it is of course critical to consider the precise wording of the objective or policy in issue. Is it formulated in a directive way, or is it formulated in a way that confers wide flexibility in implementation? A requirement to “avoid”, which occurs in a number of NZCPS policies, is directive in nature, it means “not allow”, or “prevent the occurrence of”.¹¹

NZCPS POLICY 11

18. NZCPS Policy 11 requires that adverse effects of activities on threatened, at risk or naturally rare species, habitats or areas be avoided. For other indigenous

⁵ RMA, section 56.

⁶ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [85].

⁷ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [77].

⁸ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [77].

⁹ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [77].

¹⁰ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [80].

¹¹ *Environmental Defence Society v New Zealand King Salmon Co Ltd*, [2014] NZSC 38, [96].

habitats and areas, Policy 11 requires significant adverse effects of activities to be avoided, and other adverse effects to be avoided, remedied or mitigated.

19. Policy 11 has come under scrutiny from the High Court since the *King Salmon* decision in the case of *Royal Forest and Bird Protection Society of NZ Inc v Bay of Plenty Regional Council*¹² which confirmed:
 - a. the meaning of ‘avoid’ is as discussed in *King Salmon* (i.e. ‘not allow’, or ‘prevent the occurrence of’) and is not contextual;¹³
 - b. where there is tension between planning documents, or within them, there is an obligation to articulate and analyse those tensions and to make a thoroughgoing attempt to reconcile those tensions;¹⁴
 - c. *King Salmon* does not allow for a proportionate or contextual approach;¹⁵
20. One of the policies in the proposed Bay of Plenty Regional Coastal Environmental Plan (RCEP), Policy N4, unequivocally sought to avoid adverse effects on the values and attributes of those areas. However, other policies recognised that it might be appropriate to grant consent for regionally significant infrastructure to locate in those areas in some circumstances. The Environment Court found that the provisions recognising regionally significant infrastructure represented a “proportionate response” which gave effect to those tensions recognised by the NZCPS.
21. On appeal the High Court found that the ‘proportionate response’ approach taken by the Environment Court was, in effect, a version of the “overall broad judgment approach” which the *King Salmon* decision had done away with. The High Court said:¹⁶

“[The Environment Court] was suggesting that the benefits and costs of regionally significant infrastructure, seeking to locate in Indigenous Biological Diversity Areas A and that could have adverse effects on such areas, should be assessed on a case by case basis, having regard to all relevant factors. Given the majority’s decision in *King Salmon*, this approach was not available to it.”

¹² [2017] NZHC 3080.

¹³ *Royal Forest and Bird v Bay of Plenty Regional Council* [2017] NZHC 3080, at [100]-102]

¹⁴ *Royal Forest and Bird v Bay of Plenty Regional Council* [2017] NZHC 3080, at [98].

¹⁵ *Royal Forest and Bird v Bay of Plenty Regional Council* [2017] NZHC 3080, at [102]-[103].

¹⁶ *Royal Forest and Bird v Bay of Plenty Regional Council* [2017] NZHC 3080, at [106].

22. The Minister supports the retention of policy 14 of the Proposed Plan as recommended in the s 42A report. In my submission, this implements NZCPS Policy 11 in the policy framework of the Proposed Plan.

Rules that do not give effect to the NZCPS

23. I submit there are some gaps in NZCPS Policy 11 implementation in the rule framework of the Proposed Plan. Mr Silver has identified proposed rules which provide for permitted or controlled activities within sites recognised by NZCPS Policy 11.
24. This could lead to Council being unable to prevent activities being undertaken that have adverse effects on sites which meet the criteria in NZCPS Policy 11. In some cases, the ability for these activities to occur will be inconsistent with the direction set by NZCPS Policy 11. In most cases, the inability to require effects to be avoided, remedied or mitigated will be inconsistent with NZCPS Policy 11 as a whole. Some examples follow.

Rule 22 – Placement or erection of a network utility structure (controlled activity)

25. The Minister opposed Rule 22 and sought that the burial of pipes and cables be a discretionary activity.
26. Mr Neale's evidence describes the range of adverse effects underground infrastructure can have on ecological values, particularly on more sensitive marine environments.¹⁷
27. Mr Silver's evidence notes that the species and habitats in Schedules 4A and 4B of the Proposed Plan do not capture all criteria in NZCPS Policy 11(a) – NZCPS Policies 11(a)(iv) and 11(a)(v) have been overlooked.¹⁸ Mr Silver's evidence is that Rule 22:

¹⁷ Statement of evidence of Donald Malcolm Neale dated 12 July 2019, at [30]-[31].

¹⁸ Statement of evidence of Graeme Silver dated 12 July 2019, at [104]-[105].

- a. does not include a standard that the activity does not occur in sensitive marine benthic habitats identified in Schedule 4B of the Proposed Plan, which are a habitat type that meets the criteria in NZCPS Policy 11(a).¹⁹
 - b. as a controlled activity, does not provide for the avoidance of adverse effects on sites that engage NZCPS Policies 11(a)(iv) and 11(a)(v); and
 - c. does not avoid significant adverse effects on sites that engage NZCPS Policy 11(b)(iii).²⁰
28. Thus, Rule 22 enables activities to occur which might have adverse effects on sites which meet the criteria in NZCPS Policy 11.
29. Despite there being matters of control in relation to location and effects on indigenous biodiversity values, there is no ability to decline consent on the basis of those effects.²¹ Accordingly, in my submission, the controlled activity status should not apply to those activities that engage the criteria in NZCPS Policy 11. Instead, the burial of pipes and cables should be removed from rule 22 and become a new rule with (at least) restricted discretionary status in all zones.
30. In my submission, accepting Mr Silver's recommendation is required for the Proposed Plan to give effect to Policy 11 of the NZCPS.

Rule 34 – other structure erection or placement not provided for in Rules 18-32

31. First Gas Ltd sought amendments to Rule 34 of the Proposed Plan to make network utility underground pipelines or pipelines attached to existing bridge or access structures in Outstanding Value coastal management areas a controlled activity (as opposed to non-complying). The Minister opposes that relief for similar reasons discussed in paragraphs 27-30. This could lead to Council being unable to prevent activities being undertaken that have adverse effects in Outstanding Value areas – in particular marine protected areas such as Parininihi Marine Reserve recognised under policy 1 of the Proposed Plan which trigger NZCPS Policy 11(a)(vi) as an area set aside for full or partial protection of indigenous biological diversity under other legislation.

¹⁹ Statement of evidence of Graeme Silver dated 12 July 2019, at [104]-[105].

²⁰ Statement of evidence of Graeme Silver dated 12 July 2019, at [118]-[121].

²¹ RMA, s 87A(2).

32. It is essential to retain the ability to refuse resource consent to ensure that NZCPS Policy 11 direction to “avoid adverse effects” is given effect to. It is therefore submitted that Mr Silver’s recommended amendment that the activities be restricted discretionary be accepted.

Rule 37 – network utility structure repair, alteration or extension

33. The Minister sought an additional standard to rule 37 placing a size limit on any extension to a network utility structure. The evidence of Mr Neale²² and Mr Silver²³ is that the addition of standard (aa) recommended by the s42A report, which limits extensions to 10% every 24 months, partly addresses the Minister’s concerns but could lead to significant adverse effects or cumulative adverse effects.
34. In my submission, the suggestions offered by Mr Silver to replace the “24 month” reference with a “5 year” reference will ensure the rule will not allow damage to indigenous biodiversity in a manner contrary to NZCPS Policy 11.

NZCPS POLICIES 13 AND 15

35. NZCPS Policy 13 relates to preservation of natural character and NZCPS Policy 15 relates to natural features and natural landscapes in the coastal environment. They provide a cascade of policy directions on how to protect natural character, natural features, and natural landscapes from inappropriate subdivision, use and development. Mr Silver notes that these policies have been partially implemented into the Proposed Plan by policies 8 and 9.
36. The inclusion of policies 8 and 9 in the Proposed Plan means the NZCPS is effectively implemented for discretionary and non-complying consents as policies 8 and 9 must be considered in the event consents for discretionary or non-complying activities are applied for. The inclusion of policies 8 and 9 in the Proposed Plan will be effective for restricted discretionary consents where landscape, natural character or natural features are a matter for discretion.

²² Statement of evidence of Donald Malcolm Neale dated 12 July 2019, at [34]-[35].

²³ Statement of evidence of Graeme Silver dated 12 July 2019, at [135]-[139].

37. With respect to the rules framework, a similar issue arises to that identified with NZCPS Policy 11 sites at paragraphs 27-30 of these legal submissions – there are controlled activity rules which do provide the ability for Council to refuse consent to ensure that NZCPS Policies 13 and 15 direction to “avoid adverse effects” is given effect to. For example, rule 22 makes the placement or erection of network utility structures a controlled activity in outstanding value areas (which include NZCPS Policy 13 and 15 sites).

38. Mr Neale notes that:²⁴

The burial of pipes or cables can help to mitigate some effects, but burial is seldom permanent in a dynamic coastal environment. The natural (or accelerated) processes of coastal erosion, sediment movement, bed changes and channel migration can expose an underground or buried structure over time. Once exposed, it will then function as an unburied structure laid on top of the substrate, with associated effects such as current modification and scour, navigation and entanglement issues, substrates for pest species, and changes to the natural character and visual amenity of the area.

39. This makes it even more critical to accept Mr Silver’s proposed changes to rule 22.

40. The evidence of Mr Silver is that:

- a. while the plan has included a schedule of areas of outstanding values (Schedule 2), it does not include criteria for identifying further areas;²⁵
- b. the lack of criteria for identifying further areas does not provide for values which can change over time.²⁶

41. Mr Silver also notes that the Proposed Plan does not give effect to NZCPS Policy 13(1)(c) in that it does not identify areas of “high natural character.”²⁷ NZCPS Policy 13(1)(c) is clear that areas of high natural character (at least) be mapped or otherwise identified.

42. The policies and rules of the Proposed Plan cannot solely apply to those listed identified areas in Schedule 2, as this precludes their application to any

²⁴ Statement of evidence of Donald Malcom Neale dated 12 July 2019, at [31].

²⁵ Statement of evidence of Graeme Silver dated 12 July 2019, at [68].

²⁶ Statement of evidence of Graeme Silver dated 12 July 2019, at [70].

²⁷ Statement of evidence of Graeme Silver dated 12 July 2019, at [73].

unidentified areas of high natural character when activities are proposed in those areas which require consent. Further, as the Proposed Plan does not capture all NZCPS Policy 13 and Policy 15 sites restricting policies to only those areas currently identified will not give effect to the requirement to avoid adverse effects on outstanding natural character areas, natural features and natural landscapes.

43. I therefore submit that Mr Silver's recommendations that the Proposed Plan includes criteria for identifying natural character, natural features, and landscape, and that high natural character areas are identified and mapped be accepted.

COASTAL HAZARDS

44. The Minister of Conservation, in her further submission, opposed the submissions by Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd seeking amendment to objective 13 of the Proposed Plan to qualify that the risk of social, cultural, environmental and economic harm from coastal hazards is not increased "to unacceptable levels".

45. As noted in the evidence of Mr Silver:²⁸

I consider that this amendment is inappropriate. An objective should identify the resource management outcome desired. In this case it is the reduction of risk from coastal hazards. The recommended amendment provides for instances where risks can be increased.

46. The reference to "to unacceptable levels" is not referred to, nor anticipated, by the NZCPS. The NZCPS has two policies which direct the avoidance and/or reduction of coastal hazards. NZCPS Policy 25 states (my emphasis):

Policy 25 Subdivision, use and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards...

²⁸ Statement of evidence of Graeme Silver dated 12 July 2019, at [32].

...

47. DOC guidance on Policy 25(a) says:²⁹

This clause directs decision-makers to avoid increasing the risk of harm from coastal hazards. This policy is written in a directive way, with the meaning of 'avoid' having been informed by court decisions since the gazettal of the NZCPS 2010, including the Supreme Court's decision in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*.

48. Policy 27 also directs that in areas of significant existing development and sets out a range of strategies for "reducing coastal hazard risk".
49. In my submission, the phrase "to unacceptable levels" must be removed in order to give effect to NZCPS Policies 25 and 27.

BIOFOULING

50. The Minister's submission sought that the rules pertaining to biofouling are amended to align with NZCPS Policy 12, and to be consistent with the "Anti-fouling and in-water cleaning guidelines (June 2013)."³⁰
51. Evidence called by the Minister and the s42A report recommendations are mostly aligned except for some fine tuning recommended by Ms Hucker in her evidence. I make brief comment on one of those matters here.
52. The Minister of Conservation (and the Ministry for Primary Industries) sought the following standard be included in rule 9 of the Proposed Plan:

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 Regional Council and the Ministry for Primary Industries shall be notified without unreasonable delay, and
- (iii) the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted

²⁹ NZCPS 2010 guidance note: Coastal Hazards, December 2017, Department of Conservation, page 44.

³⁰ Attached as Appendix 2 to the Statement of evidence of Sarah Hucker on behalf of the Minister of Conservation.

organism or pest species is found, notified to do so by the Ministry for Primary Industries.

53. The s 42A report has not recommended including the whole standard noting that it is legally uncertain as it refers to “suspects”. The s 42A report instead recommends converting this condition into the following standard:

the activity does not involve any species designated as unwanted organisms or pest species under the Biosecurity Act 1993.

54. The remaining steps set out the Minister’s submissions are placed in a footnote as guidance as opposed to a legal requirement.
55. In my submission, the condition read as a whole, as sought in the Minister’s submission, does provide legal certainty. It essentially provides that the cleaning of biofouling is a permitted activity provided that, after undertaking the steps in clause (i)-(iii), the Council or Ministry for Primary Industries confirms that there are no harmful or unusual aquatic species.³¹ I acknowledge that whether the steps in clauses (i)-(iii) are followed depends on the judgement of the person undertaking the activity, however this judgement still comes into play with the recommended drafting which requires that “the activity does not involve any species designated as unwanted organisms or pest species under the Biosecurity Act 1993”, as this still requires the steps to be followed once an organism is “suspected”. It places a responsibility on the owner of the ship, moveable object or navigation aid to check whether there are any unusual or harmful aquatic species. The Environment Court in *Waimakariri District Council v North Canterbury Clay Target Association* confirmed that the fact a rule calls for judgement does not necessarily make it ultra vires (i.e. outside the scope of the RMA), the question is whether undue subjective discretion is conferred.³²
56. I submit that it is not unusual for permitted activity standards to include this level of responsibility on a person wishing to undertake an activity, and that the

³¹ Under s 122(1)(c) of the Biosecurity Act 1993, an inspector or authorised person under the Biosecurity Act may direct the owner or person in charge of any organism or risk goods to take steps to prevent the spread of any pest or unwanted organism.

³² *Waimakariri District Council v North Canterbury Clay Target Association* [2014] NZEnvC 114 at [23].

Minister submission on condition (c) as supported in Ms Hucker's evidence is accepted.

OTHER REMAINING MATTERS

Rule 12A – seismic surveying (controlled activity)

57. The Minister supported Rule 12 of the notified version Proposed Plan but welcomes and supports the s42A report's recommendation to recast seismic surveying as a controlled activity (now Rule 12A).
58. NZCPS Policy 11 requires that adverse effects of activities on indigenous taxa that are listed as threatened or at risk are avoided. As noted in Dr Lundquist's evidence, Hector's dolphin, Māui dolphin and bottlenose dolphin are listed as threatened under the New Zealand Threat Classification System list.³³ NZCPS Policy 11(a) is therefore triggered. Whilst compliance with the "Code of Conduct for minimising acoustic disturbance to marine mammals" (the seismic Code) is a condition of Rule 12A, reference to the Code in itself does not suffice to ensure adverse effects on these threatened species will be avoided. Dr Lundquist's evidence is that there are some situations in which the seismic Code is unable to minimise risks to marine mammals, for example because the seismic Code was not designed to minimise certain risks such as behavioural disturbance far away from the survey. Dr Lundquist notes that "there are limited options to manage the risks associated with behavioural disturbance of marine mammals under the Code".³⁴ This provides support for controlled activity status, as Council has the ability to impose additional conditions if appropriate to avoid adverse effects on marine mammals. As stated in Mr Silver's evidence:

the recommendation for a controlled activity status is supported as Council will be able to control the method, timing, location, and impacts to protect indigenous biodiversity from adverse effects through conditions of consent.

59. As acknowledged in Mr Lundquist's evidence the seismic Code does not address effects on marine species that are not mammals. Mr Silver notes that permitted activity status for seismic surveying is inappropriate as the potential impacts on

³³ Statement of evidence of David Jeffrey Lundquist dated 12 July 2019, at [9] and Appendix A.

³⁴ Statement of evidence of David Jeffrey Lundquist dated 12 July 2019, at [34]-[35].

seismic surveying activities on non-marine mammals would be inadequately managed through a permitted activity rule.³⁵

60. Accordingly, controlled activity status under the RMA is appropriate to ensure adverse effects can be avoided as required by policy 11 of the NZCPS in relation to threatened marine mammals and to manage potential impacts on other marine species that are not managed by the Code.

Rule 21 – navigation aids (permitted activity)

61. The Minister’s submission sought Rule 21 be a permitted activity exclusively for Council, Port Taranaki, Maritime New Zealand, or the agents of these organisations, and overlooked reference to the Department of Conservation.
62. Mr Lilley’s evidence provides evidence on the Department’s responsibilities under the Marine Reserves Act 1971 with respect to marking the boundaries of marine reserves.³⁶ Mr Lilley’s evidence acknowledges that the preservation of a marine reserve depends on the strict observation by the public with respect to where the boundaries of the marine reserve applies.
63. One point of clarification is that Mr Silver’s evidence recommends that the “Department of Conservation” is listed under clause (aa). As the statutory function of marking the boundaries of marine reserves rests with the Director-General, I submit that it would be appropriate to list the “Director-General of Conservation” under new clause (aa).
64. The requirement to obtain a resource consent could cause unnecessary delays in the instalment of navigation aids, which would compromise the ability to ensure public awareness of “no-take” zones and therefore compromise protection of indigenous biodiversity provided for under the Marine Reserves Act.
65. I submit that including the Director-General of Conservation under rule 21 is consistent with the direction of the NZCPS Policy 5 which requires consideration of effects on land and waters on the coastal environment held or

³⁵ Statement of evidence of Graeme Silver dated 12 July 2019, at [110].

³⁶ Statement of evidence of Callum David Lilley dated 12 July 2019, at [21]-[29].

managed under the Conservation Act 1987 and any Act listed in Schedule 1 to that Act, which includes the Marine Reserves Act 1971.

66. Given the statutory roles and responsibilities the Director-General of Conservation has in relation to marine reserves it can be anticipated that the Director-General would be listed alongside Taranaki Regional Council, Port Taranaki, and Maritime New Zealand.
67. It is my submission that the Panel has scope to amend the rule to include the Director-General Conservation within clause standard (aa) of Rule 21.
68. It is my submission that in fact scope is provided in the submissions by those parties seeking higher activity status for the rule.³⁷ The notified version of the proposed plan provides for navigation aids as a permitted activity regardless of who undertakes it. I submit that the inclusion of Director-General of Conservation alongside the list of agencies permitted to undertake the instalment of navigation aids is a matter that sits between the notified version of Rule 21 and relief sought in those parties' submissions.

Rule 35 – maintenance repair of existing lawfully established structures (permitted activity), Rule 38 – structure removal and replacement (permitted activity), Rule 44 – structure removal or demolition (permitted activity)

69. The s 42A report recommends declining the Minister's submission to include new conditions to rules 35, 38 and 44 addressing:
 - a. How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).
 - b. The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.
 - c. The prohibition of refuelling or fuel storage occur within the coastal environment and that methods should be employed to avoid any fuel spillage.

³⁷ For example, Te Korowai o Ngāruahine Trust, and Ngati Rahiri Hapū.

70. Mr Neale’s evidence describes the adverse effects which vehicles in the coastal environment can cause, including compaction, crushing, vegetation destruction, weed and pest incursion, and noise, which are more pronounced in sensitive environments like mudflats and shellfish/crab beds.³⁸
71. Mr Silver recommends amendments to Rules 35 and 44 by way of additional standards which will require any disturbance to the foreshore or seabed is restored to its previous state where practicable and that steps are taken to avoid storing fuel in the coastal marine area, and to minimise the extent of any debris entering the coastal marine area.
72. In my submission, the amendments provided by Mr Silver are required to implement the NZCPS Policy 11 relating to effects on indigenous biodiversity. Mr Silver’s amendments also implement NZCPS Policy 20(1) which requires controls on vehicle use on the foreshore and seabed where certain effects, such as harm to ecological systems or to indigenous flora and fauna, might occur.

New Method 6.4 – dog control

73. Mr Lilley’s evidence describes the threats dogs impose on indigenous species, including the blue penguin and New Zealand fur seals.
74. The s42A report recommends amending method 14 to state “*advocate when appropriate, to relevant agencies, to protect significant indigenous biodiversity.*” However, it is my submission that this suggested amendment is too broad and does not explicitly highlight the issue of dog control. The new method sought by the Minister signals the importance of the matter to district councils. This is particularly critical in light of continuing decline in species, habitats and ecosystems in the coastal environment which are already under pressure from a range of anthropogenic activities (i.e. subdivision and use) – pressure compounded by the threat’s dogs pose as described in Mr Lilley’s evidence.

CONCLUSION

75. The Minister’s primary concerns are to ensure the Proposed Plan:

³⁸ Statement of evidence of Donald Malcolm Neale dated 12 July 2019, at [33].

- a. meets RMA requirements and gives effect to the NZCPS; and
- b. enables the Department's functionaries to properly undertake their statutory functions.

76. The evidence of Mr Silver, read alongside the evidence of the other witnesses called by the Minister, demonstrate why further amendments to the Proposed Plan are required. In my submission, adoption of Mr Silver's changes will ensure that the Proposed Plan achieves the requirements traversed in these submissions.

77. I would like to thank the Panel for the opportunity to be heard, and the reporting officers from the Council for their contributions to this process.

DATED this 16th day of July 2019



May Downing

Solicitor for the Minister of Conservation

Appendix One: relevant NZCPS provisions

Policy 5 Land or waters managed or held under other Acts

- (1) Consider effects on land or waters in the coastal environment held or managed under:
 - (a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or
 - (b) other Acts for conservation or protection purposes;and, having regard to the purposes for which the land or waters are held or managed:
 - (c) avoid adverse effects of activities that are significant in relation to those purposes; and
 - (d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.
- (2) Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection.

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- (a) avoid adverse effects of activities on:
 - (i) indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;
 - (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
 - (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) areas containing nationally significant examples of indigenous community types; and
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - (i) areas of predominantly indigenous vegetation in the coastal environment;
 - (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - (v) habitats, including areas and routes, important to migratory species; and
 - (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

⁴ Taxa as defined in the Glossary.

⁵ Examples of taxa listed as threatened are Maui's dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

⁶ Naturally rare, as defined in the Glossary.

Policy 12 Harmful aquatic organisms

- (1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms⁷ to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.
- (2) Recognise that activities relevant to (1) include:
 - (a) the introduction of structures likely to be contaminated with harmful aquatic organisms;
 - (b) the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;
 - (c) the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and
 - (d) the establishment and relocation of equipment and stock required for or associated with aquaculture.

Policy 13 Preservation of natural character

- (1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;including by:
 - (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - (a) natural elements, processes and patterns;
 - (b) biophysical, ecological, geological and geomorphological aspects;
 - (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - (d) the natural movement of water and sediment;
 - (e) the natural darkness of the night sky;
 - (f) places or areas that are wild or scenic;
 - (g) a range of natural character from pristine to modified; and
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

⁷ Harmful aquatic organisms as defined in the Glossary.

Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

- (c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - (i) natural science factors, including geological, topographical, ecological and dynamic components;
 - (ii) the presence of water including in seas, lakes, rivers and streams;
 - (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
 - (iv) aesthetic values including memorability and naturalness;
 - (v) vegetation (native and exotic);
 - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
 - (vii) whether the values are shared and recognised;
 - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - (ix) historical and heritage associations; and
 - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

Policy 20 Vehicle access

- (1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:
 - (a) damage to dune or other geological systems and processes; or
 - (b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
 - (c) danger to other beach users; or
 - (d) disturbance of the peaceful enjoyment of the beach environment; or
 - (e) damage to historic heritage; or
 - (f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
 - (g) damage to sites of significance to tangata whenua;might result.
- (2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.
- (3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk²⁰ of social, environmental and economic harm from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- (f) consider the potential effects of tsunamis and how to avoid or mitigate them.

Policy 27 Strategies for protecting significant existing development from coastal hazard risk

- (1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:
 - (a) promoting and identifying long term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;
 - (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';
 - (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;
 - (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and
 - (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.
- (2) In evaluating options under (1):
 - (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;

¹⁰ Risk as defined in the Glossary.

- (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and
 - (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.
- (3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.
- (4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.

BEFORE THE TARANAKI REGIONAL COUNCIL

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of the Proposed Coastal Plan
for Taranaki

**STATEMENT OF EVIDENCE OF GRAEME DOUGLAS SILVER ON BEHALF OF THE
MINISTER OF CONSERVATION
DATED 12 JULY 2019**

Department of Conservation

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INTRODUCTION

- 1 My name is Graeme Douglas Silver.
- 2 I am currently employed as a Senior Planner with the Department of Conservation, based in Hamilton, where I have worked since May 2017. Prior to this I worked for the Waikato Regional Council for 15 years and the Gisborne District Council for two years. I held a variety of roles including Senior Policy Advisor and Environmental Planner, Coastal.
- 3 While employed by these councils I worked on a wide range of regional planning topics including water quality classifications, marine farming, coastal structures, moorings and marina management, coastal hazards, identification of significant natural areas, and implementation of the New Zealand Coastal Policy Statement (NZCPS).
- 4 I was a technical officer on the Hauraki Gulf Forum, represented regional councils on the Aquaculture Implementation Team from 2005 to 2008 and was a member of the Stakeholder Reference Group working on the National Environmental Standard for Aquaculture from 2015 to 2018.
- 5 I was a member of Local Government New Zealand's Coastal Special Interest Group, from 2001 to 2017 and Convener of the Group from 2015 to 2017.
- 6 I hold a Masters of Science in Geography from the University of Auckland.

CODE OF CONDUCT FOR EXPERT WITNESSES

- 7 I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. While this is not an Environment Court hearing, I have prepared this evidence in accordance with that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this

brief of evidence are within my area of expertise. I have specified where my opinion is based on limited or partial information and identified any assumptions I have made in forming my opinions. I have also identified where I have relied on the expertise of others.

SCOPE OF EVIDENCE

8 I have been asked by the Minister of Conservation (Minister) to prepare evidence in relation to the submission and further submission on the Proposed Coastal Plan for Taranaki (proposed plan). Any references to the proposed plan in my brief of evidence relate to the plan as originally notified (24 February 2018).

9 In preparing my evidence I have read:

- a. The Section 32 Evaluation report;
- b. The submissions and further submissions on the proposed plan made by the Minister of Conservation;
- c. The s42A officer report for the proposed plan entitled 'Section 42A Report Proposed Coastal Plan for Taranaki'. I refer to this as the s42A officer's report or the officer's report in my evidence;
- d. The evidence of Callum Lilley in relation to the burial of marine mammals, marine reserve markers, project reef, and the impacts of dogs on wildlife;
- e. The evidence of Don Neale in relation to marine ecology;
- f. The evidence of Dave Lundquist in relation to seismic surveying and marine mammals;
- g. The evidence of Sarah Hucker in relation to marine biosecurity.

COASTAL OCCUPATION CHARGES

- 10 The Minister submitted that the Plan must include a statement regarding coastal occupation charges.
- 11 Section 64A of the RMA requires that a council consider whether or not to include a coastal occupation charging regime in the regional coastal plan and include a statement to that effect in the Plan.
- 12 That consideration must have regard to the extent to which public benefits from the coastal marine area will be lost or gained, and the extent to which private benefit is obtained by the occupation.
- 13 The proposed Plan was silent on the matter of coastal occupation charges. The s42A officer's report accepts the submission and recommends the inclusion of a simple note in Chapter 9 Financial Contributions stating:
- The Council is not operating a charging regime for occupation of the coastal marine area.*
- 14 This goes some way to satisfying the requirements of section 64A but it lacks clarity regarding the Council's decision on the issue (if there has been one) and Council's intentions.
- 15 Unless the decision has been delegated to council officers, a resolution will have to be passed by the Council to make the decision required by section 64A. That decision must be based on an assessment that has regard to the public and private benefits. Once these steps are complete, a statement can be included in the Plan.
- 16 It is not clear if such a resolution has been passed. The wording proposed by the s42A report does not indicate if this has occurred and the section 32 report is silent on this matter.
- 17 I recommend that Council include a new sub-section in Section 3.1, after the subsection on coastal hazards. Prior to including this statement in the next version of the proposed Plan, if Council has not already done so, it will need to pass a resolution that it will or will not

impose coastal occupation charges. This suggested wording assumes that they will not:

Coastal occupation charges

The Council has the power to impose charges for the private occupation of public space in the coastal marine area. Any revenue gathered must be spent on the sustainable management of the coastal marine area.

The Council has decided not to include a charging regime in the regional coastal plan at this time. However, this may occur in the future if considered appropriate following an investigation under Method 6.1.8.

18 And include a new method 6.1.8:

Investigate the application of coastal occupation charges in the Taranaki region, with the view to including such charges in this Plan in the future, if appropriate and feasible.

OBJECTIVES

Objective 3 – reverse sensitivity

19 Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd lodged a submission seeking an amendment to the wording of Objective 3 to provide for maintenance and upgrading of infrastructure within the provision.

20 The Minister further submitted on this seeking that the submission be declined. I agree and consider that this amendment is inappropriate. Upgrading of major infrastructure can greatly alter the scale and intensity of an activity. This would introduce considerable uncertainty regarding potential reverse sensitivity effects.

21 The s42A report recommends that the submission is declined as the relief is unnecessary and potentially confusing. I support the Council recommendation to decline the submission.

Objective 5 – coastal water quality

22. The Minister submitted on Objective 5 seeking amendments so that the objective provides for the maintenance of good water quality, and the restoration of degraded water quality where practicable. Fonterra also submitted on this objective seeking an amendment to clarify when coastal water quality must be maintained, and when it must be restored.

23. The s42A report has recommended that Objective 5 be amended to read as follows:

“Water quality in the coastal environment is maintained where it is good and enhanced where it is degraded”.

24. I consider this recommendation is appropriate as it logically sets out the appropriate conditions for enhancement or maintenance of water quality and is more consistent with Policy 21 of the NZCPS. I support the amended version of Objective 5 as recommended in the s42A report.

Objective 6 – natural character

25. The Minister of Conservation requested that the objective be retained as notified.

26. The s42A Report recommends changes to Objective 6 to read:

“The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is ~~restored~~ enhanced where ~~appropriate~~ degraded”.

27. I support the inclusion of ‘subdivision’ and ‘degraded’ in the recommended wording, however I consider that the original wording of ‘restored’ is more appropriate rather than “enhanced”. “Restored” is consistent with Policy 14 of the NZCPS which concerns the restoration of natural character.

Objective 8 – indigenous biodiversity

28. The Minister of Conservation lodged a submission in relation to Objective 8. The Minister, along with a number of other submitters,

requested that Council map and identify areas of significant indigenous biodiversity in the schedules and maps.

- 29 The s42A report recommends retaining Objective 8 as originally notified. I support this recommendation and I discuss the mapping of significant indigenous biodiversity under the Schedule 1, 4A, 4B matters later in my evidence.

Objective 13 – coastal hazard risk and public health and safety

- 30 The Minister of Conservation opposed a submission by Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd requested that Objective 13 be amended to read:

“The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased to unacceptable levels...”

- 31 The s42A report recommends accepting this amendment as it allows minor or acceptable risks to occur, while protecting the region from coastal hazards and rewords the objective so that the risk from coastal hazards is not increased “beyond acceptable levels”.

- 32 I consider that this amendment is inappropriate. An objective should identify the resource management outcome desired. In this case it is the reduction of risk from coastal hazards. The recommended amendment provides for instances where risks can be increased.

- 33 This approach is contrary to the NZCPS Policy 25(a) which requires councils to, over a 100 year timeframe:

“avoid increasing the risk of social, environmental and economic harm from coastal hazards;”

- 34 Where there is good reason to build a structure in a location subject to coastal hazard, then it must be constructed in such a way that it does not increase the existing risk of coastal hazards. This could be achieved through design, location selection and enhancing natural defences such as sand dunes.

- 35 I note that in his evidence, Mr Neale, shows that the degree of risk from coastal hazards is increasing, and climate change is likely to

exacerbate this further. I recommend that Objective 13 is retained as notified and that the recommended amendments are declined.

POLICIES

Policy 1 – coastal management areas

36 The Minister of Conservation submitted on Policy 1 seeking an amendment to include a new characteristic for the open coast management area as follows:

“...provide important habitat for marine species”

37 The s42A report recommends granting the relief in kind by amending the scope of Policy 1(d)(ii) to *“refer to marine systems, which encompasses, amongst other things, reef systems that provide habitats for marine life”*¹. The recommended amendments to the policy now reads:

“include marine reef systems that provide habitat to marine life, and are valued by Maori for their mahinga kai”

38 I consider this amendment partially addresses the Minister of Conservation’s relief. I agree that “marine systems” is a broader term than “reef systems” and support this terminology. However Policy 1 (d)(ii) also includes ‘AND are valued by Māori for mahinga kai’. I am concerned that the word ‘and’ acts as a qualifier which creates uncertainty around when the characteristic applies. If a marine system provides important habitat for marine life, but is not valued by Māori, then it would not be recognised as a distinguishing characteristic the way the policy is currently written. Inversely, if something is valued by Maori but doesn’t provide habitat to marine life, it would also not be recognised as a characteristic of the open coast.

39 The NZCPS deals with mahinga kai and cultural associations in Objective 2, and Policy 3. It deals with biodiversity in separate objectives and policies. The s42A report does not provide any

¹ Section 42A report on Decisions Requested, Proposed Coastal Plan for Taranaki. 11 June 2019 69/73

justification for the two policies being intertwined. I therefore recommend that mahinga kai and marine systems should be separated from one other, and that marine systems should be dealt with separately in its own sub-policy (d)(v), as recommended by the Minister of Conservation.

Policy 2 – integrated management

40 The Minister of Conservation, and several other parties submitted in opposition of this policy on the basis that clause (c) was unclear and sought clarification.

41 The s42A report has clarified the intention of the policy, but recommends in response to the submissions that Policy 2 be amended to clarify the concept of cross-media effects by deleting clause (c) and inserting a new clause (aa) that reads:

“recognising ki tai ki uta by taking into account the interconnected nature of resources and natural processes in the management of adverse effects across air, land, freshwater bodies and the coastal environment.”

42 In my view this new clause more clearly articulates what is required in terms of integrated management. I support the s42A recommendation to include clause (aa).

Policy 4 – extent and characteristics of the coastal environment

43 The Minister of Conservation requested that the landward extent of the coastal environment be identified and mapped. Without knowing where the coastal environment lies, it is difficult for users of the plan to know whether the objectives and policies apply to their activity.

44 The s42A report recommends including an indicative landward extent of the coastal environment that is aligned with the district councils' identified coastal environment. New Plymouth District has identified a “Coastal Environment Area” in its District Plan. South Taranaki District Council has identified a “Coastal Protection Area (Inland Boundary) in its proposed District Plan.

45. The s42A report also recommends that TRC retains the ability to consider the extent of the coastal environment on a case-by-case basis through the consenting process
46. I support the coastal environment line being consistent with the New Plymouth District Council and South Taranaki District Council coastal environment lines, and the inclusion of the line in the Plan. A coastal environment line shown on the planning maps will create clarity for most plan users. In cases of major consent applications close to the line a case-by-case assessment may still be appropriate. This consistency maintains an integrated approach between the regional council and the territorial authorities that manage parts of the coast, in line with Policy 4 of the NZCPS.
47. In his evidence, Mr Donald Neale also supports the identification of the coastal line and the ability to consider it on a case-by-case basis.
48. On a related issue I note that this Plan is a regional coastal environment plan but is not labelled as such. This has the potential to create some confusion as it is only in section 1.4.1 that the Plan states that it applies to the coastal environment with some further discussion in section 1.4.2. Many Plan users will skip the introductory sections and go straight to the policy and rule sections. For these reasons, I recommend that the title of the Plan be changed to “Coastal Environment Plan for Taranaki”.

Policy 5 – Appropriate use and development of the coastal environment

Trans-Tasman Resources Submission

49. Trans-Tasman Resources Ltd submitted seeking that Policy 5 (b) is amended to include the contributions of petroleum and mineral resources as matters which must be regarded when determining the appropriateness of an activity in the plan. The Minister opposed this submission.
50. The s42A report recommends granting Trans-Tasman’s relief and amended Policy 5(b) as follows:

The benefits to be derived from ~~the~~ other activities at a local, regional, and national level including the existing and potential

contribution of petroleum and mineral resources, and the potential contribution of aquaculture, and renewable energy sources...”

51 I disagree with the officer’s recommendation. The amendment goes beyond the NZCPS, which seeks to encourage low impact and renewable resource as a national policy directive. The amendment elevates the petroleum and mineral resources above these activities by recognising existing as well as future contributions. It is therefore in conflict with the NZCPS.

52 Furthermore, the benefits of mineral and petroleum activities are not excluded from consideration by the original wording of the policy. They can additionally be considered under Policy 6 where they are part of, or contribute to, regionally significant infrastructure. This includes, among other things, facilities and pipelines for the supply or distribution of minerals and their derivatives.

New Clause (aa)

53 The s42A report recommends including a new clause under Policy 5:

“whether the activity relates to the use, operation, maintenance and alteration of regionally important infrastructure”

54 It is unclear from what submission this recommended amendment originates. The track changes version of the plan indicates that the amendment is a result of a submission by Transpower (submitter 26), but new clause (aa) is not identified in the relief sought in Transpower’s submission.

55 Notwithstanding the unclear origin of new clause (aa), I consider that it is not appropriate to include in Policy 5 as Policy 6 already explicitly provides for the recognition of regionally important infrastructure. I recommend that new clause (aa) should not be accepted.

New policy 5A

56 Forest and Bird are seeking amendments to the plan by including a new policy that identifies appropriate locations for aquaculture, and until appropriate places are identified, excluding aquaculture from

- outstanding value areas, estuaries modified, and estuaries unmodified.
57. The s42A report recommends declining this relief on the basis that it is not appropriate or necessary to identify these locations as Taranaki is not currently conducive to aquaculture activities.
58. Policy 8 of the NZCPS requires that a regional coastal plan must provide for aquaculture activities in appropriate places in the coastal environment. Whether aquaculture activities currently occur in the region is irrelevant and does not provide an exemption from this requirement. Currently the policy framework does not determine where aquaculture is appropriate, and Policy 5 (b) of the plan does not determine locations where it is appropriate and is inconsistent with Policy 8 of the NZCPS.
59. The RPS requires Council to consider the need to make provision for the need for aquaculture management areas.² There may be no demand for aquaculture presently, but the industry is innovative and future technologies may enable aquaculture in areas which are presently “not conducive” to those activities. Any future demand for aquaculture should be planned for, to avoid effects on outstanding natural character, outstanding natural features and landscapes, indigenous biodiversity. As stated in the evidence of Mr Neale, this approach is better as it directs aquaculture activities away from sensitive areas.
60. I recommend that new Policy 5A as proposed by Forest and Bird or similar be accepted and included in the plan.

Policy 8 and 9 – natural character and natural features and landscapes

61. The Minister of Conservation requested changes to Policy 9.
62. The s42A report recommends amending Policy 9 to read:

² Regional Policy Statement for Taranaki 2010, CNC METH 3, Page 72

- *Protect ~~all other areas of~~ the natural character, features and landscapes of the coastal environment not addressed in Policy 8 by:...*

R3 Policy 8 is also amended to read:

- *Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 4 2 from inappropriate subdivision, use and development by:*

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

R4 I support this amendment. The proposed wording means that Policy 8 and Policy 9 follow a hierarchy of avoid 'adverse' effects on areas with outstanding value and avoid 'significant adverse' effects for any other areas that haven't been identified as outstanding (policy 9). This is in line with NZCPS Policy 13(1)(a) and 13(1)(b) regarding natural character, and Policy 15(a) and 15(b) regarding natural landscapes.

R5 Furthermore, the inclusion of 'including those' in the Policy 8(a) wording recognises that the values identified the Outstanding areas in Schedule 2 may not necessarily be a complete list.

R6 Royal Forest and Bird submitted seeking deletion of Policy 9. I do not support this request.

New policy 9A

R7 New policy(s) 9A was proposed by the Royal Forest and Bird Protection Society in its submission. They requested a policy (or policies) that would identify further areas of high and outstanding natural character, features and landscapes, and protect them.

R8 The Plan includes a schedule of areas of outstanding areas but does not include the criteria for identifying them. Therefore the plan currently does not provide for the identification of outstanding natural character and outstanding natural features and landscapes beyond those identified in the 2015 study.

Identification of high and outstanding areas

- 69 Identification of natural character and landscapes are an important part of implementing Policy 13 and 15. There are challenges in undertaking these studies, and as a result there may be gaps and changing baselines. In particular natural character values may change over time – an area of high natural character may be later deemed to be outstanding, and vice versa, or an area not identified for high or outstanding natural character may later be considered to have that quality.
- 70 The Regional Policy Statement has a policy of matters to be considered for determining natural character. However, this list is based on the 1994 NZCPS and includes matters that are no longer considered in the 2010 NZCPS for natural character, such as historic heritage.
- 71 I understand that the areas of outstanding natural character and outstanding natural features and landscapes included in Schedule 2 were identified by the *Regional landscape study of the Taranaki coastal environment (2015)*. This study outlines the statutory considerations for identifying natural character and landscapes, including Policy 13 and 15. For natural character identification, the study has a table of 'criteria for assessing the degree of natural character' which includes abiotic, biotic, perceptual and experiential elements of natural character. For natural landscape identification, the study has a table for 'criteria for assessing the significance of natural features and landscapes'.
- 72 I recommend a policy that identifies a list of matters, or criteria for identifying natural character and natural features and landscape can recognise these gaps and allow for further investigation where it may be necessary and on a case-by-case basis. I support the *Regional landscape study of the Taranaki coastal environment (2015)* as appropriate method for identifying natural character and landscapes. A policy for identification could include reference to this study.

Policy for high natural character

- 73 The plan currently does not identify 'high' natural character; it has only identified areas of outstanding natural character. Policy 13(1)(c) requires the natural character of a region or district to be assessed by 'mapping or otherwise identifying at least areas of high natural character'.
- 74 The *Regional landscape study of the Taranaki coastal environment (2015)* has a draft policy which identifies areas of high natural character and a policy that sets out how the effects on natural character (including high natural character areas and values) are to be managed³. These draft policies were written in the context of the operative Coastal Plan and would not be an appropriate fit in this proposed Coastal Plan.
- 75 As discussed earlier, identification of outstanding and high natural character is a fundamental part of implementing NZCPS Policy 13 and being able to assess adverse effects and significant adverse effects under Policy 8 and 9 respectively.
- 76 I recommend that identification of high natural character is included in a plan policy. I also request that areas of high natural character are identified and mapped in the Plan.

Policy 14 – indigenous biodiversity

Removing 'areas' from the policy wording

The Minister requested the amendment of Policy 14 and the mapping and identification of significant indigenous biodiversity.

- 77 The s42A report recommends the following wording:
"Protect ~~areas of~~ significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by [...]"
- 78 I agree with officers' justification that removal of the words 'areas of' better aligns with the definition of 'significant indigenous biodiversity'.

³ *Regional landscape study of the Taranaki coastal environment (2015)* page 38 – draft policy 1.1 and 3.2

Identification of indigenous biodiversity

79 The s42A report states that the Regional Policy Statement BIO Policy 4 provides criteria for the identification of significant indigenous biodiversity. Therefore criteria do not need be repeated in a policy in the Plan. I agree with this statement.

80 I maintain the importance of identifying areas of significant indigenous biodiversity to give effect to section 6(c) of the RMA and Policy 11 of the NZCPS. I discuss the mapping of significant indigenous biodiversity later in my evidence.

Policy 14 interaction with New Policy 6A: Benefits of regionally important infrastructure

81 Policy 14 requires significant indigenous biodiversity to be protected by 'avoiding adverse effects' of activities. Similarly, Policy 8 requires avoiding adverse effects to protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value. Policy 8 and Policy 14 give effect to NZCPS Policy 13 and 15, and NZCPS Policy 11, respectively.

82 Policy 6A requires the National Grid to 'seek to avoid' adverse effects on areas of outstanding value and significant indigenous biodiversity.

83 The National Policy Statement for Electricity Transmission (NPSET) sets out objectives and policies, including with respect to recognising the national benefits of transmission and to managing the environmental effects of transmission.

84 Policy 8 of the NPSET is particularly relevant in this instance:

- *Policy 8. In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.*

85 The proposed wording of Policy 6A, 8 and 14 of the Plan all give effect to higher-level national policy statements, being the NPSET and NZCPS. These policies include the policy direction from both national

policy statements without stating whether one has precedence over the other. How directive each relevant policy is, actual and potential effects of the values of concern and the practicality of alternatives would be considerations for each specific proposal.

- 88 In my opinion the 'avoid adverse effects/avoid significant adverse effects' directive from policy 13 and 15 of the NZCPS and the 'seek to avoid adverse effects' directive from the NPSET needs to be reconciled on a case-by-case basis in a resource consent process.

Policy 38 – removal of coastal structures

- 87 New Zealand Petroleum and Minerals submitted seeking that Policy 38 is amended to allow matters such as health and safety concerns, unreasonable costs, or technical constraints to be considered when assessing whether a structure may be abandoned.
- 88 Officers have recommended accepting part of the relief by including clauses (d) and (e), and decline part of the relief, concluding that unreasonable costs are not an appropriate justification for abandoning a structure.
- 89 NZCPS policy 6(2)(e)(ii) directs that unless a structure has heritage, amenity, or reuse value, it must be removed from the coastal marine area. If the removal of a structure is cost-prohibitive, it should not be granted resource consent in the first instance. Avoiding granting consent to structures which cannot be feasibly removed is a more effective and appropriate way to reduce the need for structures to be abandoned in the CMA.
- 90 The occupation and use of the foreshore or seabed can adversely affect public access through the reduction of available public space, and the exclusively occupation of the CMA. Mr Neale's evidence also describes some of the adverse effects which can be caused by structures. Ensuring their removal is important to managing these effects, as well as maintaining and restoring the natural values of the coastal environment.

- 91 I agree with the recommendation by Council to decline the inclusion of “unreasonable cost” as a matter for consideration.

Policy 44 – extraction or deposition of material

- 92 Trans – Tasman Resources Ltd submitted seeking that Policy 44 is amended by deleting clause (f) which requires that where appropriate, deposited material is of a similar size, sorting and parent material to the receiving environments.
- 93 At para 39 of Mr Neale’s evidence he identifies that the deposition of sediment from another, different source can have significant adverse effects.
- 94 The s42A report recommends declining this relief because the requirement is both reasonable and appropriate. I support this recommendation and consider that Policy 44(f) should be retained as notified.

METHODS OF IMPLEMENTATION

New method 6.4 – dog control

- 95 The Minister of Conservation submitted seeking a new method be included as follows:

“Encourage district councils to enforce dog control bylaws to preserve indigenous biodiversity by reducing the risk of dogs killing or injuring native birds, marine mammals and other indigenous species.”

- 96 Officers have recommended partially granting the relief by amending method 14 as follows “*advocate when appropriate, to relevant agencies, to protect significant indigenous biodiversity...*”. And comment that there are disadvantages to confining advocacy to a single issue.

- 97 In my opinion this does not go far enough. The evidence of Mr Lilley identifies the significant impacts of dogs on biodiversity in Taranaki’s coastal environment, particularly on shorebirds, blue penguins, and seals. As Mr Lilley states, DOCs ability to manage this issue is limited

and the occurrence of dog attacks has increased in frequency over time and is likely underestimated.

98 The Regional Policy Statement Policy BIO METH 13 states a method for achieving the intending biodiversity outcomes for the region is to 'advocate to relevant agencies, the use of other legislation... or mechanisms to protect and restore areas of significant indigenous vegetation and habitats of indigenous fauna'. This includes advocating to district councils the use of the Local Government Act 2002 to create and enforce local bylaws. Clearly signalling this in the coastal plan can be used to highlight to the region that specific action is required. Further, it can be difficult for councils to justify expenditure in an annual or long-term plan without clear support from other statutory documents. It is therefore important to signal to Councils through this plan that dog control is a regionally important issue.

99 In response to the comment that confining advocacy to a single issue can be disadvantageous, I agree but similarly a broad-generalised comment as recommended will not clearly signal the necessary change.

100 If other significant biodiversity issues arise that require specific advocacy methods then I recommend that Council consider a plan change to add them.

101 I recommend that Council include a new method as outlined at para 95

REGIONAL RULES

Rule Framework and Schedules 4A and 4B

102 The Minister's submission frequently refers to the need to ensure that the plan to give effect to the NZCPS. It suggests a number of amendments necessary to give effect to the provisions of the NZCPS, including amendments to the rules.

103 NZCPS Policy 11(a)(i) though (vi) lists six sub-sets of indigenous biodiversity in the coastal environment, which must be protected from the adverse effects of activities, by avoiding adverse effects. As

discussed earlier in my evidence, Policy 14 of the plan gives effect to NZCPS Policy 11. It appears that the rule framework intends to give effect to Policy 14 of the plan through matters of discretion and ensuring that permitted and controlled activities do not have adverse effects on species or habitats listed in Schedules 4A or 4B.

104 In giving effect to the NZCPS, Schedules 4A and 4B identify the following:

- Threatened or at-risk species;
- whether the taxa are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
- naturally rare or uncommon ecosystem types; and
- sensitive marine benthic habitats.

105 However, the two schedules **do not** identify:

- Areas containing nationally significant examples of indigenous community types; and
- Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

106 The Minister has not submitted seeking these be included in Schedule 4A or 4B, however in my view the omission of these habitats and areas further highlights the need for more control over permitted and controlled activities, especially in Outstanding Value, and Estuaries Unmodified coastal management areas.

Rule 12 - seismic surveying and bathymetric testing

107 The Minister of Conservation sought that Rule 12 is retained as notified and supported the inclusion of the *Code of Conduct for minimising acoustic disturbance to marine mammals from seismic survey operations* (the Seismic Code). The Minister of Conservation, in her submission, also acknowledged that the Seismic Code is being reviewed, and that there are currently investigations underway into a potential whale sanctuary in the Taranaki region which, if established, may warrant this rule being reconsidered.

- 108 Officers recommend that Rule 12 be split into two rules, a permitted activity for bathymetric testing and an additional rule (Rule 12A) for seismic surveying as a Controlled Activity. This appears to be in response to the large number of submitters that oppose Rule 12 as notified who are concerned that relying on the Seismic Code may result in adverse effects on a wider range of marine species which the code cannot directly manage.
- 109 I consider that the recommended controlled activity status for seismic surveying activities is more appropriate than a permitted rule. In his evidence, Mr Lundquist states that 'the seismic Code was developed specifically to reduce risks to marine mammals' and that in general 'the seismic Code does not consider effects of the activity on species which are not marine mammals and therefore does not manage those effects'.
- 110 In my view, the potential impacts of seismic surveying activities including those on non-marine mammals would be inadequately managed through a permitted activity rule. Council would have no ability to regulate these activities, given the potentially adverse impacts of the activity as referred in Mr Lundquist's evidence, in my view it is important that Council retain this control. The recommendation for a controlled activity status is supported as Council will be able to control the method, timing, location, and impacts to protect indigenous biodiversity from adverse effects through conditions of consent.

Rule 21 – navigation aids

- 111 The Minister of Conservation submitted on this rule seeking that the erection of navigation aids should be a permitted activity exclusively for Council, Port Taranaki, Maritime New Zealand, or the agents of those organisations.
- 112 Officers recommend accepting this submission and granting the Minister of Conservation's relief.
- 113 I agree that permitting any member of the public to erect a maritime navigation aid in the coastal marine area is inappropriate. The installation of lights, buoys, and beacons should be permitted for only

those agencies which have an operational need to erect these structures. Port Taranaki, Taranaki Regional Council, and Maritime NZ all have roles and responsibilities which require owning and maintaining aids to navigation. This includes the safe and efficient operation of maritime facilities, operating the port, and ensuring maritime safety. As the officers note, the placement of maritime navigation aids provides a critical service.⁴

114. As identified in the evidence of Mr Callum Lilley, the Department of Conservation also has roles and responsibilities which require the erection and maintenance of aids to navigation on a regular basis. One of DOC's roles is to administer the Marine Reserves Act 1971 which includes administering marine reserves that fall within Taranaki coastal environment like the Tapuae, and Parininihi marine reserves. DOC also manages the Ngā Motu/Sugar Loaf Islands Marine Protected Area under the Sugar Loaf Islands Marine Protected Area Act 1991. Navigation aids are used to demarcate the boundaries of these protected areas.
115. In my opinion, the placement of navigation aids at these sites is also a critical service for both navigation safety and the protection of biodiversity in the region. I therefore consider that similar to Council, Port Taranaki, and Maritime NZ, DOC has an operational need to frequently erect and maintain navigation aids.
116. I support the officer's recommendation, and consider that a further amendment should be made to include DOC as one of the agencies under Rule 21, new clause (aa) as follows:

"(aa) the activity is undertaken by:

- (i) Taranaki Regional Council or its agents; or
- (ii) Port Taranaki or its agents (within the port); or
- (iii) Maritime New Zealand or its agents; or
- (iv) The Department of Conservation

⁴ Section 42A report on Decisions Requested, Proposed Coastal Plan for Taranaki. 28 June 2019
Page 298

Rule 22 & new rule – network utility structure erection or placement

117. The Minister of Conservation submitted requesting that the reference to the burial of pipelines is removed from the activity description and separated into a new restricted discretionary rule.
118. Officers recommend declining the relief sought. Officers agree that the burial of pipes and cables may have significantly different levels and types of effects compared with attaching them to a bridge or wharf, but consider that the standards and matters of control will allow for the sufficient management of adverse effects.
119. I acknowledge that Council can impose conditions of consent relating to the matters of control, and if the activity does not comply with the standards then it becomes either a discretionary or non-complying activity. I am concerned that there is still no ability for council to decline the activity. As identified in the evidence of Mr Don Neale, the burial of pipelines can have a range of adverse effects, particularly on benthic species. There is no standard in Rule 22 which protects the sensitive marine benthic habitats identified in Schedule 4B of the plan from the impacts of burying a pipeline.
120. NZCPS policy 11(b)(iii) requires avoidance of significant adverse effects on indigenous ecosystems and habitats that are only found in the coastal environment which are particularly vulnerable to modification. Rule 22 at present does not avoid significant impacts of pipelines on the sensitive marine benthic habitats identified in Schedule 4B. Further, for the reasons discussed earlier in my evidence the rule does not address impacts on threatened ecosystem types, or nationally significant examples of community types as directed by NZCPS Policy 11(a). The matter of control relating to location is no guarantee of avoidance of adverse effects on NZCPS 11(a) sites and values or significant adverse effects on NZCPS 11(b)(iii) sites, particularly if the pipeline has a functional need to be located within a particular alignment. I consider that without the discretion to decline such an activity, Council will not be able to avoid adverse effects as required by the NZCPS.
121. I therefore recommend that the burial of a network utility pipeline be separated from Rule 22 and become a new restricted discretionary

rule. The matters of discretion would be the same as the matters of control from Rule 22. This would provide Council the ability to avoid significant impacts on sensitive marine benthic habitats, threatened ecosystems, and nationally significant ecosystem types consistent with NZCPS Policy 11.

Rule 34 – other structure erection or placement not provided for in Rules 18 – 32

122. First Gas Ltd is seeking amendment to Rule 34 of the Plan to make network utility underground pipelines or pipelines attached to existing bridge or access structures in Outstanding Value coastal management area a Controlled Activity (rather than Non-complying).
123. The S42A Officers recommend an alternative relief by amending Rule 22 (Network utility structure erection or placement) to include Outstanding Value coastal management areas as a Controlled Activity.
124. As discussed earlier in my evidence at paras 117-121, it is not possible to manage the effects of a buried pipeline under a controlled activity status. Policy 1 of the proposed plan notes that Outstanding Value coastal management areas characteristically have exceptional biodiversity values or contain marine areas with legal protection. Given the exceptional values of these areas and the concerns I have raised above in relation to Rule 22, it is my view that it is not appropriate to include Outstanding Value areas in Rule 22. I disagree with the officer's recommendation and consider that a restricted discretionary activity status is more appropriate.

New rule 34A

125. Transpower NZ Ltd requested that a discretionary new rule be included in the plan that provides for regionally important infrastructure in coastal management areas: Outstanding Value; Estuaries Unmodified and reads as follows:

“Structure erection or placement associated with Regionally Significant Infrastructure (or the National Grid) and any associated works:

(a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32.”

- 126 The S42A Officers recommend declining the relief. The new rule would apply to activities with significant adverse effects that cannot comply with any other plan rules. Non-compliance with the rules is likely due to the activity creating significant adverse effects which are potentially inappropriate. As the Officers note, the Outstanding Value and Estuaries Unmodified management areas have exceptional/significant values which require a higher level of protection.
- 127 I support the Officer's recommendation to decline proposed new rule 34A.

Rules 35 – structure maintenance, repair or minor alteration

- 128 The Minister of Conservation submitted seeking that Rules 35 and 37 include new standards which address:
- How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route);
 - The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works; and
 - The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.
- 129 Officers recommend declining this relief, commenting that these standards are unnecessary and addressed by existing standards (d) and (e) in Rule 35.
- 130 Maintenance, extension and alteration of structures generally requires the use vehicles and or heavy machinery on beaches, estuaries, and other coastal areas. As discussed in the evidence of Mr Neale, vehicles in the coastal environment can result in adverse effects

including crushing, compaction, tracking, vegetation destruction and surface alteration in vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuaries.

131 Officers consider that standard (e) addresses the effects identified above. This standard requires that *“the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity”*. While this condition goes some way toward avoiding the adverse effects of vehicles, I am still concerned that there is no requirement to mitigate or remediate any disturbance. Depending on the structure, and the nature of the maintenance, the level of disturbance required to undertake the activity may be significant. In my opinion there needs to be a requirement to restore and remediate the site once works are completed, to the extent practicable.

132 I recommend a new standard is included as follows:

(j) There is no visible disturbance to the foreshore and seabed 48 hours after completion of the activity, or any disturbance to the foreshore or seabed is restored to its previous state;

133 In my opinion, the prohibition of any refuelling or fuel storage in the CMA is impracticable and onerous as any vehicle with a fuel tank would be captured by this standard. However, the storage of other fuels or chemicals ancillary to the activity in the CMA (such as the storage of fuel containers) is also permitted under this rule. The damaging or spillage of these containers is a risk with low probability but potentially significant adverse effects. I do not agree with the Officer's statement that (d) addresses this risk.

134 In my view an additional standard is required to manage the risk of debris, fuels, or other chemicals entering the CMA as follows:

“steps are taken where practical to avoid storing fuel in the CMA, and to minimise the extent of any contaminant entering the coastal marine area”

Rule 37 – network utility structure repair, alteration or extension

135 The Minister of Conservation submitted on Rule 37 seeking an additional standard which limits the size of any extension to the structure.

136 Officers have recommended new standard (aa) in response to this submission point as follows:

“(aa) the structure envelope, including length, width and height does not increase beyond 10% of the original size within a 24 month period.”

137 In my view this new standard goes some way to ensuring that structures do not ‘creep’ into the CMA through multiple extensions. However I consider the frequency of extension allowed to be too high. I note that Mr Neale identifies that structures in the CMA can have a range of adverse effects and there is a risk of cumulative adverse effects.

138 In my view, if an existing structure requires extensions more frequently than every five years, it should be subject to a discretionary (Rule 42) or non-complying (Rule 43) consent depending on its location.

139 I support the Officer’s recommendation with the following amendment.

“(aa) the structure envelope, including length, width and height does not increase beyond 10% of the original size within a ~~24-month~~ 5 year period.”

Rule 38 – structure removal and replacement

140 The Minister of Conservation submitted on Rule 38 seeking the same amendments as those requested for Rule 35 (see paragraph 128 of my evidence) to manage the effects of vehicles in the coastal environment.

141 Officers have recommended deleting Rule 38 to ‘avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the ‘replacement’. I am not opposed to the deletion of this rule, but I still have concerns with Rule 44 as outlined below.

Rule 44 – structure removal or demolition

- 142 The Minister of Conservation submitted on Rule 44 seeking the same amendments as those requested for Rules 35 and 38 (see paragraph 128 of this statement) to manage the effects of vehicles in the coastal environment.
- 143 Similarly, officers have declined the relief and comment that it is unnecessary as the effects are managed by standards (a) and (c). I have already outlined my concerns with standard (a) at paragraph 131 of my evidence and will not repeat them here. Standard (c) requires that *“the activity does not significantly affect sediment movement or lead to increased erosion or scour”*. In my opinion this standard does not manage the risk of debris, fuel, or other chemicals entering the CMA.
- 144 I recommend that the standards outlined in paras 132 and 134 also be included in Rule 44.

Rule 52 – collection of benthic grab samples

- 145 Trans-Tasman Resources Ltd submitted seeking that Rule 44 is amended by deleting reference to the need to avoid effects on regionally distinctive species and sensitive benthic habitats.
- 146 I support the recommendation of officers to decline this relief and retain the recognition and protection of these indigenous biodiversity values.

Rule 54 – burial of dead animals

- 147 The Minister of Conservation submitted on Rule 54 seeking the following amendment:
- “(e) except for seals, where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place”
- 148 As outline in the evidence of Mr Lilley, dead seals frequently turn up in the Taranaki coastal environment and require burial. My understanding of the intention of condition (e) is to provide for mātauranga and tikanga Māori, and allow tangata whenua to practice their kawa (customary practices). I consider that the above

amendment is appropriate as it allows for these practices, without placing an unnecessary burden on plan users.

149 Officers have recommended granting the above relief, and I support that recommendation.

New rule 61A

150 Transpower New Zealand Ltd submitted seeking a new discretionary rule for other disturbance, damage, destruction, removal or deposition associated with Regionally Significant Infrastructure (or the National Grid) and any associated works. These activities would be discretionary in estuaries unmodified and outstanding value coastal management areas.

151 Existing rule 61 adequately provides an appropriate level of protection for those higher value areas, and Policies 6 and 6A, when read alongside Policy 14, provide a clear framework for managing national grid and regionally significant infrastructure in these sensitive areas.

152 Officers recommend declining the submitter's relief. I support their recommendation.

SCHEDULES

Schedule 1, 4A and 4B - mapping areas of significant indigenous biodiversity

153 The Minister of Conservation submitted in request of identification and mapping of significant indigenous biodiversity areas – in particular to support Schedule 4A. Royal Forest and Bird Protection Society sought the identification of significant indigenous biodiversity areas and including them in the maps under the corresponding coastal management area in Schedule 1. The Minister of Conservation supported this point in their further submission.

154 This s42A report does not recommend mapping of significant indigenous biodiversity due to an incomplete record and data and knowledge gaps. However, officers do recommend specific layers to be included in the planning maps for significant indigenous

biodiversity where complete, including the maui dolphin sanctuary and the significant sea bird areas.

Why is it important to map indigenous biodiversity?

- 155 Identification and mapping provide certainty for those wishing to undertake activities in significant indigenous biodiversity areas, and for the management of the values of those areas. Mapping allows potential consent applicants to be aware of any potential significant indigenous biodiversity at an early stage.
- 156 Mr Donald Neale, in his evidence, addresses the topic of mapping indigenous biodiversity. He comments that there are both benefits and disadvantages of including significant indigenous biodiversity mapping information in a plan. I support his comment that a collective resource of information can have many benefits to inform planning, assessment of effects, and decision-making (while acknowledging that some information is sensitive).

What kinds of areas could be mapped and included?

- 157 I acknowledge that information gaps, which is a particular issue in the marine area, may mean it is not possible to map with confidence the full habitat of a threatened or at risk species. Attempting to do so may have perverse policy outcomes.
- 158 Mr Donald Neale discusses areas that could be mapped, which includes:
- “... bird breeding and feeding locations (eg mudflats, colonies, roosts), rocky reefs and shores, lizard habitats, islands and rock stacks, seal colonies, marine and estuarine vegetation, shellfish beds, biogenic habitats, migration routes (e.g. marine mammals, fish, birds), spawning areas, rare & threatened ecosystems, and critical habitats.”*
- 159 I request that areas of significant indigenous biodiversity are identified and mapped, where the Council has available information, and efforts should be made to fill in the knowledge gaps.

Schedule 2 – Project Reef

- 160 Trans-Tasman Resources is seeking that Project Reef is deleted from Schedule 2 and is no longer referenced as an area of outstanding value.
- 161 The evidence of Mr Lilley highlights some of the significant natural values of the reef, which is highly valued by the community. The areas are assessed as outstanding natural character and it should be recognised in the plan as such, to give effect to the NZCPS, and the RPS.
- 162 Officers recommend retaining Project Reef as an outstanding natural character area, which I support.



Graeme Silver

DATED this 12th day of July

BEFORE THE TARANAKI REGIONAL COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Coastal Plan for Taranaki**

**Statement of evidence of Donald Malcolm Neale
on behalf of the Minister of Conservation
Dated 12 July 2019**

Department of Conservation

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WELLINGTON

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Introduction

1. My full name is Donald Malcolm Neale.
2. I am employed by the Department of Conservation as a Technical Advisor (Marine Ecosystems) based in Hokitika. I have worked for the Department of Conservation as a coastal and marine specialist since December 1987. I have 31 years of experience in coastal and marine management, policy and science. While much of my work during that time has been focused on the West Coast Region – Te Tai o Poutini, I have scientific diving and field survey experience in other parts of New Zealand, including the Subantarctic Islands, Rakiura/Stewart Island, Fiordland, Canterbury, Marlborough, Tasman and Northland. I have authored or co-authored more than 15 published scientific and planning reports, as well as numerous unpublished internal advice reports and statements of evidence, relating to coastal management. I have some knowledge of the Taranaki coastal environment, including a field inspection on 16-17 July 2019 of key sites along the region's coast from north to south.
3. My qualifications include a Bachelor of Science majoring in Geography and Zoology (1985), and a Master of Science (1st Class Honours) in Geography (1987) from the University of Canterbury. My M.Sc. thesis studied the coastal geomorphology of South Canterbury.
4. I am a founding member of the NZ Coastal Society and have been their Publications Co-ordinator on the executive committee since 2016, and a Regional Co-ordinator. I am a past executive committee member of the NZ Marine Sciences Society.
5. My role as a Technical Advisor (Marine) includes assessing and providing advice on aspects of marine ecology, coastal resource management, coastal physical processes, coastal hazards, marine protected areas, marine mammals and other species, wetlands and estuaries, coastal plans and permits, coastal structures and aquaculture.
6. In preparing my evidence I have read the proposed Taranaki Regional Coastal Plan and the s42A report on decisions requested and officers' recommendations. I have also reviewed relevant scientific literature on the estuarine and marine ecosystems of Taranaki, including the references listed at the end of my evidence.

Code of Conduct

7. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

Scope of evidence

8. My evidence will deal with the following:
- a. Coastal hazards
 - b. Biodiversity, indigenous habitats & species
 - c. Coastal environment line
 - d. Structures
 - e. Sediment & spoil deposition
 - f. Aquaculture

Coastal Hazards

9. Objective 13 of the s42A recommendations allows for coastal hazard risks to be increased up to 'acceptable levels'. In my opinion, it is unusual for an objective to allow an increase in risk. Based on my experience, the definition of what might be 'acceptable' levels of risk would add a degree of uncertainty to the decisions that need to be made. The levels of acceptable risk relating to coastal hazards and their associated activities (such as coastal rock protection works) are likely to be quite different for a landowner, a property developer, a beach user or a Council. However, I consider that the common objective of those parties should be to not increase the level of risk.
10. I note that this objective, especially if read in isolation, could overlook the need for a full prior assessment of coastal hazard risk and response options. For example, rock protection works might be seen as an immediate but perhaps inappropriate fix to prevent an increase in risk resulting from ongoing coastal erosion. As the s42A report recommends, it is important that each objective is not viewed in isolation from other plan provisions.

11. At a national level, the degree of risk from coastal hazards could be regarded as moderately high and increasing. These increasing hazard risks have largely arisen as a result of (a) past developments being allowed in what have turned out to be inappropriate places, before the more recent times when coastal hazards have become much more clearly understood, (b) increasing demand for the use of coastal land, and (c) changes in natural coastal processes in part resulting from climate change and sea level rise. The Taranaki coast is not exempt from these trends.

Biodiversity, indigenous habitats & species

12. The Minister has raised several matters in submissions relating to biodiversity, marine habitats and species.
13. Policy 1(d) of the Proposed Plan does not explicitly recognise that the open coast coastal management area provides habitat for marine species. In my opinion it is important to recognise that the open coast areas support a wide range of species and habitats specifically adapted to the exposed and high energy environments that are less of a feature of other coastal areas. Some examples of ecologically significant species that inhabit the open coast areas are dotterels, reef herons, humpback whales, Māui dolphin, and Cook's scurvy grass. I consider the s42A report's recommended change to Policy 1(d)(ii) to be appropriate from a natural heritage perspective.
14. Method 6.4 (Natural Heritage) does not propose any methods to protect wildlife from dogs. Dogs in the coastal environment can have significant effects on coastal wildlife, and are one of the major threats in New Zealand to flightless and coastal ground-nesting birds like blue penguins (<https://www.westcoastpenguintrust.org.nz>). Other wildlife such as seals, waders and coastal birds can also be disturbed, injured or killed by dogs. Even short-term effects such as scaring birds into flight or chasing seals out to sea can have the potential for longer term effects such as abandonment or reduced usage of significant wildlife habitats. The s42A report's recommended change to broaden Method 14 (under 6.4) to cover advocacy for significant indigenous biodiversity is an improvement, but adding another method relating to the protection of native wildlife from dogs and human activities would help to emphasise locally driven and species-focussed approaches.

15. Rule 52 (scientific grab samples) includes a provision to protect regionally distinctive species. While the maximum size and volume allowed by this provision means that impacts are generally well controlled, it is important that the plan protects regional distinctiveness as well as nationally significant features. Regionally distinctive species (such as those listed in Schedule 4A) add diversity to New Zealand's marine environments and play a significant part in creating the differences that occur around the country's coastline.
16. Schedules 1 to 4 list, map and describe a variety of significant areas, species and ecosystems, and the Minister has submitted in support of identifying and mapping areas of significant indigenous biodiversity in the plan.
17. In my opinion, there are both benefits and disadvantages of including such biodiversity information in a plan, but the key point should be that information is readily available and is actively used and enhanced to implement the plan. A collective resource of information can have many benefits to inform planning, assessment of effects, and decision-making (while acknowledging that some information is sensitive).
18. If mapping is done, it is important to emphasise that the information presented does not necessarily portray the full extent of the values that actually exist. Some sites might be omitted or inaccurately mapped due to environmental change or lack of knowledge. This is especially the case for underwater environments that are generally less well understood.
19. The s42A report notes the difficulties of having incomplete information about marine areas, which are difficult to access and survey. Based on my experience as a diver and with other marine surveys, I consider that this will always be a problem, and that only a limited portion of the underwater marine environment can be surveyed, mapped and described. Knowledge about the marine environment often depends on collaborative storage and open sharing of information gained by a wide range of people.
20. Consequently, it would be sensible for any schedules and maps to be regarded not as a definitive list of all significant sites, but rather as a starting point for information about the region, and a guide to the known sites and the types of

values that occur there. Mapping in a public format can also help to inform potential consent applicants at an early stage.

21. Removing the Plan's schedules and maps of the region's known significant areas could risk having those features overlooked, resulting in poor resource management decisions.
22. As well as identifying the various management areas specified in the schedules, significant values that could be mapped, as part of or in support of the plan, include bird breeding and feeding locations (eg mudflats, colonies, roosts), rocky reefs and shores, lizard habitats, islands and rock stacks, seal colonies, marine and estuarine vegetation, shellfish beds, biogenic habitats, migration routes (e.g. marine mammals, fish, birds), spawning areas, rare & threatened ecosystems, and critical habitats. To do this, the Council could draw from a range of information sources (and has done so), including national inventories, published survey reports, thematic databases and unpublished expert knowledge. Efforts should continue to be made - by everyone involved in coastal management - to fill in knowledge gaps.

Coastal environment line

23. Policy 4 describes the inland extent of the coastal environment. In my experience, the coastal-marine interface is distinctive and important in many ways, and essential to the survival of many species: it creates an environment that is dynamic and rich in resources. The coastal environment is defined by a range of criteria including water flows, physical attributes, visual landscapes and biological patterns & movements, so it can be very difficult to define the coastal environment with a single line. Nevertheless, an indicative coastal environment line can give an indication of the significance of the link between land and sea and can help to manage the effects of terrestrial activities on the sea (and vice versa).
24. I therefore concur with the Council's s42A recommendation, which agrees to map the coastal environment line but allows for consideration of areas landward of the line on a case by case basis.

Structures

25. Several Policies and Rules in the Plan address the management of structures in the coastal marine area. In my opinion, the s42A report recommendations would allow significant adverse effects to occur in some situations.
26. Policy 38 deals with the removal (and non-removal) of coastal structures, and submissions discuss the abandonment of structures in certain circumstances.
27. Abandoned structures in the coastal marine area can cause a range of impacts depending on the type and location of the structure. Examples include:
 - a. Abandoned coastal rockworks and protection structures can lead to increased scour or erosion of adjoining land
 - b. Abandoned wharves, piles, buoys, ropes and floating structures can create navigation hazards, substrates for the establishment of invasive species, and biosecurity risks
 - c. Abandoned structures made of plastics & synthetic materials can deteriorate and produce solid and chemical wastes into the marine environment
 - d. Abandoned structures that are large, or in accessible or natural locations, can have visual landscape, natural character & amenity impacts
28. If full removal is not feasible (e.g. buried anchor blocks), then even partial removal of structures can address some of the concerns. In some cases, the removal of a structure is rightly regarded as being unfeasible or unsafe (for example, due to the practical or technical difficulties of working with heavy machinery in murky or turbulent seas, or under the seabed).
29. In my experience, it is good practice to consider and provide for the eventual removal and decommissioning of structures during the initial consent stages of any coastal permit, rather than at the end of their useful life.
30. In relation to Rule 22 and Rule 34, the construction, installation or decommissioning of underground infrastructure can have significant negative impacts such as vehicle tracking, trenching, surface damage, vegetation loss and weed/pest introduction. Areas of high or outstanding value such as estuaries and marine protected areas are likely to be more vulnerable to such

effects: for example, estuarine tidal mudflats and vegetated saltmarsh areas often have high natural values that support rich biological communities, but they can suffer significant habitat disturbance from surface activities like the vehicle access and mechanical excavation required to install and bury artificial structures. Some vehicle track marks and sediment spoil on sheltered estuarine mudflats are removed only by bioturbation (e.g. worm & crab activity) and not by currents and waves, and so their visual and ecological effects can remain for a long time.

31. The burial of pipes or cables can help to mitigate some effects, but burial is seldom permanent in a dynamic coastal environment. The natural (or accelerated) processes of coastal erosion, sediment movement, bed changes and channel migration can expose an underground or buried structure over time. Once exposed, it will then function as an unburied structure laid on top of the substrate, with associated effects such as current modification and scour, navigation and entanglement issues, substrates for pest species, and changes to the natural character and visual amenity of the area.
32. Coastal structures covered by the proposed Rule 34 can come in many forms and it is not possible to predict what effects they might have without a reasonable level of investigation into their characteristics (eg size, location, materials, design and position). In my opinion, it is therefore important to provide for a proper assessment of effects for such structures, because they have the potential to adversely affect significant biodiversity, coastal dynamics and other features. It is conceivable that such assessments could identify significant adverse effects whereby it would be appropriate for a consent application to be declined.
33. Rules 35, 38 and 44 of the proposed Plan allow the minor maintenance (35) or removal and demolition (38 & 44) of structures as a permitted activity. Operations involved in such maintenance can sometimes have significant adverse effects. For example:
 - a. Vehicles can have significant adverse effects on the coastal marine area, including: wheel & track damage, compaction, crushing, vegetation destruction, weed and pest incursion, surface alteration, chemical & fuel spillage, wildlife disturbance and noise. Such effects are especially pronounced in vulnerable areas like mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.

- b. The avoidance of fuel spillage in coastal waters is almost always preferable (easier and cheaper) to a cleanup of an accidental spill. Limiting the presence and use of fuels in those areas is a very effective way to minimise the risk of fuel spillage.
 - c. Equipment and spoil remaining on site for longer than necessary can be disturbed by unexpected floods, tides or weather conditions that are typical of coastal environments. It is therefore sensible to ensure that sites are remediated as promptly as possible.
34. Rule 37 does not place any restriction on the size of an extension to a structure, so it remains possible for an extension to significantly increase or alter a structure's effects on the environment, by altering current flows or smothering seabed biota. The s42A report's recommended addition of Standard (aa) to Rule 37 (limiting extensions to 10% every 24 months) goes part of the way to alleviating this concern, but the recommended Standard (aa) could still allow the structure to grow in progressive increments, to the extent that the cumulative adverse effects become significant. In some cases, even a small (<10%) extension of a structure (for example, a bridge approach reaching into a river channel or across the shore) can impede the flow of water or sediment, or direct the flow to other locations, and so have effects on the physical stability of the channel or shore.
35. The construction and ancillary activities involved with any extension could also have adverse effects (e.g. machinery movements, excavations and discharges). Adverse effects are especially likely in sensitive or vulnerable sites such as estuarine margins and mudflats, river & stream outlets and rocky coasts.

Sediment & spoil deposition

36. Policy 44 recommendations in the s42A report to retain clause 44(f) are appropriate in my opinion, encouraging deposited materials to have a similar composition to the existing substrate.
37. The marine environment is a very effective natural sorter of sediments. For example, estuaries tend to hold mud and fine sediments, beaches have mostly medium sands to gravels and cobbles/shingle, and boulders form ramps at the base of cliffs where finer materials are swept away by wave action.

38. The artificial placement of sediment from another source can have very significant effects on the character and ecology of a site. This is especially the case if the deposited sediment is different to the materials that naturally occur there.
39. Deposition of sediment can have effects on both the physical and biological character of an area:
 - a. Plants and animals are often finely adapted living in specific types of sediments. For example, *Amphibola* mud snails will live on mud and fine silt but much less so on medium or coarse sand. Worms burrow into fine sediments. Wading birds often gather in areas that suit their flocking behaviour, feeding methods and main prey species – probing the mud and roosting on the sand flats. Different fish species likewise tend to prefer quite specific sediment and substrate types.
 - b. Marine sediment deposits are often (but not always) very well sorted, which produces large spaces between particles that enhance drainage. Alteration of sediment composition (eg by dumping spoil material from another location) can affect the hydrology of a site, including impeding the drainage and exacerbating erosion.

Aquaculture

40. New Policy 5A proposes to identify appropriate places for aquaculture and to exclude aquaculture from Outstanding Value Areas, Estuaries and areas of significant indigenous biodiversity. Such areas have a range of natural values that are vulnerable to impacts from activities and are recognised for their significant values.
41. Aquaculture can bring a range of impacts on natural character and natural resources including seabed deposition of materials and waste, occupation of space, landscape and natural character effects, altered water quality and nutrient levels, and biological changes.
42. Effects of aquaculture are often uncertain and depend on hydrological modelling and adaptive management. Adaptive management is a risky way to

manage sites that are of high or outstanding value, or vulnerable to impacts of activities, because it depends on responding to observed impacts as they occur. Frequently, a better way is to take a more precautionary approach by directing such activities away from sensitive areas to places where unanticipated impacts are less critical, and where the effects can be tested in a systematic but adaptive way.

43. In my opinion, Policy 5A would help to ensure that significant natural values are protected from aquaculture activities.

Conclusion

44. In my opinion, the s42A report recommendations are generally appropriate for the matters I have discussed in my evidence, but they would allow significant adverse effects to occur in some situations, especially related to coastal hazards, indigenous biodiversity, structures, and aquaculture.



Donald Malcolm Neale

DATED this 12th day of July 2019

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BEFORE THE TARANAKI REGIONAL COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Coastal Plan for Taranaki**

**Statement of evidence of Callum David Lilley
on behalf of the Minister of Conservation
Dated 12 July 2019**

Department of Conservation

P O Box 10 420

WELLINGTON

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Introduction

1. My full name is Callum David Lilley.
2. I am employed by the Department of Conservation (DOC) as Senior Ranger/Supervisor – Biodiversity in New Plymouth. I have worked for the Department of Conservation since October 2006. During this time, I have predominantly specialised in marine and coastal work in the Taranaki Region. I have experience in conservation management and survey of coastal and marine flora and fauna, marine mammals and marine reserves. I grew up in Taranaki and since my youth have spent considerable time exploring Taranaki beaches. This has been for the purpose of recreational pursuits such as fishing, surfing and snorkelling, as well as through my role as a coastal and marine DOC Ranger and as an Honorary Fisheries Officer for MPI undertaking coastal patrols.
3. I hold the degrees of Bachelor of Science majoring in Zoology and Master of Science majoring in Marine Science from the University of Otago.

Code of Conduct

4. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

Scope of evidence

5. My evidence will deal with the following, with particular regard to my experience in the Taranaki Region:
 - a. Impact of dogs on indigenous wildlife in the coastal environment
 - b. Marine reserve marker buoys as navigation aids
 - c. Burial of marine mammals
 - d. Project Reef as an area of Outstanding Natural Character

Impact of dogs in the coastal environment

6. Policy 17 (Public access) of the Proposed Coastal Plan for Taranaki (the Proposed Plan) provides for restrictions on public access (where necessary) to protect significant natural values and threatened and at-risk indigenous

species. However, Method 6.4 (Natural Heritage) does not propose methods to protect indigenous wildlife from dogs, which in my opinion are a major threat to vulnerable coastal fauna.

7. I support the s42A report's recommended change to Method 14 to provide for advocacy to relevant agencies to protect significant indigenous biodiversity. However, given the level of threat that dogs present to protected indigenous coastal species such as penguins, shorebirds and N.Z. fur seal, I think the plan needs to more clearly emphasise means of managing the threat that dogs pose.
8. Over the years, I have observed once-isolated beaches with few visitors now experience *relatively* frequent visitation. I believe this has come about through more visitors, sprawling sub-division and because the Taranaki region is experiencing population growth. A proportion of these visitors visit with their dogs which are often not under control, either on a leash or in immediate proximity and responsive to verbal commands. Houses adjacent to once isolated coast now have resident dogs that are walked on the beaches most evenings.
9. I frequently observe dogs chasing and disturbing shorebirds. Owners are often oblivious to the impacts this has on those species. During this time birds are unable to feed or rest, and eggs in nests can be vulnerable to breakage. Adults may also abandon nests following continued harassment.
10. One of the indigenous species most threatened by dogs is blue penguins and the result of an interaction is often death. The threat status of blue penguins is "At Risk – declining"¹. The flightless seabird is most vulnerable on beaches at dawn and dusk as they move between the water (where they feed during the day) and their burrows. However, I have also followed up instances of dogs killing penguins during the day. Penguins are found along much of the Taranaki coastline in quite low numbers. However, there are sites including Port Taranaki, Urenui and Wai-iti that are considered hot-spots or colonies.

¹ Robertson, H.A.; Baird, K.; Dowding, J.E.; Elliott, G.P.; Hitchmough, R.A.; Miskelly, C.M.; McArthur, N.; O'Donnell, C.F.J.; Sagar, P.M.; Scofield, R.P.; Taylor, G.A. 2016: Conservation status of New Zealand birds, 2016. *New Zealand Threat Classification Series 19*. Department of Conservation, Wellington. 23 p.

11. Some people refuse to believe that their dog will kill a penguin, but penguins are very attractive targets to even well-trained dogs. They are small, smelly, unable to defend themselves and will run when disturbed. Dogs generally grab them by the chest, rump or neck and shake them. Attachment 1 shows some examples of blue penguins killed in this manner. Even small dogs can kill a penguin this way, and death can occur within a couple of seconds. Sometimes a smaller dog will catch a bird by the head, which can cause severe injury to an eye (Attachment 2). Even if the bird survives the attack, they will likely not survive in the wild should they need to be rehabilitated. In those instances, the penguin may need to be euthanised (see Attachment 2).
12. During my first few years working for DOC, instances of reported dog attacks on blue penguins were relatively rare. I began keeping records in 2010 following six instances of dogs killing penguins within six months. Attachment 3 shows a Taranaki Daily News article relating to the death of two of these birds. (I sent these birds to Massey University for necropsy and the pathologist's report confirmed dog attack as the likely cause of death). Since then, I have documented 47 instances of blue penguins being attacked by dogs. All but six of these have died. Those that have survived have been through long treatment and rehabilitation prior to release.
13. I suspect the number of penguins killed by dogs is considerably higher because:
 - a. Many will be killed in isolated areas and never reported. Owners of dogs that have killed penguins seldom report the attack. In Taranaki, the majority of dead or injured penguins are found where visitation is highest, generally around New Plymouth between Back Beach and Waiwhakaiho. However, the number of penguins present in some remote areas is likely higher as the birds are less exposed to domestic pets and habitat modification.
 - b. If an adult is killed in breeding season before chicks fledge, then those chicks will die. One adult being killed may result in three penguin deaths. Starved chicks are unlikely to ever be discovered.
 - c. I frequently observe dogs off-leash and running through dunes, caves, and vegetation well above the high-tide mark where there are likely to be nests. Their owners are generally walking on firm sand in

the intertidal zone. I suspect many penguins are killed without their owners ever knowing.

14. The records I have detailed are penguins that have “probably” been killed by dogs. Those are the cases where the cause of death by a dog are apparent. The attack may have been witnessed, or there may be signs consistent with dog attack. An example is that at times a dog will put its paws on the body of the penguin and pull at its head with its mouth, elongating much of the spine and stretching out the neck (see Attachment 4 for examples). Sometimes there will be puncture wounds and I will cut back the skin and find massive internal haemorrhaging (Attachment 5). At times, I may have suspected an attack as the bird had been in good condition, but the body was found in an odd or suspicious location. In these instances, I have sent the carcass off to Massey University for necropsy and the cause of death has been confirmed through a pathology report (see Attachment 6 for examples of pathologist reports).
15. In January of this year, a Taranaki Regional Council Scientific Officer was at Port Taranaki monitoring the area after a diesel spill. She found two dead penguins on the Lee breakwater with puncture wounds that she suspected were from a dog. While there, a member of the public reported that there was a third bird that they had thrown down amongst the rocks. The tide was coming in and the Officer was unable to locate this bird. She took GPS waypoints of where the birds were found (Attachment 7), photographed the birds (Attachment 8) and sent them to Massey University to investigate whether there was any link to the spill. There was no sign of oiling and the pathologist concluded the injuries were consistent with dog attack (Attachment 9). I consider the most probable cause of death of the third bird was also dog attack.
16. New Zealand fur seals are also threatened by dogs. Often dogs just bark and harass seals, but they can nip, bite and kill them too.
17. While the only fur seal breeding colony is centred around the Ngā Motu/Sugar Loaf Islands, seals haul-out to rest along much of the Taranaki coast. Seal pups are most vulnerable due to their small size, particularly un-weaned pups that can be left for several days while their mothers head out to sea to feed.

18. In my time with DOC I have followed up a number of reports of dogs attacking seals. Often seals have escaped with minor to moderate wounds. However, their fate is not always able to be determined as they will often head into the water to escape the threat and may not be sighted again. I personally have followed up three instances of pups that have been killed by dogs and one female adult. In addition, I have had to euthanise another two adult seals due to major injuries inflicted by dogs as they were suffering and not likely to survive.
19. The onus is often put on the Department of Conservation to deal with the threat of dogs on protected marine mammals (under the Marine Mammals Protection Act 1978) and indigenous wildlife (under the Wildlife Act 1953). However, besides from signage and advocacy which is often not taking on board by owners, law enforcement response by DOC is very much “the ambulance at the bottom of the cliff”. It is also challenging to use prosecution as a deterrent as information that we receive is inadequate to identify owners and follow-up action is not possible.
20. In my opinion encouraging district councils to implement and enforce dog control bylaws, and to set appropriate rules around pets and subdivision, will more appropriately help manage the threat of dogs to indigenous coastal wildlife.

Marine Reserve marker buoys as navigational aids

21. Rule 21 of the Proposed Plan allows for certain agencies to install navigational aids as a permitted activity. I consider that DOC should be included as one of those agencies.
22. The Department of Conservation administers the Marine Reserves Act 1971. This Act requires that marine reserves are administered and maintained so that they are preserved as far as possible in their natural state. They are a conservation tool, as opposed to a fisheries management tool, and their purpose is to preserve indigenous biodiversity. Scientific studies of marine reserves allow for a better understanding of marine ecosystems and subsequently, enhanced management of them. Scientists can study the behaviour and ecology of species in the absence of exploitation pressure and better understand natural population fluctuations as opposed to human induced changes.

23. Preservation of a marine reserve depends on the strict observation of a ban on taking or harvesting fish and other marine life. This depends on fishers and gatherers knowing what the no fishing/no taking rules are and where those rules apply.
24. DOC administers two marine reserves in Taranaki. Parininihi Marine Reserve is relatively isolated and is located off the Whitecliffs near Urenui, North Taranaki. Tapuae Marine Reserve is adjacent to the city of New Plymouth. It has multiple access points along the coast and is a short boat-trip from New Plymouth boat ramp which is located in Port Taranaki.
25. Both marine reserves are marked by signage at clearly visible locations near access points, and offshore boundaries are marked by marine buoys. Section 22 of the Marine Reserves Act provides for the marking of marine reserves by beacons, lights, buoys or marks that the Director-General of Conservation considers necessary, provided that concurrence has been obtained by the Secretary of Transport. DOC holds consents from Taranaki Regional Council and Maritime New Zealand for existing installed marine reserve marker buoys.
26. The buoys are special navigation markers. They are yellow, which is a legal requirement for special marks. To be safe and effective, they must be highly visible. The corner buoys of each marine reserve are fitted with lights. These have a distinctive flash sequence. The boundaries of the marine reserves and the flash sequence of the corner buoys are shown on nautical charts.
27. Construction and instalment of the marine reserve navigation buoys is similar to other marine reserves. They consist of a mooring anchor, which is a 500kg concrete block that settles into the sea floor, and a rope and chain attaching the buoy to an anchor. The blocks are placed on a sand/mud seabed. Their placement is known to kill the sessile organisms immediately below them. I have regularly inspected the marine reserve mooring blocks and have observed that over time other sessile organisms colonise them, much the same as small reefs.
28. DOC holds consent for eight marker buoys in Tapuae Marine Reserve and seven marker buoys in Parininihi Marine Reserve. Each of these 15 mooring blocks is approximately 1.8m², so the cumulative impact is less than 30m²

spread across a large distance. In my opinion the impact of these blocks should be regarded as minor and given the species displaced are common, and a fraction of the habitat is impacted, the effects are of little significance.

29. The s42A report has agreed with relief sought by the Minister of Conservation for Rule 21 (Navigation aid erection and placement) to allow for erection of navigation aids as a permitted activity for Taranaki Regional Council or its agents; or Port Taranaki or its agents; or Maritime New Zealand or its agents. In my opinion, I believe DOCs operational responsibility to erect navigational aids has been overlooked and the Department should be added to the list of agencies able to erect navigational aids as a permitted activity.

Burial of marine mammals

30. Rule 54 of the Proposed Plan requires DOC to consult iwi on the burial of marine mammals. This is done for dolphins and whales, but is generally not appropriate for seals. I consider that obligations to tangata whenua regarding marine mammals are best dealt with under DOC's own obligations under various Acts and Deed of Settlement protocols rather than under the Regional Coastal Plan.
31. The Department of Conservation administers the Marine Mammals Protection Act 1978. The Act sets out the Department's responsibilities regarding marine mammals, including their disposal.
32. When dolphins or whales strand, DOC has statutory responsibilities with respect to tangata whenua. Section 50(3) of the Marine and Coastal Area (Takutai Moana) Act 2011 states "When making decisions about managing a stranded marine mammal, a marine mammal officer must... have particular regard to the views of any affected iwi, hapū or whanau expressed to the officer". Policy 4.4(h) of Conservation General Policy acknowledges tangata whenua as kaitiaki and specifies they will be involved in the management of stranded mammals in accordance with agreed protocols. There are also marine mammal protocols in Deed of Settlement agreements between the Crown and Post Settlement Governance Entities (PSGE) that must be adhered to. While Deed of Settlement protocols may vary between settled iwi, they generally reference *stranded marine mammals*. Given that fur seals

are a marine mammal that spends part of their life on land, they do not strand. I therefore consider that DOC's statutory responsibilities are a reference to *dolphins* and *whales* as opposed to seals.

33. When dolphins and whales strand, DOC consults and works with local iwi and hapū through every step of the stranding response, including disposal. Generally, once DOC becomes aware of a stranding, the PSGE or iwi office is notified. The iwi will often hand over to the hapū who holds mana whenua/mana moana over that section of coast. The process of notification and ensuring that DOC is speaking to the right people can at times take several hours. No work is undertaken until procedures such as karakia have taken place. All decisions are made alongside tangata whenua.
34. Stranding events of dolphins and whales are relatively rare and of huge significance to tangata whenua, unlike New Zealand fur seals/kekeno, which are commonly found dead or dying on the coastline. For example, through the last calendar year (2018), the DOC New Plymouth Office received 30 reports of dead seals between Wai-iti in the north and Kaupokonui in the south. On several occasions over the years, I have received reports of as many as three dead seals in the same day.
35. In isolated areas, the preference is to leave dead seals to nature as they break down relatively quickly through natural processes. However, in many areas decomposing seals are deemed a public nuisance and disposal is required. If seals can be easily removed, the preference is to dispose of them down an offal hole. However, removing dead seals can be difficult due to factors such as poor vehicle access and due to the weight of animals. In these instances, seals need to be buried on the beach, provided the location is appropriate.
36. Due to the number of seals found dead on Taranaki beaches and the frequent need to bury them, I consider that Rule 54 (Burial of dead animals) creates an impractical obligation for DOC to notify iwi of seal burials. I also think that notification would cause practical difficulties for iwi as it may then trigger processes to notify hapū. I therefore support the relief sought in the proposed amendment in the s42A report to exempt fur seals from iwi notification when they need to be buried. If there are instances where iwi or hapū do wish to work with the DOC around fur seal burial, then I consider

there are other mechanisms that are better suited to incorporate these wishes.

Project Reef as an area of Outstanding Natural Character

37. In my opinion, Project Reef qualifies as an Area of Outstanding Natural Character under the criteria given in the proposed Plan. While I have not dived the Project Reef myself, I am very familiar with the reef through the findings of Project Reef Life. I have been in regular communication with Project Reef Life coordinator Karen Pratt since before the application to the Ministry of Business, Innovation and Employment's Participatory Science Platform (Curious Minds) fund was made. Since then, Mrs. Pratt and other Project Reef Life members have shared photos, videos and other study findings with me. The purpose at times was to seek my comment, and at other times simply for my information. I have been copied in on email correspondence about the Project Reef with fish and invertebrate experts and have discussed monitoring methods with project members. I have also attended presentations by the group on several occasions where findings were presented to the community.
38. Due to my role with DOC and familiarity with the Project Reef and wider Taranaki coastline, I was requested in 2017 to review an application by the South Taranaki Underwater Club to Taranaki Regional Council to recognise the Project Reef as an area of Outstanding Natural Character. Following this, after discussion with DOC planners and Technical Advisors, I provided an endorsement of the Club's assessment of the Project Reef to Taranaki Regional Council officers outlining some of the special features of that reef. These include:
 - a. The relatively shallow depth of the reef (23m) considering its distance offshore. This makes it less prone to cliff erosion and sediment inputs from river events and other land-based activities. This leads to better water clarity and light penetration which allows kelp and other seaweed to grow a long way offshore.
 - b. The geology of the reef, being comprised of cemented concretionary shelly sandstone, compared to other papa or andesitic cobble/boulder/rock reefs that characterise much of the offshore Taranaki environment.

- c. The size of the reef in an environment that is *generally* characterised as being sandy in nature.
 - d. The complexity of habitat that the reef provides. It is high-relief with cracks, crevices, small caves and overhangs. This is valuable habitat for rock-lobster, eels, rays, carpet sharks and a range of fish species.
 - e. The geological structure is covered with a diverse range of seaweeds, sponges, hydroids and bryozoans. "Biogenic" (living) habitats are considered high-value environments as they are so biologically diverse and provide valuable refuge for juvenile fish and invertebrates.
 - f. The diversity and cover of sponge species.
39. In conclusion, I agree with the s42A report's recommendation to retain the Project Reef (ON6) as an area of Outstanding Natural Character.

Conclusion

40. In my opinion, I think the Plan needs to more clearly emphasise means of managing the threat that dogs pose to coastal wildlife; that DOC should be added to the list of agencies able to erect navigational aids as a permitted activity; that seals should be exempt from the requirement to notify iwi when buried; and that the Project Reef should be retained as an area of Outstanding Natural Character.



Callum David Lilley

DATED this 12th day of July 2019

Attachment 1 – photos taken by New Plymouth DOC Rangers of blue penguins killed by dogs biting chest, rump and neck.



Attachment 1 – continued.



Attachment 1 – continued.



Attachment 2 – photos taken by a New Plymouth DOC Ranger of damage inflicted to the head and eye of a blue penguin by a dog.



Attachment 3 – Taranaki Daily News article on dog attacks on blue penguins.



Roving dogs suspects in penguin killings

Taranaki Daily News 16/8/13
Jared Smith
jared.smith@dailynews.co.nz

Dog owners are being urged to keep their animals on a leash while on the beach after two little blue penguins were killed at the start of nesting season last week.

Department of Conservation ranger Callum Lilley said a roaming dog was carrying one dead penguin in its mouth on Wai-iti Beach, while the other was found on Ngamotu Beach with puncture marks.

"The birds will be autopsied at the New Zealand Wildlife Centre at Massey University but their injuries suggest a dog attack. It's certainly not our mate the leopard seal. They tend to clamp and don't leave any evidence."

Nesting season toll: Department of Conservation ranger Callum Lilley with two little blue penguins believed to have been killed by dogs last week on the Ngamotu and Wai-iti beaches. Photo: SUPPLIED

"evidence." The leopard seal swam into Port Taranaki on August 6.

Mark Mayburg, who is researching the penguins on a one-year teacher scholarship from the Royal Society of New Zealand, said Wai-iti had a bigger penguin colony than many Taranaki beaches.

In June, the students of Mimi Primary School launched Project Pingu to build and place protective wooden boxes for the penguins to nest.

"We are placing snare traps there, too," said Mr Mayburg.

"But roaming dogs will soon bite into a dwindling population. Local residents Gwen and Ian Wesley used to have penguins walking past their door but they don't see as many now."

At 35 centimetres to 40cm tall and weighing 1 kilogram, the little blues are the world's smallest penguins. Between August and November a breeding pair will usually lay one or two eggs and after about eight weeks the chicks will fend for themselves.

Attachment 4 - photos of blue penguin following dog attack provided to New Plymouth DOC by member of the public. Note the distended neck.



Attachment 4 – continued. Photo showing distended neck of blue penguin caused by a dog, provided to New Plymouth DOC by a TRC staff member. This photo also shows a tear from a bite on the lower body.



Attachment 5 - photo taken by New Plymouth DOC Ranger of mass internal haemorrhaging of blue penguin caused by crushing and tearing during dog attack.



Attachment 6 – examples of pathologist reports.

Institute of Veterinary, Animal and Biomedical Sciences

PATHOLOGY REPORT

Submitter's Ref.:	Case Ref:	12/08/2010	Accession No.:	46247
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TO: Colum Lilley
Department of Conservation
PO Box 462
New Plymouth

Species: African-MLC1	Sex: Male	Age: Adult	Breed: Little Blue Penguin
ID:	At Risk	Affected:	Dead: 1
Owner: Department of Conservation	How Acquired:	Time Acquired:	Type: Post Mortem

HISTORY

A dog was observed with the penguin in its mouth, but the observer did not see the penguin being killed.

GROSS FINDINGS

The bird weighed 1.013kg and was in good body condition. The proventriculus and gizzard were empty. There were multiple fractures of the caudal thoracic spine and xiphisternum, and the area associated with extensive tearing of the hypaxial and epaxial muscles, kidneys, both testis, and the subcutaneous tissues over the dorsal xiphisternum. There were multiple large blood clots within the coelomic cavity. No other abnormalities were noted on gross post-mortem.

DIAGNOSIS

Severe trauma to the vertebrae (caudal thoracic and xiphisternum) with multiple fractures and extensive haemorrhage.

COMMENTS

The pattern of injury is consistent with a dog attack when the penguin was alive. Whether it was the particular dog that held the penguin in its mouth that was responsible for the killing, we cannot say for certain.

File No.:

Students:

Date:

Pathologist:

Copy to:

Attachment 6 – continued.**Institute of Veterinary, Animal and Biomedical Sciences****PATHOLOGY REPORT**

Submitter's Ref.:	Date Sent: 24/04/2015	Accession No.: 51966
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TO: Gemma Green
Department of Conservation
65a Rima Street
New Plymouth

Species: Avian WL (1)	Sex: Male	Age: Adult	Breed: Little Blue Penguin
ID: None	AI Ref.	Affected:	Dead: 1
Owner: Department of Conservation	Prev. Acqn.:	Type: Post Mortem	

HISTORY

Found dead on rocks East End Reserve on the morning of 22/04/2015. Dog attack suspected.

GROSS FINDINGS

The bird weighed 1200grams and was in good body condition. There was patchy blood staining of the feathers around the neck and a small amount of blood was present in the oral cavity. Three puncture wounds, each ~10mm in diameter were present on the left lateral aspect of the mid-neck region and near the point of both the left and right shoulders. There was corresponding haemorrhage and tearing of the underlying soft tissue, including the skeletal muscle; the cervical spine was intact but several of the ribs of the right thoracic cage were fractured. There was a ~15mm in diameter area of laceration and haemorrhage of skeletal muscle just caudal to the right scapula; this was roughly 40-50mm caudal to the puncture wound at the point of the right shoulder. There were multiple blood clots within the coelomic cavity. No other abnormalities were noted on gross post mortem.

DIAGNOSIS

Musculoskeletal trauma consistent with a dog attack

COMMENTS

This was an adult male penguin, in good body condition with no obvious signs of any underlying disease. The pattern of damage is consistent with a dog attack.

File Nos.:

Students:

Date:

Pathologist: [REDACTED]

Copy to:

Attachment 7 – TRC location map of penguins killed by dogs on Lee breakwater, Port Taranaki



Attachment 8 – Photos taken by TRC Scientific Officer of blue penguins confirmed as likely to have been killed by a dog



Attachment 9 – pathologist reports requested by TRC to investigate cause of death of blue penguins.

School of Veterinary Science

Pathology Report

Submitter Ref:	Date Sent: 25/01/2019	Accession No.: 56879
To:	Report Sent: 31/01/2019	
	Copy To:	
Email:		
Species: Avian WL	Breed: Little Blue Penguin	
Age: Juvenile	Sex: Unknown	
Owner:	Type: Post Mortem	
ID: PQN-1	Prev. Accl.: 56890	
Submitted: 2	At Risk:	Affected: 2
		Dead: 2

History

Found morning of 27/01/2019, Lee Breakwater, Ngamotu. X-1650758 Y-5676378. Found in vicinity of diesel spill that occurred 21/01/2019.

Gross Findings

The bird weighed 835 grams and was in moderate body condition and almost through the moult. There was extensive blood staining of the feather around the neck and ventral chest and abdomen. Over a dozen full thickness puncture wounds (up to ~10 mm in diameter) were present over the neck, lateral and dorsal thoracic and lumbar regions; many of these were associated with reddening and tearing of the surrounding soft tissues, including the subcutaneous fat and musculature.

There were several rib fractures on the right side of the chest, as well as multiple chip fractures of the thoracic vertebral processes and a non-displaced fracture of the left ischium. There was extensive maceration of both lungs and both kidneys, associated with clotted blood.

Diagnosis

Severe musculoskeletal trauma consistent with dog attack

Comments

Numerous puncture wounds were present externally and there was a large amount of internal damage including multiple rib fractures and extensive damage to the lungs and kidneys. The haemorrhage associated with these lesions indicates the penguin was alive when the damage was inflicted. These injuries are typical of a dog attack in which the dog will often bite multiple times and severely shake the bird. There was no evidence of any external oiling.

Date: 25/01/2019	Pathologists:
Students:	

Attachment 9 – continued.

School of Veterinary Science

Pathology Report

Submitter Ref:	Date Sent: 25/01/2019	Accession No.: 56880
To:	Report Sent: 31/01/2019	
	Copy To:	
Email:		
Species: Avian WL	Breed: Little Blue Penguin	
Age: Adult	Sex: Female	
Owner:	Type: Post Mortem	
ID: PQN-2	Prev. Accn.: 56879	
Submitted: 2	At Risk:	Affected: 2
		Dead: 2

History

Found morning of 27/01/2019, Lee Breakwater, Ngamotu. X-1650735 Y-567638. Found in vicinity of diesel spill that occurred 21/01/2019.

Gross Findings

The bird weighed 1.57 kg and was in good body condition and about to enter the moult.
There was extensive blood staining of the feathers over the neck and dorsal aspect of the chest and pelvis. At least 8 full thickness skin puncture wounds were present over the right lateral neck and both shoulders. The largest of these was ~30 x 20 mm in diameter and was associated with exposure of the right coracoid, right lateral thoracic wall and coelomic cavity. Much of the skeletal muscle was absent from the right coracoid and right pectoral region. Both the right sternum and scapula were fractured.
There were multiple rib fractures (bilateral) as well as transverse transection of both the cranial and caudal thoracic spine; there were extensive maceration of both lungs and the kidneys and these were associated with clotted blood.

Diagnosis

Severe musculoskeletal trauma consistent with dog attack

Comments

Multiple puncture wounds were present externally and there was a large amount of internal damage including multiple spinal and rib fractures as well as extensive damage to the lungs and kidneys. The haemorrhage associated with these lesions indicates the penguin was alive when the damage was inflicted. Some of the tissue loss was likely the result of post-mortem scavenging, likely from an avian species such as a sea gull. These injuries are typical of a dog attack in which the dog will often bite multiple times and severely shake the bird. There was no evidence of any external oiling.

Date: 25/01/2019	Pathologists:
Students:	

BEFORE THE TARANAKI REGIONAL COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Coastal Plan for Taranaki**

**Statement of evidence of Sarah Hucker
on behalf of the Minister of Conservation
Dated 12 July 2019**

Department of Conservation

P O Box 10 420

WELLINGTON

Solicitor acting: M Downing

Telephone: 027 564 1428

Email: mdowning@doc.govt.nz

Introduction

1. My full name is Sarah Ellen Hucker.
2. I am employed by the Department of Conservation (DOC) as a Senior National RMA Planning Advisor in the RMA Team, Operations Group in DOCs National Office. I have worked in central government for 19 years and regional government for 3 years, either as a planner, policy analyst or independent consultant with a focus on sustainable coastal management. Until May 2010 I worked as an independent consultant, from May 2010 onwards I joined the DOC permanent staff. A key focus of my work over the last decade has been the preparation of the *Regional Coastal Plan: Kermadec and Subantarctic Islands* for the Minister of Conservation, which became operative in September 2017.
3. I hold a Bachelor of Science in Geography completed in 1989, Honours in Physical Geography completed in 1990, and a Master of Science in Physical Geography completed in 1994, all from the Victoria University of Wellington. I also completed a certificate of proficiency in Resource Management Law in 1995, also from the Victoria University of Wellington.
4. My current work for DOC involves implementation of that Plan, inputting into DOC submissions on other regional coastal plans on marine biosecurity provisions with a view to ensuring they give effect to Policy 12 of the NZCPS (Harmful aquatic organisms), and other coastal issues as they arise. I provide support to DOC decision makers and the Minister of Conservation on sustainable coastal management matters as required, including marine consents under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.
5. I provided technical advice which informed the parts of the Minister of Conservation's submission relating to harmful aquatic organisms and the *Cleaning of biofouling* provisions in the Proposed Coastal Plan for Taranaki (Proposed Plan).

Code of Conduct

6. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise.
7. I am authorised to give this evidence on behalf of the Minister of Conservation.

Scope of evidence

8. My evidence focuses on the *Cleaning of biofouling* provisions of the Proposed Plan. Specifically, Policy 28, Rules 9 and 10, and the definitions.
9. I have considered these provisions in: pre-statutory comments on draft provisions; the Department's submission on the notified Plan and Section 32 report; and now the Officer's section 42A Report and the accompanying track changes version of the Proposed Plan showing the Officer's Section 42A Report recommendations.
10. The Minister's submission seeks that the Proposed Plan give effect to the New Zealand Coastal Policy Statement (NZCPS) Policy 12, principally by following the guidance and recommendations of the *Anti-fouling and In-water Cleaning Guidelines* June 2013 (the Guidelines), which were jointly prepared by the Australian Department of Agriculture Fisheries and Forestry and NZ's Ministry for Primary Industries. Accordingly, my evidence discusses:
 - a. the relevant policies of the NZCPS;
 - b. key developments in approaches to the management of biofouling; and

- c. the recommendations in the Section 42A Report.
- 11. Overall, I support the changes recommended by the Section 42A Report, with some clarifications.
- 12. My evidence includes Appendix 1 – The Anti-fouling and In-water Cleaning Guidelines.

New Zealand Coastal Policy Statement - Policy 12: harmful aquatic organisms and other relevant policies

- 13. The NZCPS Policy 12 requires councils to provide for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread, as follows:

“Policy 12 – Harmful aquatic organisms

- 1. Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms¹ to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.
- 2. Recognise that activities relevant to (1) include:
 - a. the introduction of structures likely to be contaminated with harmful aquatic organisms;
 - b. the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;
 - c. the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and
 - d. the establishment and relocation of equipment and stock required for or associated with aquaculture.”

¹Harmful aquatic organisms - Aquatic organisms which, if introduced into coastal water, may adversely affect the environment or biological diversity, pose a threat to human health, or interfere with legitimate use or protection of natural and physical resources in the coastal environment (Definition from NZCPS 2010 Glossary).

14. The introduction of harmful aquatic organisms into the coastal marine area can give rise to the following adverse effects, ultimately affecting natural character, life-supporting capacity and the intrinsic value of ecosystems:
 - i. Predation on local resident indigenous fauna.
 - ii. Competition with indigenous fauna species for the same food supply.
 - iii. Loss of habitat of indigenous flora and fauna.
 - iv. Destruction of habitats, which can alter coastal processes and increase the risk of erosion.
 - v. Loss of amenity and intrinsic values of ecosystems.
 - vi. Genetic pollution.
 - vii. Financial costs resulting from changes to the ecosystems and the values that are important to aquaculture and other marine based industries such as tourism, and costs to central and local government (and therefore New Zealanders) associated with eradication or containment.
15. For these reasons the risk of introduction and spread of harmful aquatic organisms to an area needs to be carefully managed.
16. Biofouling is the process of accumulation of organisms on immersed surfaces. In the initial stages of the biofouling process, organic material sticks to a surface and is rapidly colonised by bacteria, microalgae and cyanobacteria forming a microfouling layer (slime layer). The creation of a slime layer occurs rapidly on submerged surfaces. Aside from continuous cleaning, there is currently no effective technology to prevent slime layer formation, including biocidal or foul release coatings (Dobretsov et al. 2010).¹ Any further biofouling development beyond the microfouling stage is

¹ The Science underpinning the CRMS – biofouling, page 4, para 1

referred to as macrofouling. For further context on what biofouling is, why it is an issue and options for its management, refer Appendix 1.

17. Floerl et al. 2010 note that vessel biofouling is one of the main contemporary vectors for the introduction and spread of harmful or invasive species. Most of the 200 or more known marine harmful or invasive species established in New Zealand waters are thought to have arrived on the hulls of ships, a pattern reported from other locations around the world². Vessel biofouling is thought to be the mechanism behind introductions of NIS [non-indigenous species] globally to isolated high-value locations, including sub-polar and polar latitudes³.
18. Implementing practices to control and manage biofouling can greatly assist in reducing the risk of the transfer of harmful aquatic organisms. Such practices can also improve a vessel's hydrodynamic performance and can be an effective tool in enhancing energy efficiency on vessels.
19. Given the list of potential adverse effects listed above at paragraph 14, NZCPS Policy 3 is relevant to the management of risk associated with harmful aquatic organisms. NZCPS Policy 3 promotes a precautionary approach to managing activities in the coastal environment when the effects of those activities are uncertain but potentially significantly adverse. This includes managing activities that could cause harmful aquatic organisms to be released or otherwise spread.
20. A precautionary approach focussed on preventing introductions of harmful or invasive species recognises that there are significant costs involved in attempts at marine pest eradication and the limited success of marine eradications to date (unless detected very early). Examples of marine eradications and the costs involved include:
 - i. The *sabella* (Mediterranean fanworm, *Sabella spallanzanii*) programme aimed at eliminating *sabella* from Lyttelton Port (about 1 km² in area) by

² Floerl et al. 2010 page 1

³ Floerl et al. 2010 page 1

searching and removing individual worms. At the time of planning, the programme was estimated to cost \$3.5 million, but was closed about 18 months into its application because of widespread detections of *sabella* in Auckland. Despite the Auckland findings, the area of the Lyttelton programme was considered to be the limit of feasible elimination for a worm-like species such as *sabella*. The Council's Section 32 report notes that in the last 4-5 years the Council has budgeted approximately a quarter of the million dollars (more than \$1 Million in total) for the control of marine pests but mainly *sabella*⁴.

- ii. Some \$2 million was spent on *Styela clava*, not to eradicate it because it was too well established, but with a focus on education. Despite these efforts, *Styela clava* is still present in all the areas it was originally found, plus in some new areas.
- iii. The eradication programme for the brown mussel (*Perna perna*) incursion after the defouling of the Ocean Patriot oil rig in Tasman Bay cost approximately \$250,000. This was considered a 'relatively' inexpensive response. It was unique in that the incursion site was small because of the nature of the 'incursion', which was known to be recent and therefore not an established population.
- iv. An *Undaria* (*Undaria pinnatifida*) eradication programme was carried out on the Chatham Islands after the Seafresh 1 grounded. This cost the insurers of Seafresh 1—Shipowners Mutual Protection and Indemnity Association—approximately NZ\$2.5 million for salvage attempts, NZ\$380,000 for treatment, and NZ\$43,500 for monthly inspections. Eradication was achieved at only 17% of the cost of failed salvage attempts but required a long-term commitment. In this case, the restriction of *Undaria* to a confined area (i.e. a vessel's hull), the early knowledge of the incursion and rapid response increased the likelihood of eradication. The Ministry for Primary Industries (MPI) have advised, however, that *Undaria* has been detected growing on structures and

⁴ Council's Section 32 Report, page 338, section 8.10.3 second para.

substrate in the Chatham Islands in recent years since the eradication programme.

- v. In 2010, a single *Undaria* sporophyte was discovered in Sunday Cove, Breaksea Sound, Fiordland. An immediate joint-agency response between Environment Southland, MPI and DOC was initiated in an attempt to eliminate this harmful aquatic organism. Since August 2010 monthly diving surveys and control treatments have taken place. Despite this effort, occasional young *Undaria* specimens are still being found. Six and a half years into the response to *Undaria*, operational expenditure is approximately \$1 million, however *Undaria* has not been entirely eliminated from the site and regular treatment continues.
21. In a consultation document for a draft Import Health Standard for biofouling⁵, Ministry of Agriculture and Forestry Biosecurity NZ (MPI's predecessor) noted that:

“In the marine environment, it is often difficult to detect the arrival of new non-indigenous species early enough to make eradication feasible. Tools for detecting, eradicating or managing an established pest are limited, difficult to perform, and expensive⁶.”
22. Floerl et al. 2005 also stress the point that preventing the introduction and establishment of non-indigenous species is the safest and most efficient way to avoid costs and impacts associated with biological invasions⁷.
23. Policy 12 of the NZCPS refers to the introduction of structures likely to be contaminated with harmful aquatic organisms; and the establishment and relocation of equipment and stock required for or associated with aquaculture⁸ as relevant activities with the potential to introduce or spread harmful aquatic organisms. While the NZCPS recognises that aquaculture

⁵ Before the amendments to the Biosecurity Act in 2012 MPI was developing an Import Health Standard to regulate vessel biofouling of vessels coming into New Zealand Waters. After the amendments to the Act the Import Health Standard became the *Craft Risk Management Standard – Biofouling* 2014.

⁶ MAFBNZ 2010, page 5

⁷ Floerl et al. 2005, page 5

⁸ NZCPS 2010 Policy 12 (2)(a) and (d) respectively, page 17

can significantly contribute to the social, economic and cultural well-being of people and communities, the risk of the transmission of harmful aquatic organisms, including micro-organisms capable of causing diseases, can pose a significant threat to the economic value of aquaculture as well as the surrounding environment. However, some activities in the coastal marine area, such as the movement of aquaculture stock and equipment, may also hasten or exacerbate the spread of harmful aquatic organisms if not appropriately managed. Marine farms can also provide ideal habitats for some diseases or biofouling species (e.g. sea squirts such as *styela clava*) to establish. Hence it is important that the provisions of the plan manage the risks associated with harmful aquatic organisms on structures (fixed and moveable).

24. Policy 28 of the Proposed Plan recognises the risks of introducing harmful aquatic organisms associated with aquaculture activities, including the introduction of structures and the relocation of equipment and stock.
25. Policy 28 also recognises the risks associated with the introduction of any structures or installations and maintenance activities (including hull cleaning) of structures, moveable objects and ships. Policy 28 does not refer to the risks of introducing harmful aquatic organisms in discharges or disposal dredging, however, Policy 43 of the Proposed Plan, regarding Port Dredging, recognises that contaminated dredge spoil needs to be managed in terms of location of: deposition; minimising dispersal; and avoiding, remedying and mitigating adverse environmental effects.
26. Effectively managing discharges associated with biofouling cleaning also assists in giving effect to NZCPS Policy 11 (Indigenous biodiversity) and Policy 13 (Preservation of natural character). Effective management of activities that could cause the release or spread of harmful aquatic organisms is a key step in protecting New Zealand's indigenous biodiversity and reducing the risk of irreversible changes to the natural character of the coastal environment. The release or spread of harmful aquatic organisms could alter natural elements and processes and the biophysical and ecological characteristics of the coastal environment.

27. NZCPS Policy 23 – Discharge of contaminants, seeks to manage discharges to the coastal environment generally in Policy 23(1) and specifically from ports and other marine facilities in Policy 23(5). In-water cleaning of a vessel’s hull and niche areas will involve a discharge of biological material, which the *Cleaning of biofouling* rules in the Proposed Plan seek to control. In-water cleaning to manage harmful aquatic organisms could also involve the discharge of a contaminant either from the anti-fouling coating particularly if it is ablative⁹, or other debris such as anti-fouling paint flakes. Proposed Rule 9 recognises the risk of discharging both biological and chemical contaminants (such as from ablative coatings). The conditions of Rule 9, seek to manage the potential adverse effects of such discharges as follows:

- a. Condition (a) requires the cleaning method to be in accordance with the paint manufacturer recommendations, which will be methods that will not damage the anti-fouling coating.
- b. Condition (d) limits the level of fouling that can be cleaned to Level of Fouling (LOF) 2 – this is essentially microfouling with a very small coverage of macrofouling, which can be cleaned by wiping, thereby minimising the release of chemicals from anti-fouling coatings.
- c. Condition (e) requires capture of biological material to 50 microns and removal from the coastal marine area.

Key developments in approaches to vessel bio fouling

28. NZCPS Policy 12 has a significant cross-over with MPI’s role in marine biosecurity and the provisions of the Biosecurity Act 1993. Since the gazettal of the NZCPS in 2010 there have been a number of key developments in

⁹ Ablative coatings include a biocide which is a chemical substance (i.e. copper compounds) to prevent the settlement or survival of aquatic organisms. Ablative coatings will have a soluble matrix that slowly dissolves to release the biocide.

international, domestic and regional approaches to managing the risks from vessel biofouling. In particular:

- i. In July 2011 the International Maritime Organisation (IMO) adopted the *Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species*. The IMO guidelines 2011 are intended to provide a globally consistent approach to the management of biofouling.
 - ii. The Biosecurity Act 1993 was amended in 2012 to provide new tools for the management of biofouling, including the ability to write Craft Risk Management Standards and Pathway Management Plans. The *Craft Risk Management Standard – Biofouling* (CRMS) was released in April 2014 (at which time MPI encouraged voluntary compliance) and it took effect on the 15th of May 2018, requiring mandatory compliance.¹⁰
 - iii. The *ANZECC Code of Practice for Anti-fouling and In-water Cleaning* 1997 was jointly reviewed and replaced by MPI and the Australian Department of Agriculture Fisheries and Forestry with the *Guidelines for Anti-fouling and In-water Cleaning* June 2013 (Appendix 1).
29. All of these developments recognise the risks of introducing harmful aquatic organisms via vessel biofouling and present a shift in what is good practice to manage vessel biofouling. In brief, they recognise that anti-fouling coatings on their own are not sufficient and regular maintenance is required to keep the growth of biofouling to a minimum - ideally to microfouling only. This is a significant shift in approach to that in the 1997 ANZECC Code of Practice, which the Council would have had regard to when preparing its first regional coastal plan. The 1997 ANZECC Code of Practice discouraged in-water cleaning because of the risk of introducing harmful aquatic organisms and the potential discharge of contaminants from anti-fouling coatings. The IMO Guidelines 2011, however, state:

¹⁰ Craft Risk Management Standard – Biofouling on vessels arriving to New Zealand (15 May 2014) MPI.

“To minimize the transfer of invasive aquatic species, a ship should implement biofouling management practices, including the use of anti-fouling systems and other operational management practices to reduce the development of biofouling. The intent of such practices is to keep the ship’s submerged surfaces, and internal seawater cooling systems, as free of biofouling as possible. A ship following this guidance and minimizing macrofouling would have a reduced potential for transferring invasive aquatic species via biofouling¹¹.”

30. The Council’s Section 32 Report notes the Council’s intention to be consistent with the *Guidelines for Anti-fouling and In-water Cleaning* June 2013 (Appendix 1). Further to a pre-hearing meeting between DOC, MPI and the Council, the Section 42A Report recommends further changes to Policy 28 and Rules 9 and 10 achieve better consistency with those Guidelines. I am very supportive of those changes but seek some further minor changes as set out below in my response to the Section 42A report.

Guidelines for Anti-Fouling and In-Water Cleaning June 2013

31. The purpose of the June 2013 Guidelines (Appendix 1), which were jointly prepared by Australia’s Department of Agriculture Fisheries and Forestry and New Zealand’s Ministry for Primary Industries, and are endorsed by MPI as best practice, is to:

“...provide guidance on best-practice approaches for the application, maintenance, removal and disposal of anti-fouling coatings and the management of biofouling and invasive aquatic species on vessels and movable structures in Australia and New Zealand. These guidelines are also intended to assist authorities to decide on the appropriateness of in-water cleaning operations in general and on a case-by-case basis. In achieving this purpose, it is the aim of the guidelines to minimise contamination and biosecurity risks associated with shore-based and in-water maintenance of vessels and movable structures¹².”

32. The Guidelines are divided into two parts¹³:

“Part 1: Best practice guidance for the application, maintenance, removal and disposal of anti-fouling coatings at shore-based maintenance facilities to minimise environmental risk.

¹¹ IMO Guidelines 2011, paragraph 4.2, page 5.

¹² The Guidelines, page 7

¹³ The Guidelines, page 2

Part 2: Best practice guidance for in-water cleaning and maintenance of vessels and movable structures to minimise environmental risk.”

33. Part 2 of the Guidelines is of most relevance to regional councils and unitary authorities with respect to the coastal marine area. Part 2 consists of two sections:
- a. Section A: Information on the factors that determine the environmental risk of in-water cleaning.
 - b. Section B: Specific guidance on situations where in-water cleaning may be acceptable and any conditions that may apply¹⁴.
34. The Guidelines also include the following appendices of relevant supporting information:
- i. **Appendix 1:** A decision support tool to determine the appropriateness of in-water cleaning in specific circumstances.
 - ii. **Appendix 2:** Information on the types of anti-fouling coating commercially available and the means by which they prevent biofouling growth.
 - iii. **Appendix 3:** Information on currently available in-water cleaning techniques.
 - iv. **Appendix 4:** A template for a Biofouling Management Plan and a Biofouling Record Book developed by the International Maritime Organization.
 - v. **Appendix 5:** Information on how to identify different biofouling types on vessels and movable structures.

How adopting the guidelines is consistent with NZCPS Policy 12

¹⁴ The Guidelines, page 10

35. The aim of the Guidelines is to minimise contamination and biosecurity risks associated with shore-based and in-water maintenance of vessels and movable structures, which aligns with NZCPS Policy 12. Consistency with the Guidelines in regional coastal plan provisions to manage harmful aquatic organisms is, in my opinion, a way to adequately give effect to NZCPS Policy 12.
36. The Guidelines are not a statutory document. They are, however, current best practice and are endorsed as such by the Australian and New Zealand Governments. They are also aligned with international conventions intended to protect the aquatic environment from invasive aquatic species and contaminants from shipping¹⁵ and align with New Zealand's national biofouling management approach.
37. I consider that the Proposed Plan provisions in Policy 28 and Rules 9 and 10, amended as recommended by the Section 42A Report, give effect to NZCPS Policy 12. I am appearing in support of the recommendations in the Section 42A Report. However, I recommend a small number of further changes to the rule as set out next.

Comment on Section 42A Report – Cleaning of biofouling

38. The following paragraphs outline where I support the Officers Section 42A recommended amendments and where I seek further changes, in relation to: Policy 28; Rules 9 and 10, and two definitions.

Policy 28

39. I support the Officers recommended changes to Policy 28. This includes the relief sought by the Minister of Conservation that the words “and scraping” be

¹⁵ The International convention on the control of harmful anti-fouling systems on ships

The 1996 protocol to the Convention on the prevention of marine pollution by dumping of wastes and other matter, 1972

The 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species.

The Guidelines, page 1

deleted from Policy 28(a). Scraping is a method that should not be used with many types of anti-fouling coatings. I also support the change requested by other submitters that the word “will” be changed to “must”.

Rule 9

40. While I strongly support the Officer’s recommended changes to Rule 9, I question the adequacy of condition (c) and the appropriateness of having rule requirements in a footnote (Footnote 4). The relief requested by both DOC and MPI for this condition is for condition (c) to be worded as follows:

“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.”

41. I seek that condition (c) be amended to include all elements as sought by DOC and MPI, as set out above in the body of the rule rather than in a footnote, for clarity and enforceability. The condition as recommended in the Section 42A Report does not give the Council ability to take any action if a suspected harmful or unusual aquatic organism is found. For example, require that a suspected harmful or unusual aquatic species be identified by a taxonomic expert.

Rule 10

42. I support Rule 10 recommended by the Section 42A Report, specifically the removal of the words “Sampling, scraping and/or” from the activity description.

Definitions: Microfoul and Macrofoul

43. Both DOC and MPI submissions sought the inclusion of the terms “Microfouling” and “Macrofouling” in the definitions section of the Proposed Plan. While these terms have been included and with the definitions sought by both agencies, the Section 42A report has changed the terms to “Microfoul” and “Macrofoul”.
44. The terms “microfoul” and “macrofoul” are not used in any of the Guidelines or research papers referenced. A google search of the terms “microfoul” or “macrofoul” does not find anything of relevance. Most importantly, Rule 9 refers to “microfouling” and “macrofouling”, not “microfoul” or “macrofoul”.
45. While this could be considered a minor detail, I recommend the terms “microfoul” and “macrofoul” be changed to “Microfouling” and “Macrofouling”. This is a minor correction but would achieve consistency with the terms in Rule 9, in the guidelines and relevant research papers, and minimise the risk of any interpretation errors.

Conclusion

46. As discussed in my evidence above, there has been a shift in international and domestic approaches (statutory and non-statutory) for reducing the risks of introducing and/or spreading harmful aquatic organisms.
47. The Guidelines 2013 produced by the Australian and New Zealand Governments present current best practice. I believe that Policy 28 and Rules 9 and 10 as amended in the Section 42A Report largely give effect to the recommendations in those Guidelines, and in doing so give effect to the NZCPS, particularly Policy 12.
48. However, I do consider the further amendments to condition (c) and the terms “microfoul” and “macrofoul” in the definitions, as set out above, are necessary for certainty and enforceability of the Rule 9.

A handwritten signature in blue ink, appearing to read 'S. Hucker', with a stylized flourish extending to the right.

Sarah Hucker

DATED this 12 day of July 2019

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Appendix 2: Anti-Fouling and In-Water Cleaning Guidelines (June 2013)



Australian Government
Department of Agriculture,
Fisheries and Forestry
Department of Sustainability,
Environment, Water, Population
and Communities

ANTI-FOULING AND IN-WATER CLEANING GUIDELINES

June 2013



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ANTI-FOULING AND IN-WATER CLEANING GUIDELINES

June 2013

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Anti-fouling and in-water cleaning guidelines

Introduction

The growth and accumulation of aquatic organisms (biofouling) on vessels and other movable submerged structures affects their performance and can lead to the spread of invasive aquatic species. Anti-fouling coatings are commonly used to protect submerged surfaces and prevent biofouling accumulation. Application, maintenance and removal of anti-fouling coatings on vessels and movable structures in maintenance facilities or in-water can result in contamination of the aquatic environment. Accidental release of biofouling organisms during cleaning operations can facilitate the spread of invasive aquatic species threatening human health, the aquatic environment, and social, cultural and economic values.

Purpose and principles

These guidelines provide guidance on best-practice approaches for the application, maintenance, removal and disposal of anti-fouling coatings and the management of biofouling and invasive aquatic species on vessels and movable structures in Australia and New Zealand. These guidelines are also intended to assist authorities to decide on the appropriateness of in-water cleaning operations in general and on a case-by-case basis. In achieving this purpose, it is the aim of the guidelines to minimise contamination and biosecurity risks associated with shore-based and in-water maintenance of vessels and movable structures.

These guidelines are based upon the following principles:

- The risks posed by biofouling management measures should be balanced with the risks of failing to manage biofouling.
- There is an operational need to manage biofouling on vessels and movable structures.
- It is preferable to minimise the accumulation of biofouling on vessels and movable structures.
- It is preferable for biofouling to be removed in the location where it was acquired before departing or moving to a new location.
- Release of potentially toxic chemicals and invasive aquatic species into the environment should be minimised.
- Where operationally and economically practicable, vessels and movable structures should be removed from the water for cleaning and maintenance, in preference to in-water operations.

Scope

These guidelines apply to all vessels and other movable structures in aquatic (marine, estuarine and freshwater) environments, regardless of whether they are coated in an anti-fouling coating. These guidelines should be used by resource managers, owners and operators of vessels and movable structures, operators and customers of maintenance facilities and contractors providing vessel maintenance services.

These guidelines replace the *ANZECC Code of practice for anti-fouling and in-water hull cleaning and maintenance* (1997).

The practices described in these guidelines have been aligned with international conventions intended to protect the aquatic environment from invasive aquatic species and contaminants from shipping. These include:

- the *International convention on the control of harmful anti-fouling systems on ships*
- the *1996 protocol to the Convention on the prevention of marine pollution by dumping of wastes and other matter, 1972*
- the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species*.

These guidelines are consistent with both countries' developing national biofouling management approaches.

Occupational health and safety should always be a principal concern in vessel maintenance. These guidelines do not specify detailed occupational health and safety requirements. Such information can be found on relevant government websites as linked in the section on Application of the Guidelines.

Structure of these guidelines

These guidelines are divided into two main parts:

- **Part 1:** Best practice guidance for the application, maintenance, removal and disposal of anti-fouling coatings at shore-based maintenance facilities to minimise environmental risk.
- **Part 2:** Best practice guidance for in-water cleaning and maintenance of vessels and movable structures to minimise environmental risk.

Relevant supporting information is provided in:

- **Appendix 1:** A decision support tool to determine the appropriateness of in-water cleaning in specific circumstances.
- **Appendix 2:** Information on the types of anti-fouling coating commercially available and the means by which they prevent biofouling growth.
- **Appendix 3:** Information on currently available in-water cleaning techniques.
- **Appendix 4:** A template for a Biofouling Management Plan and a Biofouling Record Book developed by the International Maritime Organization.
- **Appendix 5:** Information on how to identify different biofouling types on vessels and movable structures.

Definitions

For the purposes of these guidelines the following definitions apply.

Adequate documentation	Records of the recent history of anti-fouling installation and hull maintenance undertaken on a vessel or movable structure.
Anti-fouling coating	A coating applied to submerged surfaces to prevent or reduce accumulation of biofouling. Common types of anti-fouling coating are described in Appendix 2.
Anti-fouling coating system	The combination of all component coatings, surface treatments (including primer, sealer, binder, anti-corrosive and anti-fouling coatings) or other surface treatments, used on a ship to control or prevent attachment of unwanted aquatic organisms.
AFS Convention, 2001	International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001.
AFS Certificate	An International Anti-Fouling System Certificate that vessels greater than 400 gross tonnes and registered to a Flag State that is a Party to the <i>International convention on the control of harmful anti-fouling systems on ships</i> are required to carry. This certificate indicates that the vessel's anti-fouling system complies with the convention.
Australian or New Zealand waters	Internal waters, the Territorial Sea and the Exclusive Economic Zone (EEZ) of Australia or New Zealand.
Biocide	A chemical substance incorporated into anti-fouling coatings to prevent settlement or survival of aquatic organisms.
Biofouling	Accumulation of aquatic organisms (micro-organisms, plants and animals) on surfaces and structures immersed in or exposed to the aquatic environment.
Biofouling type	The level and composition of biofouling that accumulates on submerged surfaces over time. These guidelines distinguish between two types of biofouling (see Appendix 5).
Biogeography	The association of species or species assemblages with location. The combination of physical features, such as rocky reefs, and constraints on species dispersal can generate assemblages that can be identified as characteristic of a specific location.
Biosecurity	The exclusion, eradication or effective management of pests and diseases that threaten the economy, environment, human health, social and cultural values.
Biosecurity risk	The potential harm to the economy, environment, human health and social and cultural values posed by pests and diseases entering, emerging, establishing or spreading in Australia and/or New Zealand.
Contaminant	Any undesirable substance occurring in the environment as a result of human activities, even without adverse effects being observed.
Contamination	The presence of a contaminant in the environment, or the process whereby a contaminant is introduced into the environment.
Controlled waste	Material or liquid waste that is regulated because of its toxicity or imminent hazardous nature.
Declaration on Anti-fouling System	The declaration required to be carried by vessels of less than 400 gross tonnes but greater than 24 metres, and registered to a Flag State that is Party to the <i>International convention on the control of harmful anti-fouling systems on ships</i> . This declaration ensures their anti-fouling coating system complies with the convention.

Exclusive Economic Zone	Those waters beyond the limits of the Territorial Sea out to 200 nautical miles.
Emergency situation	An event, actual or imminent, which endangers or threatens to endanger life, property or the environment and which requires a significant coordinated response.
In-water cleaning	The physical removal of biofouling and/or anti-fouling coating surface deposits from submerged surfaces. For the purposes of these guidelines, 'in-water' refers to the parts of a vessel or movable structure that are either below the load line or normally submerged and/or are coated in anti-fouling coating.
Local water quality standards	The concentrations or discharge of contaminants (such as those arising from hull maintenance operations) regarded as acceptable by the relevant authority.
Maintenance facility	Any location or facility where on-shore maintenance of vessels or other movable structures is carried out. This includes maintenance, removal and application of anti-fouling coatings and removal of biofouling organisms.
Marine Growth Prevention System (MGPS)	An anti-fouling system used to prevent biofouling accumulation in internal seawater systems and sea chests; can include use of anodes, injection systems and electrolysis.
Movable structure	A structure or installation deployed in aquatic environments that can be moved between locations. Movable structures include (but are not limited to) oil and other exploration rigs, floating dry-docks, pontoons, aquaculture installations, navigational structures. The cleaning and movement of aquaculture stock falls outside the scope of these guidelines and should be covered in industry codes of practice or similar documents.
Niche areas	Areas on a vessel or movable structure more susceptible to biofouling accumulation due to different hydrodynamic forces, susceptibility to anti-fouling coating wear or damage or absence of anti-fouling coatings. They include, but are not limited to, waterline, sea chests, bow thrusters, propeller shafts, inlet gratings, jack-up legs, moon pools, bollards, braces and dry-docking support strips.
Planned in-service period	The intended interval (decided at the time of anti-fouling coating application) until the next scheduled application of anti-fouling coating on a vessel or movable structure
Relevant authority	The authority responsible for managing the environmental effects of activities. Refer to section on Application of these Guidelines for further information.
Service life	The period of time an anti-fouling coating system is expected to protect a treated surface from biofouling and/or corrosion if the coatings are applied in accordance with the manufacturer's specifications.
Statement of compliance	A document (and associated evidence) issued by a classification society to vessels greater than 400 gross tonnes that are registered in Flag States not Party to the <i>International convention on the control of harmful anti-fouling systems on ships</i> .
Vessel	Any craft that operates in an aquatic environment be it to transport people or commodities, to carry out maintenance or provide a platform for other activities (such as recreational, fishing, cruise, merchant, exploration, research or naval vessels and barges and other vessel types).

Part 1: Shore-based application, maintenance, removal and disposal of anti-fouling coatings

A. Anti-fouling coating types

A wide range of anti-fouling coatings are available for owners and operators of vessels and movable structures. For simplicity, these guidelines group anti-fouling coatings into two main categories, based on whether they rely on release of biocidal (toxic) compounds to prevent biofouling (see Appendix 2).

- **Biocidal coatings** release chemicals such as copper compounds that aim to prevent settlement or survival of aquatic organisms.
- **Biocide-free coatings** do not depend on chemicals or pesticides for their anti-fouling properties, instead relying on their physical nature.

Both biocidal and biocide-free anti-fouling coatings may contain harmful substances that pose a contamination risk if released into the environment.

All biocidal anti-fouling coatings must be registered and permitted for use as an 'anti-foulant' by the Australian Pesticides and Veterinary Medicines Authority in Australia or the Environmental Protection Authority in New Zealand before they can be applied in that country. Sale and application of unregistered biocidal coatings is prohibited in Australia and New Zealand, as is the addition of any biocidal additive to an anti-fouling coating.

The sale and application of anti-fouling coatings containing tributyltin are prohibited in Australia and New Zealand. However, Australian and New Zealand maintenance facilities may still carry out maintenance on vessels and movable structures that have tributyltin-based anti-fouling coatings beneath barrier coats and compliant anti-fouling coatings, provided the facilities are able to contain waste produced during maintenance and minimise release of contaminants.

Material Safety Data Sheets and relevant product descriptions should be consulted for advice and information on correct storage, handling and emergency treatment procedures for all anti-fouling coatings and chemicals.

Application, maintenance, removal and disposal of anti-fouling coatings should only be carried out at maintenance facilities that have adopted measures to ensure all biofouling, coatings and other physical contaminants removed from vessels and structures are retained and treated in a manner that is compliant with relevant local regulations. It is the responsibility of the person carrying out the maintenance to check all necessary approvals are in place and that they are familiar with all conditions specified in such approvals.

B. Choosing the correct anti-fouling coating

Different anti-fouling coatings are designed and developed with different uses in mind. It is essential, therefore, that the person buying and/or applying a coating obtains appropriate technical advice, generally from the coating manufacturer or supplier, before choosing an anti-fouling coating. Application of an inappropriate anti-fouling coating may result in increased and unnecessary accumulation of biofouling, increased loadings of biocide in the environment, or a requirement for more frequent maintenance.

The following factors should be considered when choosing an anti-fouling coating system:

- The activity profile of the vessel or movable structure—different anti-fouling coatings are designed to optimise anti-fouling performance for specific speeds, aquatic environments or levels of activity.
- Planned in-service periods before coating system renewal—different coating types and film thicknesses have different service lives that must be matched with planned maintenance and reapplication.
- Design and construction of the vessel or movable structure—the coating must be compatible with construction materials and use of specific coatings in niche or high and low water flow areas should be considered.
- Any legal requirements for the sale and use of anti-fouling coatings.

Planned in-service period

The anti-fouling coating manufacturer and/or commercial applicator should be consulted when choosing an anti-fouling coating to ensure it is capable of meeting or exceeding the planned in-service period. Anti-fouling coatings that are older than the planned in-service period may not provide adequate protection from biofouling.

For commercial vessels and structures, the type and thickness of anti-fouling coatings (in particular for self-polishing systems) are generally determined by the planned in-service period and operational profile. The planned in-service period is determined by logistic and economic factors, and should be recorded in the vessel's Biofouling Management Plan.

For recreational vessels, the maintenance schedule is not usually determined by operational forecasts and logistical constraints, and anti-fouling coatings are chosen according to other factors. Based on recommended service lives of currently available anti-fouling coatings, the following in-service periods are recommended: 12 months for biocidal anti-fouling coatings and 24 months for biocide-free coatings.

Record-keeping

Records should be kept of anti-fouling coatings chosen and applied.

For **commercial vessels and structures**, the preferred form of documentation of anti-fouling coating type and age is:

- a biofouling record book and/or biofouling management plan (see Appendix 4), or
- an anti-fouling system certificate or declaration on anti-fouling system, or
- original receipts or invoices stating the coating type and the volume purchased; vessel name and date of application, where the former documents are not held.

For **recreational vessels**, the preferred form of documentation is:

- a biofouling record book and/or biofouling management plan (see Appendix 4), or
- original receipts or invoices stating the coating type and the volume purchased, vessel name (if possible) and date of application, where the former document(s) are not held.

C. Requirements for shore-based maintenance facilities

Operators of shore-based maintenance facilities should:

- be familiar with best-practice recommendations set out in these guidelines for application, maintenance and removal of anti-fouling coatings and ensure that all customers are similarly informed.
- adopt measures to ensure biofouling waste, coating waste and other contaminants arising during maintenance activities are captured and retained in a manner that minimises their release into the terrestrial and aquatic environment.

Shore-based maintenance facilities should have:

- Clearly designated areas where maintenance activities producing debris are isolated from the environment. Facilities that enable customers to undertake maintenance on their own vessel or movable structure (that is, non-professional maintenance) should ensure sufficient information on how to prevent any discharges is provided.
- Clear operational rules that facility operators should ensure are followed, by supervising non-professional maintenance activities, as appropriate.

Coating and biofouling waste should be disposed of as controlled waste and the method of disposal should comply with relevant local regulations.

D. Application of Anti-fouling Coatings

General guidance

The manner in which an anti-fouling coating is applied influences its performance. Reduced performance will result in a need for more frequent maintenance. To achieve optimum performance, the following is strongly recommended:

- Technical advice regarding the correct surface preparation, application and curing time required for maximum performance of the anti-fouling coating should be sought from the manufacturer prior to

applying the coating. All elements vary according to the type and brand of coating used and will affect performance.

- All anodes, sensitive fittings and sensors should be removed or heavily taped before application to avoid physical damage.
- Any primers and/or anti-corrosive coatings used must be compatible with the type of anti-fouling coating and appropriately applied to ensure optimal coating adhesion and distribution. Specialist or manufacturer's advice should be sought before new anti-fouling coating is applied over existing anti-fouling coating to ensure the coatings are compatible or that appropriate barrier coatings are used.
- It is important that the manufacturer's recommended coating film thickness be achieved to help ensure that the coating provides the expected service life.
- The manufacturer's recommended method of application must be followed to achieve optimal results. Use of non-approved techniques will compromise the anti-fouling and corrosion protection, and the service life of the coating system. Spray application of anti-fouling coatings achieves the best coating adhesion, surface consistency and smoothness. Where spray application is not possible, practical specialist advice should be sought about other application methods.
- Hull locations prone to high water flow and wear (e.g. exposed edges around bilge keels, intake grates and weld joints) should be coated with suitably durable anti-fouling coatings to the specified coating thickness. Housings, recesses and retractable fittings such as stabilizers, thruster bodies and guards should all be coated with a suitable anti-fouling coating.
- The position of docking blocks, slings, and other structures used to support vessels or movable structures during out of water maintenance should, where possible, be varied each time new coatings are applied. This ensures that areas under the docking blocks are coated with anti-fouling, at least at alternate dockings.

Specific guidance for professionals

- A work area should be used that is designed to minimise discharge of any contaminant into the environment, whether through run-off or aerosol distribution. This should include full bunding and screening of the work area, where appropriate.
- To prevent aerosols from drifting into neighbouring environments, all work should take place in an area that is protected from windy conditions.
- Clean, appropriate, efficient and well-maintained spray equipment must be used for application to ensure optimal coating thickness and distribution.
- Dedicated spray equipment must be used for silicone-based coatings to prevent silicone cross-contamination.
- All application equipment and containers should be cleaned immediately after use and left-over coatings disposed of in a manner that minimises contamination of the environment and follows local regulations for disposal of controlled waste.
- The relevant occupational health and safety requirements should be adhered to at all times.

Specific guidance for non-professionals

- Wherever possible, anti-fouling coatings should be applied by experienced professionals. However, non-professional application of anti-fouling coatings is common for small vessels, such as recreational yachts and launches or small fishing vessels. Non-professionals should follow manufacturer's recommendations when determining how they intend to apply the anti-fouling coating. The anti-fouling coating industry emphasises that spray application is the preferred method and will achieve the best coating performance. However, spray equipment should only be operated by professionals, or under the supervision of professionals, to ensure optimal application. Spray equipment should never be used outside of screening or other containment to prevent spray drift and contamination of nearby environments and structures.
- Anti-fouling coatings should be mixed (if necessary) in designated areas that are sealed, bunded and well ventilated. Preparation and mixing of anti-fouling coatings must never be carried out in intertidal areas.
- Spills should be cleaned up using absorbent material and any residues should be allowed to dry rather than being washed into the wastewater collection system or aquatic environment.
- Any excess coating, empty coating and thinner containers and other material contaminated with primer, anti-corrosive or anti-fouling coatings should be disposed of as controlled waste. Empty

coating and thinner containers should be allowed to air dry in a well-ventilated area prior to this. Coatings should not be allowed to enter water drains, gutters, sewers or the aquatic environment.

- Contaminants should be captured out of run-off water using permeable tarpaulins, screens or filter cloths.
- The area around maintenance areas should be swept or vacuumed frequently to minimise distribution of debris by wind.
- Contaminants such as coatings, pesticides, thinners, oils, detergents, paint strippers, etc. should be stored in accordance with Material Safety Data Sheets and in a manner that complies with any relevant local regulations.
- Relevant information on handling of, or exposure to coatings, thinners and other materials used during the application process should be obtained from the product label, the manufacturers' websites (such as Material Safety Data Sheets) or the retailer, and adhered to at all times.
- The recommended drying time of the primer and anti-fouling coatings must be observed to achieve optimal adhesion and coating performance. Premature over-coating or submersion will compromise coating adhesion and/or anti-fouling and anti-corrosion performance.

E. Maintenance and removal of anti-fouling coatings

Maintenance by professionals

Various methods are available for removal and maintenance of anti-fouling coatings. Each requires consideration of different factors. In all cases, disposal of removed material should follow the recommendations set out in Section F of these guidelines.

Hydroblasting (also known as hydrojetting, water jetting and water blasting) uses water propelled at high or ultrahigh pressure onto a surface to clean surfaces and remove old coatings. Abrasives are not used. Factors to consider:

- Spray drift created during hydroblasting contains anti-fouling residues. The dispersal of spray drift beyond the working area should be minimised by the use of screening and by avoiding spraying during windy conditions.
- Anti-fouling coatings are toxic and hazardous both to people and the environment. The work area where cleaning is carried out should be isolated and people engaged in the blasting should be completely protected from contact with all wastewater and spray drift.

Abrasive blasting (also known as grit blasting) uses air pressure, water pressure or centrifugal force to propel an abrasive material onto a surface to remove contamination, rust and old paint, and to create surface profile. Common abrasive materials used include sand, steel shot, steel grit, iron grit, copper slag, garnet and aluminium oxide. Dry abrasive blasting uses compressed air to propel the abrasive material. Wet abrasive blasting (slurry blasting) uses a slurry of water and abrasive material (rather than dry abrasive alone) to suppress dust generation. Vacuum blasting has vacuum technology added to dry abrasive blasting to capture used abrasive material and cleaning debris. Factors to consider:

- All anodes, sensitive fittings and sensors should be removed or heavily taped before blasting to avoid physical damage.
- Vacuum blasting is recommended over all other abrasive blasting methods.
- Wet abrasive blasting is preferred over dry blasting, as it creates less toxic dust.
- In the absence of vacuum blasting equipment, abrasive blasting operations should be conducted using one of the following options
 - an abrasive blasting chamber vented to the atmosphere via an effective dust collector or fabric filter, or
 - Ensure that the screening material for outdoor/open-air blasting is tear-resistant, UV-resistant, fire retardant and of suitable material and construction (preferably fully enclosed) to minimise escape of fine dust.
- Dry abrasive blasting should only be carried out in enclosed areas. Water or a proprietary suppressant agent should be used to minimise dust emissions from the work area.

Spot repair or maintenance

If coating removal or maintenance is carried out using small power tools or manual methods, the recommendations for non-professionals (below) should be followed.

Maintenance by non-professionals

These guidelines recognise that maintenance tools available to non-professionals may be different to those available to professionals. Therefore, some additional advice is provided here for non-professionals. In all cases, disposal of removed material should follow the recommendations set out in section F. In addition:

- Wherever feasible, mechanical or manual buffing and scraping should be used as they create debris that are more easily collected particularly when using wet techniques that further reduce the potential for aerial distribution.
- Pressure water blasting and abrasive grit blasting should only be conducted if appropriate screening and containment is available.
- All waste and debris should be collected using tarpaulins or drop-sheets and by avoiding work during windy conditions.
- Removal of coatings by wet sanding or scraping is preferred to chemical paint stripping as it creates less toxic waste material. The use of a heat gun can make coating removal easier on some surfaces. If chemical paint strippers must be used, consider soy-based or water-based products that are less hazardous. In all cases it is recommended that manufacturer's instructions are sought to determine the safest and most appropriate method for removing coatings.

F. Disposal of residues and wastes

To manage biosecurity and contaminant risks associated with shore-based maintenance activities, the following recommendations should be adhered to:

- Any removed material or liquid should not be allowed to enter any body of water or stormwater; and should not come into contact with any land that is below the high-water mark of any tidal body of water.
- All residues, solid coatings, liquid or any other form of waste, including removed biological material and used product containers should be collected and stored for disposal in line with the requirements of the relevant authority.
- Anti-fouling coatings should not be incinerated as this may generate toxic fumes, smoke and gases.

G. Emergency response

It is recommended that all maintenance facilities have an Emergency Response Plan, whether required by regulation or not. This plan should cover responses to spills of coatings and other hazardous substances, release of organisms, and other incidents with potential contamination and/or occupational health and safety risks. If such an emergency occurs, the relevant authority should be notified.

Any coating spillages should be assumed to contain hazardous substances and be disposed of as controlled waste and in accordance with the requirements of the relevant authority.

Spill clean-up equipment, such as absorbent materials, non-toxic dispersants, and booms (physical barriers for containing liquids) should be available for facility users and maintained in good condition. The relevant authority should be contacted for further information on decontamination procedures.

Part 2: In-water cleaning and maintenance

In-water cleaning can manage biofouling to optimise the performance of vessels and other movable structures and to minimise biosecurity risks. However, in-water cleaning can physically damage some anti-fouling coatings, shorten coating service life and release a pulse of biocide into the environment. In-water cleaning can also facilitate release of invasive aquatic pests into the surrounding environment. In-water cleaning should therefore only be undertaken when removal of biofouling does not harm the coating and presents an acceptable biosecurity or contaminant risk.

Although these guidelines recommend the use of in-water cleaning in some circumstances, vessels and movable structures should be removed from the water for cleaning and maintenance in preference to in-water operations, where this is operationally and economically practicable.

In-water cleaning should not be considered a replacement for coating maintenance and renewal at shore-based maintenance facilities.

Part 2 of these guidelines is divided into two sections:

- Section A: Information on the factors that determine the environmental risk of in-water cleaning.
- Section B: Specific guidance on situations where in-water cleaning may be acceptable and any conditions that may apply.

A. Determinants of contamination and biosecurity risk of in-water cleaning

The recommendations about in-water cleaning in these guidelines are made on the basis of the associated contamination and biosecurity risks. Several factors determine these risks and are described below.

Anti-fouling coating type

These guidelines distinguish between anti-fouling coatings that contain toxic biocides and those that do not (see Appendix 2). All types of anti-fouling coating pose a contamination risk during in-water cleaning. This risk is attributed on the basis of the toxicity and/or longevity of many approved biocides and other compounds found in coatings, including those that are biocide-free.

Not all anti-fouling coatings are suitable for in-water cleaning. For some coatings, specific methods need to be used to prevent damage to the coating and its future performance. Information on the suitability of an anti-fouling coating for in-water cleaning and the appropriate cleaning methods should be obtained from the coating manufacturer or retailer at the time of purchase. Cleaning technologies are outlined in Appendix 3.

Record-keeping

Documentation of coating type, date of application, and the planned in-service period of a vessel or movable structure should be kept on record as the relevant authority may need it when considering requests for in-water cleaning. If this information is not available the relevant authority may not be able to grant permission for in-water cleaning.

Examples of suitable systems for keeping and maintaining information on coatings and hull maintenance are the Biofouling Management Plan and the Biofouling Record Book recommended in the *Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species*. Templates for these documents are in Appendix 4.

Alternatively, the type and age of anti-fouling coatings can be provided using the documents required to demonstrate compliance with the *International convention on control of harmful anti-fouling systems on ships*; or other relevant documents, such as receipts or invoices that state the anti-fouling coating type and application date.

Biofouling origin

The geographic origin of biofouling organisms on a vessel or movable structure contributes to its biosecurity risk. If all biofouling was acquired in the same location where in-water cleaning is intended, cleaning may not pose a biosecurity risk as all biofouling species on the vessel or movable structure are already present in that area. However, biofouling acquired from distant locations may contain invasive aquatic species that pose a biosecurity risk. To aid in assessing the risk, three origin categories are defined:

- **Regional biofouling:** biofouling acquired in the same location where in-water cleaning is proposed. 'Regional' is as specified by the relevant state or territory government in Australia and local government in New Zealand. This category may be defined on the basis of biogeography, such as the distribution of (or specific pest management programs for) an invasive aquatic species or the location of high-value environments. Such delineation is the responsibility and prerogative of the state or territory government or local government in conjunction with other governments or agencies, as appropriate.
- **Domestic biofouling:** biofouling acquired from outside the region where in-water cleaning is proposed, but within the respective country's waters. Examples of this would be in-water cleaning of a vessel or movable structure in Sydney (New South Wales) whose biofouling may have been acquired in Fremantle (Western Australia); or cleaning of a vessel in Nelson, South Island, whose biofouling may have been acquired from Auckland, North Island.
- **International biofouling:** biofouling acquired from outside the waters of the country where in-water cleaning is proposed.

Log books that detail the voyage history (geographic locations visited and dates of each visit) of a vessel since its last cleaning or full anti-fouling coating renewal should be kept on board. Similar details should be maintained for movable structures, as appropriate. This provides the relevant authority with information on possible origins of the biofouling on the vessel or movable structure when in-water cleaning is proposed.

Biofouling type

These guidelines divide biofouling into two categories: microfouling and macrofouling (see Appendix 5 for images of examples of both types). Each represents biofouling assemblages of differing diversity, age and abundance.

- **Microfouling** refers to a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. It is often referred to as a 'slime layer' and can be easily removed by gently passing a finger over the surface.
- **Macrofouling** refers to large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms, mussels, fronds of algae and other large attached or mobile organisms.

Macrofouling growths represent a greater biosecurity risk as they may contain a diverse range of organisms, and are more difficult to effectively remove and contain. The type of biofouling on a vessel or movable structure can be determined by inspection (either by divers or remotely-operated cameras). Documentation of an inspection, such as an entry in a Biofouling Record Book, may be adequate evidence of the type of biofouling on a vessel or movable structure.

B. Guidance on in-water cleaning

This section describes situations where in-water cleaning may be appropriate and the conditions that may apply. This section should be used together with the decision-support tool in Appendix 1.

General guidance

1. If used regularly, in-water cleaning is an effective measure to limit development of biofouling. Regular (i.e. 6–12 monthly) in-water cleaning is recommended for all submerged surfaces, particularly propellers and other niche areas on vessels and movable structures.
2. In-water cleaning to routinely remove mature and extensive macrofouling as a substitute for earlier and/or better maintenance practices is not recommended.
3. In-water cleaning is only acceptable where contaminant discharges from the cleaning activity meet any standards or requirements set by the relevant authority.
4. In-water cleaning of vessels or movable structures should ideally be carried out before departing to new destinations, not after arriving at those destinations.
5. In-water cleaning should only be carried out on anti-fouling coatings that are suitable for in-water cleaning. Information on the suitability and ability of a coating to withstand in-water cleaning without damage and effects on service life, and on appropriate cleaning methods, should be obtained from the coating manufacturer.
6. In-water cleaning should not be performed on vessels or movable structures that have reached or exceeded their planned in-service period. When the anti-fouling coating has reached the end of its service life the vessel or movable structure should be removed from the water and a new anti-fouling coating applied.
7. In-water cleaning or treatment of biofouling should only be carried out using technology that does not harm the underlying coating or result in excessive release of contaminants. The capabilities of new technologies should be verified independently. Information on the suitability of particular cleaning or treatment methods can be obtained from coating manufacturers.
8. When in-water cleaning involves removal of macrofouling of domestic or international origin, methods to ensure minimal release of biological material into the water should be used. In-water cleaning technologies should aim to, at least, capture debris greater than 50 micrometres (µm) in diameter, which will minimise release of viable adult, juvenile and larval stages of macrofouling organisms. Any cleaning debris collected must be disposed of on land and in compliance with the waste disposal requirements of the relevant authority.

9. If suspected invasive or non-indigenous aquatic species are encountered during in-water cleaning or other vessel maintenance activities, the relevant authority should immediately be notified and the cleaning or maintenance activity ceased.

Recommendations for decision making on in-water cleaning

- Microfouling, regardless of origin, may be removed without the need for full containment of biofouling waste, provided the cleaning method is consistent with the coating manufacturer's recommendations. Where microfouling is removed using a gentle, non-abrasive cleaning technique, the contamination risk is likely to be acceptable.
- Macrofouling of regional origin (as defined by the relevant authority) may be removed without the need for full containment of biofouling waste provided the cleaning method is consistent with the coating manufacturer's recommendations and the contaminant discharges meet any local standards or requirements.
- Macrofouling of domestic origin may be removed without the need for full containment of biofouling waste following risk assessment by the relevant authority. If the relevant authority determines containment of biofouling waste is required, the guidance provided in point 8 (above) should be used. In either case, the cleaning method must be consistent with the coating manufacturer's recommendations and contaminant discharges must meet any local standards or requirements.
- Macrofouling derived from international locations should only be removed using cleaning methods that minimise release of all organisms, or parts of organisms, and anti-fouling coating debris, using the guidance described in point 8 (above). The cleaning method must be consistent with the coating manufacturer's recommendations and contaminant discharges must meet any local standards or requirements.

Appendix 1 provides a decision support tool to aid decision making on in-water cleaning based on these recommendations.

Exceptions to these recommendations

- The recommendations on in-water cleaning may not apply in locations where biosecurity controls have been implemented for invasive aquatic species management purposes.
- A need for in-water cleaning may arise during an emergency, to address an operational, health and safety or biosecurity hazard. Identification and handling of such situations is the responsibility of the relevant authority.
- Situations not covered by the decision support tool are solely at the discretion of the relevant authority.

Appendix 1: Decision support tool for in-water cleaning

This tool for in-water cleaning is designed to help relevant authorities make decisions about in-water cleaning practices in their jurisdictions. It will also help owners or operators of vessels and other movable structures determine the types of information and documentation that relevant authorities may require of them to make decisions on in-water cleaning. Relevant authorities may require additional information for their risk-assessment and decision-making processes.

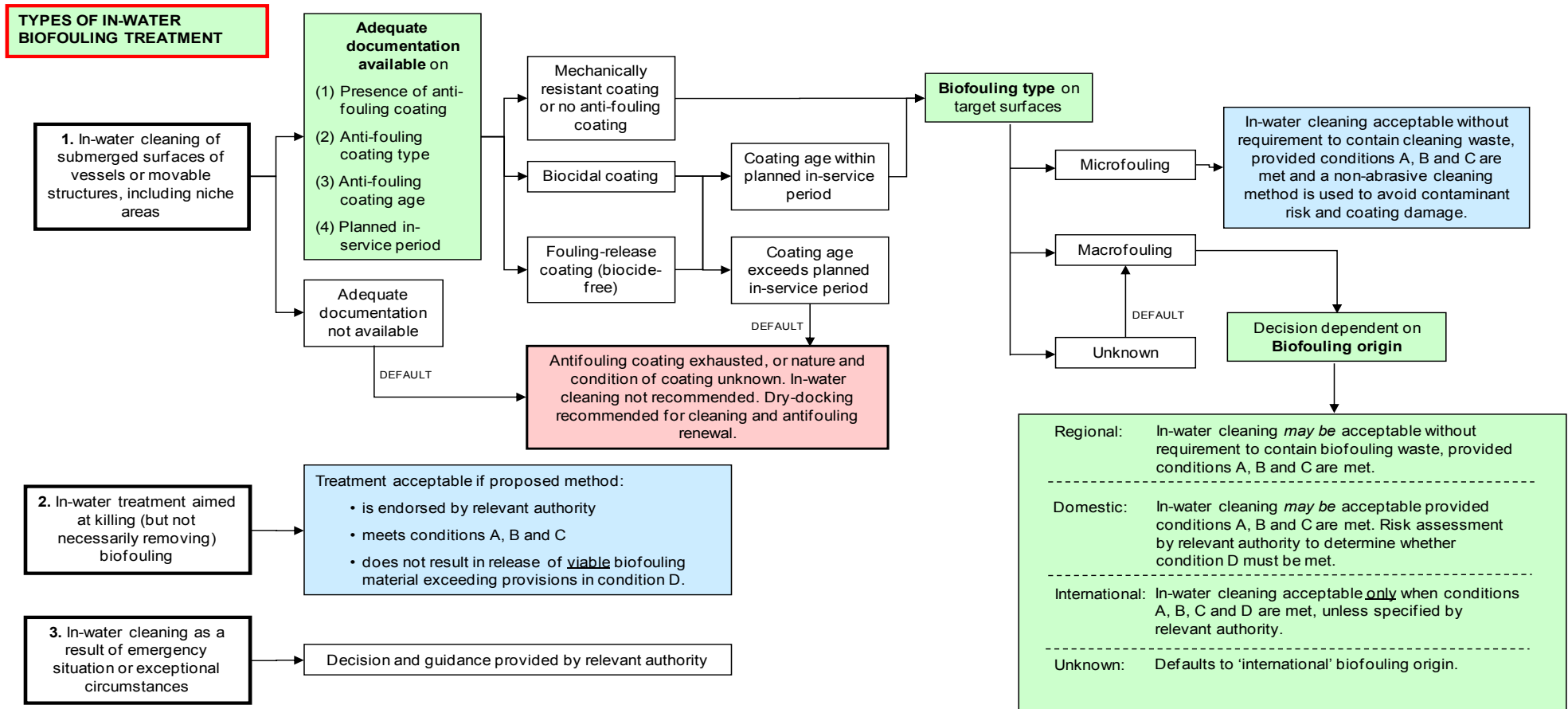
When information and/or documentation required for making decisions on in-water cleaning is not available, the following default assumptions apply:

- If the type of a coating (e.g. biocidal; biocide-free) cannot be reliably determined, then it should be assumed that the coating contains biocides.
- If the age of a coating cannot be reliably determined, then it should be assumed that the coating has reached the end of its service life.
- Where the type of biofouling on a vessel or structure is unknown, it should be assumed that macrofouling is present.
- If the origin of the biofouling on a vessel or movable structure is unknown, then it should be assumed that it is of international origin. If the biofouling is likely to be from more than one origin category (e.g. regional and international) then decisions on in-water cleaning should be based on the furthest likely origin (i.e. international).

The decision support tool should be used in conjunction with the main text of the *Anti-fouling and in-water cleaning guidelines*.

Decision-Support Tool for in-water cleaning

This tool is designed to assist relevant authorities with making decisions about in-water cleaning practices in their jurisdictions. The tool is a part of, and must be used in conjunction with, the main text of the *Anti-fouling and in-water cleaning guidelines*. The terms used in this tool are defined in the guidelines.



Conditions for removal and/or treatment of biofouling:

A: Antifouling coating is suitable for cleaning/treatment.

B: Cleaning/treatment method does not damage coating surface.

C: Discharges meet local standards or requirements.

D: Cleaning/treatment method ensures that release of biological material into the water column is minimised through the capture and containment of biofouling waste. Cleaning methods should aim to, at least, capture debris greater than 50 µm in diameter which will minimise the release of viable adult, juvenile and larval stages of macrofouling.

Appendix 2: Types of anti-fouling coatings

Biocidal coatings are coatings that release chemicals such as copper compounds or other pesticides that aim to deter biofouling organisms. There are four general types of biocidal coatings:

- **Soluble matrix** controlled depletion polymer or ablative anti-fouling coatings contain a binder that is slightly soluble in seawater. Hydration causes the coating surface to slowly dissolve, releasing the freely associated biocide.
- **Insoluble matrix**, contact leaching, long-life or diffusion anti-fouling coatings use an insoluble binder that contains a high concentration of biocide released from the coating through a diffusion process.
- **Self-polishing copolymer** anti-fouling coatings release biocides as a result of hydrolysis causing the coating to 'erode' when a vessel is moving.
- **Metallic** anti-fouling coatings use copper or copper nickel alloy as either metal sheathing or metal particles mixed into a coating.

Biocide-free coatings do not depend on chemicals for their anti-fouling properties, instead relying on their physical nature. They are split into two subcategories:

- **Fouling release coatings** rely on non-stick, low surface energy compounds, such as silicone or fluoropolymers, to impair the adhesive attachment of biofouling.
- **Mechanically resistant coatings** (epoxy, ceramic/epoxy and epoxy/glass) are tough, highly durable coatings without specific anti-fouling properties. They allow biofouling organisms to accumulate and are designed to withstand regular in-water cleaning (including abrasive methods).

Appendix 3: In-water cleaning technology

The most commonly available in-water cleaning technologies are brushing/scraping, use of soft cleaning tools, and water or air jet systems. These methods vary in their effectiveness in removing and containing biofouling organisms, and in their suitability for use on different anti-fouling coating types.

- **Brush systems**—Brushes are a widely used method for in-water hull cleaning because of their ability to remove surface deposits and low levels of biofouling from biocidal coatings. They can have a rejuvenating effect on the performance of some coating types. Existing brush systems are not able to remove all biofouling from a surface or contain all of the removed material. Use of abrasive brushes can also result in exacerbated release of biocidal coating material. Use of brushes on fouling-release coatings can damage the coating surface and is not recommended unless the brushes are sufficiently soft and will not harm the integrity of the coating. Advice should be sought from the coating manufacturer or supplier before using any brush system on an anti-fouling coating.
- **Soft tools**—Fouling release coatings prevent firm attachment of biofouling organisms. Soft cleaning tools, such as cloths, squeegees and wiping tools can be used to remove microfouling and macrofouling effectively from surfaces coated in fouling release coatings without harming the integrity of the coating. These coatings are delicate and scratching of the surface should be avoided. If cloths are used for cleaning, it is necessary to ensure no shell fragments or other hard objects are trapped beneath the cloths that could scratch and damage the coatings.
- **Water jet and air jet (blast) systems**—Water and air jet cleaning systems are versatile tools because their operating pressure (and jet pattern) can be varied according to coating type and biofouling extent. The effects of water jet technology on biocidal coatings are not fully understood. At the time of writing, available water jet systems are not able to contain all removed biofouling or coating material. Water pressures that do not harm the integrity of the anti-fouling coating should be used.

Other technologies:

- **Technologies that kill, but not necessarily remove biofouling**—Several types of biofouling treatment are available that kill biofouling organisms but do not actively remove them from a surface. These include heat (in the form of steam or heated water) or enveloping technologies (wrapping of a vessel or movable structure in plastic sheets or canvas sleeves to suffocate biofouling). These are generally developing technologies and their effectiveness and effects on anti-fouling coatings have not been evaluated.
- **Developing technologies**—A number of technologies that collect biofouling and coating material are under development but were not commercially available in either Australia or New Zealand at the time these guidelines were developed. Any novel technology should aspire to achieve the standards set out in Part 2 Section B of these guidelines.

Appendix 4: Biofouling Management Plan and Biofouling Record Book template

This template was prepared by the International Maritime Organization.

A. Format and content of Biofouling Management Plan

Introduction

This section should contain a brief introduction for the ship's crew, explaining the need for biofouling management, and the importance of accurate record keeping. The plan should state that it is to be available for viewing on request by a port state authority and should be written in the working language of the crew.

Ship particulars

At least the following details should be included:

- Ship's name
- Flag
- Port of registry
- Gross tonnage
- Registration number (i.e. IMO number and/or other registration numbers, if applicable)
- Regulation length
- Beam
- Ship type (as classified by Lloyd's Register)
- International call sign and Maritime Mobile Service Identity (MMSI).

Index

A table of contents should be included.

Purpose

The purpose of the plan is to outline measures for control and management of ships' biofouling in accordance with the *2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species*. It provides operational guidance for planning and actions needed for ships' biofouling management.

Description of anti-fouling systems

The plan should describe the anti-fouling systems in place for different parts of the ship, including:

- type(s) of anti-fouling coating systems applied
- details of where anti-fouling systems are and are not applied or installed
- manufacturer and product names of all coatings or products used in the anti-fouling coating systems

- anti-fouling system specifications (including dry film thickness for coatings, dosing and frequency for Marine Growth Prevention System (MGPS)) together with the expected effective life, operating conditions required for coatings to be effective, cleaning requirements and any other specifications relevant for paint performance.

Previous reports on the performance of the ship's anti-fouling systems should be included, if applicable, and the anti-fouling system certificate or statement of compliance or other documentation should also be referenced, as appropriate.

Description of operating profile

The plan should describe the ship's operating profile that has determined the performance specifications of the ship's anti-fouling systems and operational practices, including:

- typical operating speeds
- periods underway at sea compared with periods berthed, anchored or moored
- typical operating areas or trading routes
- planned duration between dry-dockings/slippings.

Description of areas on the ship susceptible to biofouling

The plan should identify the hull areas, niche areas and seawater cooling systems on the ship that are particularly susceptible to biofouling and describe the management actions required for each area. It should describe the actions to be taken if the ship is operating outside the desired operating profile, or if excessive unexpected biofouling is observed, and any other actions that can be taken to minimise accumulation of biofouling on the ship.

A diagram of the ship should be included in the plan to identify the location of those areas of the ship that are particularly susceptible to biofouling (including access points in the internal seawater cooling systems). If necessary these should show both side and bottom views of the ship.

Operation and maintenance of the anti-fouling system

This section should contain a detailed description of the operation and maintenance of the anti-fouling system(s) used, including schedule(s) of activities and step-by-step operational procedures.

Timing of operational and maintenance activities

This section should stipulate the schedule of planned inspections, repairs, maintenance and renewal of the anti-fouling systems.

In-water cleaning and maintenance procedures

This section should set out planned maintenance procedures (other than for on-board treatment processes) that need to be completed between dry-docking events to minimise biofouling. This should include routine cleaning or other treatments. Details should be provided on the treatment/cleaning to be conducted, specification of any equipment required, details of the areas to which each specific treatment/cleaning is to be applied, step-by-step operational procedures where relevant and any other details relevant to the processes (such as chemicals required for treatment and any discharge standards).

Operation of onboard treatment processes

This section should provide specific advice about MGPS fitted, internal seawater cooling systems covered by the system and any not covered, and the associated maintenance and inspection schedule and procedures. This would include information such as when each MGPS is run, for how long and any cleaning/maintenance requirements of the system once use is finished. This section should also include advice for ship operators on procedures for biofouling management if the MGPS is temporarily out of operation.

Safety procedures for the ship and the crew

Details of specific operational or safety restrictions, including those associated with the management system that affects the ship and/or the crew. Details of specific safety procedures to be followed during ship inspections.

Disposal of biological waste

This section should contain procedures for disposal of biological waste generated by treatment or cleaning processes when the cleaning is conducted by, or under the direct supervision of, the ship owner, master or crew.

Recording requirements

This section should contain details of the types of documentation to be kept to verify the operations and treatments to be recorded in the Biofouling Record Book, as outlined below.

Crew training and familiarisation

This section should contain information on provision of crew training and familiarisation.

B. Format and content of the Biofouling Record Book

Period From: To:

Name of ship

Registration number*

Gross tonnage

Flag

* Registration number = IMO number and /or other registration numbers.

The ship is provided with a Biofouling Management Plan Y/N

A diagram of the ship indicating underwater hull form (showing both side and bottom views of the ship, if necessary) and recognised biofouling niches.

1 Introduction

The guidelines recommend that a Biofouling Record Book be maintained for each ship, in which should be recorded the details of all inspections and biofouling management measures undertaken on the ship.

2 Entries in the Biofouling Record Book

The following information should be recorded in the Biofouling Record Book:

2.1 After each dry-docking:

- a. Date and location that the ship was dry-docked.
- b. Date that ship was re-floated.
- c. Any hull cleaning that was performed while dry-docked, including areas cleaned, method used for cleaning and the location of dry-dock support blocks.
- d. Any anti-fouling coating system, including patch repairs, that was applied while dry-docked. Detail the type of anti-fouling coating system, the area and locations to which it was applied, the coating thickness achieved and any surface preparation work undertaken (e.g. complete removal of underlying anti-fouling coating system or application of new anti-fouling coating system over the top of existing anti-fouling coating system).
- e. Name, position and signature of the person in charge of the activity for the ship.

2.2 When the hull area, fittings, niches and voids below the waterline have been inspected by divers:

- a. Date and location of ship when dive surveyed and reason for survey.
- b. Area or side of the ship surveyed.
- c. General observations with regard to biofouling (i.e. extent of biofouling and predominant biofouling types, e.g. mussels, barnacles, tubeworms, algae and/or slime).
- d. The action taken, if any, to remove or otherwise treat biofouling.
- e. Any supporting evidence of the actions taken (e.g. report from the classification society or contractor, photographs and receipts).
- f. Name, position, signature of the person in charge of the activity.

- 2.3 When the hull area, fittings, niches and voids below the waterline have been cleaned by divers:
 - a. Date and location of ship when cleaning/treatment occurred.
 - b. Hull areas, fittings, niches and voids cleaned/treated.
 - c. Methods of cleaning or treatment used.
 - d. General observations about the biofouling (i.e. extent of biofouling and predominant biofouling types; e.g. mussels, barnacles, tubeworms, algae and/or slime).
 - e. Any supporting evidence of the actions taken (e.g. report from the classification society or contractor, photographs and receipts).
 - f. Records of permits required to undertake in-water cleaning, if applicable.
 - g. Name, position and signature of the person in charge of the activity.
- 2.4 When the internal seawater cooling systems have been inspected and cleaned or treated:
 - a. Date and location of ship when inspection and/or cleaning occurred.
 - b. General observations about biofouling of internal seawater cooling systems (i.e. extent of biofouling and predominant biofouling types; e.g. mussels, barnacles, tubeworms, algae and/or slime).
 - c. Any cleaning or treatment undertaken.
 - d. Methods of cleaning or treatment used.
 - e. Any supporting evidence of the actions taken (e.g. report from the classification society or contractor, photographs and receipts).
 - f. Name, position and signature of the person in charge of the activity.
- 2.5 For ships with a MGPS fitted:
 - a. Records of operation and maintenance (such as regularly monitoring the electrical and mechanical functions of the systems).
 - b. Any instances when the system was not operating in accordance with the biofouling management plan.
- 2.6 Periods of time when the ship was laid up/inactive for an extended period:
 - a. Date and location where ship was laid up.
 - b. Date when ship returned to normal operations.
 - c. Maintenance action taken before and after the period laid up.
 - d. Precautions taken to prevent biofouling accumulation (e.g. sea chests blanked off).
- 2.7 Periods of time when ship operating outside its normal operating profile:
 - a. Duration and dates when ship not operating in accordance with its normal operating profile.
 - b. Reason for departure from normal operating profile (e.g. unexpected maintenance required).
- 2.8 Details of official inspection or review of ship biofouling risk (for ships arriving internationally, if applicable):
 - a. Date and location of ship when inspection or review occurred.
 - b. Port state authority conducting the inspection/review and details of procedures followed or protocol adhered to and inspector/s involved.
 - c. Result of inspection/review.
 - d. Name, position, signature of the person in charge of the activity for the ship.
- 2.9 Any additional observations and general remarks:

- a. Since the ship was last cleaned, has the ship spent periods of time in locations that may significantly affect biofouling accumulation (e.g. fresh water, high latitude—Arctic and Antarctic—or tropical ports)?

Record of Biofouling Management Actions

SAMPLE BIOFOULING RECORD BOOK PAGE

Name of Ship:

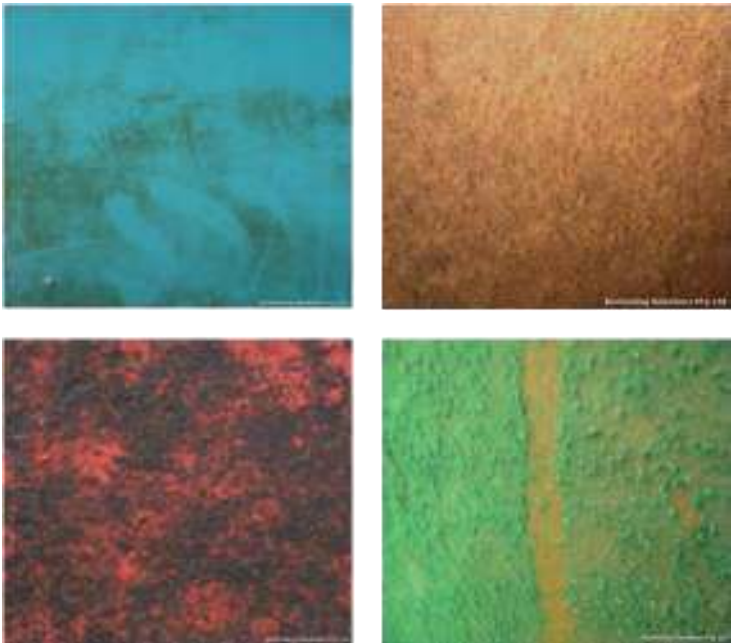
Registration number:

Date	Item (number)	Record of management actions	Signature of officers in charge

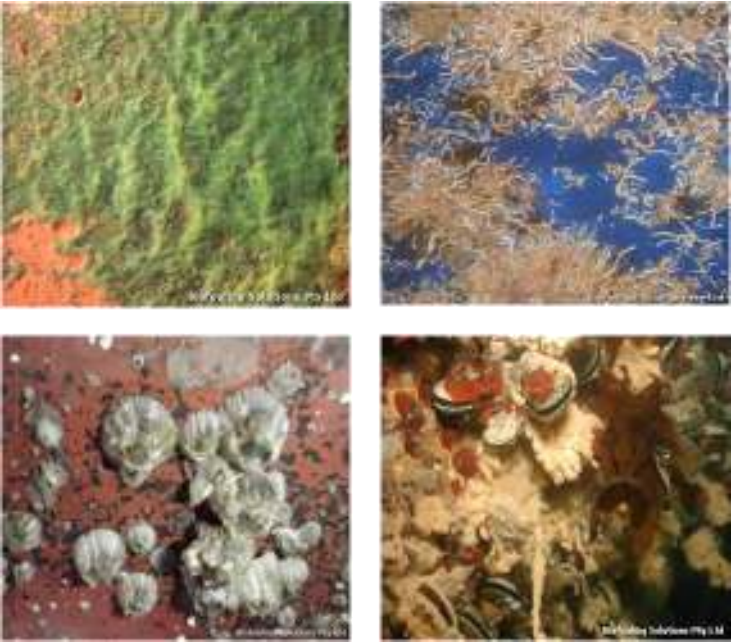
Signature of master

Appendix 5: Microfouling and macrofouling images

Microfouling: 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: large, distinct multicellular organisms visible to the human eye, such as barnacles, tubeworms, mussels, fronds of algae and other large attached or mobile organisms.



BEFORE THE TARANAKI REGIONAL COUNCIL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Coastal Plan for Taranaki**

**Statement of evidence of David Jeffrey Lundquist
on behalf of the Minister of Conservation
Dated 12 July 2019**

Department of Conservation

P O Box 10 420

WELLINGTON

Solicitor acting: M Downing

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INTRODUCTION

1. My full name is David Jeffrey Lundquist.
2. I am employed by the Department of Conservation in Wellington as a Technical Advisor, Marine Species and Threats. I have worked for the Department of Conservation since October 2012. Before this I was completing my PhD at the University of Otago focused on evaluating the effects of human activities on marine mammals.
3. My qualifications are a PhD in Environment Science received from the University of Otago in 2012, an MSc in Fisheries and Wildlife Sciences received from Texas A&M University in 2007, and a BS in Chemical Engineering from the University of Iowa in 1995. My Master's thesis and PhD dissertation focused on assessing the effects of tourism operations on southern right whales in Argentina and dusky dolphins at Kaikoura, respectively.
4. When I joined the Department of Conservation in 2012, I was given responsibility of implementing the *Code of Conduct for minimising acoustic disturbance to marine mammals from seismic survey operations* (the seismic Code). For the last 6 years I have led the Department's efforts to implement the seismic Code, including reviewing and approving observer training materials and observer statuses, communicating with operators about the requirements of the seismic Code, reviewing and assessing marine mammal impact assessments for compliance with the seismic Code, receiving and processing all data and reports from surveys, and coordinating with the Environmental Protection Authority on compliance and enforcement activities associated with the seismic Code.
5. In addition, I represent New Zealand at a range of international meetings and fora which deal with effects of human activities on marine mammals. These include the Scientific Committee of the International Whaling Commission (which deals with marine noise issues through its Environment Concerns sub-committee and various noise workshops), the Marine Sound Working Group of the International Offshore Petroleum Environmental Regulators forum, and technical working groups of the International Maritime Organisation dealing with shipping noise.

Code of Conduct

6. I have read and agree to comply with the Code of Conduct for Expert Witnesses produced by the Environment Court. While this is not an Environment Court hearing, I have prepared this evidence in accordance with, and I agree to comply with, that code for this hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

Scope of evidence

7. My evidence will deal with the following:
- Marine mammals found in the Taranaki coastal marine area
 - Known or potential impacts of seismic surveying on marine mammals;
 - How the seismic Code manages effects on marine mammals;
 - Effects on marine mammals which are not managed by the seismic Code;
 - How the seismic Code addresses impacts on marine life other than marine mammals; and
 - Seismic surveying and the Māui dolphins Threat Management Plan.

Marine mammals found in the Taranaki coastal marine area

8. A list of marine mammals potentially found in the Taranaki coastal area is included in Appendix A, along with their New Zealand and IUCN threat classification status.
9. The species most likely to be found in the Taranaki coastal marine area are:

Common Name	NZ threat status (Baker <i>et al.</i> , 2019)	IUCN conservation status www.redlist.org
Bottlenose dolphin	Nationally endangered	Least concern
Common dolphin	Not threatened	Vulnerable
Hector's dolphin	Nationally vulnerable	Endangered
Long-finned pilot whale	Not threatened	Least concern
Māui dolphin	Nationally critical	Critically endangered
New Zealand fur seal	Not threatened	Least concern
Pygmy blue whale	Data deficient	Data deficient
Sperm whale	Data deficient	Vulnerable

Known or potential impacts of seismic surveying on marine mammals

10. Marine seismic surveying consists of using an acoustic source, usually an array of devices which release highly compressed air in a controlled manner. The air bubbles expand and collapse rapidly and generate a sound wave which travels through the seabed. Reflections of the sound wave are picked up by sensors as the wave bounces off sub-surface formations, generating an image of sub-surface geological structures. These images can then be used for a variety of purposes, including to assess for petroleum and mineral deposits and to study geological fault lines.
11. The loudness of the sound wave is the primary mechanism by which marine mammals are affected by seismic surveying activities. Large surveys generally produce sounds in excess of 220 decibels re $1\mu\text{Pa}^2\cdot\text{s}$ (Richardson et al. 1995)¹;
12. Sound is transmitted very efficiently in liquid (Ketten 2014), and marine mammals have evolved to use sound for a range of purposes. They generate sounds to communicate with other animals, navigate by listening for 'echoes' of their vocalisations, and find food by echolocation.
13. These noises produced by seismic surveying are loud enough that they pose risks to marine life, and because marine mammals use sound frequently, they are particularly sensitive to effects from noise (Richardson et al. 1995). Noise-induced effects may range from mere perception, to acoustic masking (reduced ability to communicate) and stress, through to behavioural or physical effects (e.g. temporary or permanent hearing loss; Southall et al. 2007).
14. There is a growing body of literature demonstrating that exposure to such noise may disturb important marine mammal behaviours, including breeding, feeding, and resting (Lücke et al 2019, Nowacek et al. 2007, Shannon et al 2015, Southall et al. 2019). Indirect effects may also result from changes in the distribution and abundance of their prey (McCauley et al. 2017, Richardson et al. 2017).
15. The likelihood of animals experiencing biologically meaningful effects due to exposure to seismic surveying noise is driven by a number of factors: how

¹ Examples of predicted sound levels can be found in the sound modelling portions of the impact assessment documents for seismic surveys in New Zealand: <https://www.doc.govt.nz/our-work/seismic-surveys-code-of-conduct/marine-mammal-impact-assessments/>.

loud the noise is, whether the animal has been exposed to similar noises previously, what the animal is doing when exposed to the noise, how sensitive the individual is to noise, and so forth (Lücke et al 2019).

16. There is very little data available on marine mammal hearing, and scientists who have attempted to develop noise threshold guidelines have focused their efforts on measuring and quantifying permanent and temporary physical impacts on animals (i.e. measurable changes in the animal's hearing abilities) due to exposure to sound (Southall et al. 2007, Southall et al. 2019).
17. There is general consensus among marine mammal scientists that behavioural effects are more likely to occur than physical effects, simply because the sound levels at which behavioural effects occur are much lower and therefore many more animals will be exposed (Southall et al. 2007, Southall et al. 2019). That is, physical effects are only likely in the immediate vicinity of the sound source, whereas behavioural effects may occur many kilometres away.
18. Establishing (or disproving) a direct link between seismic surveying and population-level effects on marine mammals is hampered by the difficulty of undertaking research on long-lived, slowly reproducing animals, as such effects might take decades or more to be seen. Marine mammals are also exposed to a variety of human activities and environmental variables over the course of their lives, which makes it difficult to attribute effects to a single activity.
19. In the absence of conclusive evidence of direct effects on particular populations of marine mammals, most management regimes use a cautious approach to managing seismic surveying with monitoring and mitigation measures designed to reduce the potential for harmful effects.

How the seismic Code manages effects on marine mammals

20. The seismic Code was developed by the Department of Conservation in collaboration with a range of stakeholders. It provides national guidance and practical mitigation measures to manage the most significant effects of seismic surveying on marine mammals.
21. The Code includes requirements for the survey company to submit a marine mammal impact assessment to the Director-General of Conservation which

- includes a description of the survey activities, identifies the species likely or potentially present in the survey area, describes potential effects on these species, and outlines a mitigation plan to reduce those effects.
22. In my view, the most important of the standard mitigation requirements of the seismic Code is the requirement to use trained and qualified observers to look and listen for marine mammals in a monitoring zone around the seismic source. The observers are required to be on duty at all times the seismic source is in the water. Acoustic observers are required to listen for marine mammal vocalisations 24 hours a day and visual observers are required to watch for marine mammals from dawn to dusk.
 23. The seismic Code requires the observers to delay the start-up of the seismic source if marine mammals are near or to shut the seismic source down if 'Species of Concern' (New Zealand sea lions, whales, and dolphins except common and dusky dolphins) are observed in the monitoring zone.
 24. The seismic Code defines standard monitoring zones, which may be expanded if pre-survey sound modelling indicates they are not sufficient to protect marine mammals from noise levels likely to cause permanent or temporary hearing changes. Threshold criteria were developed by researchers in the United States in 2007 (Southall et al. 2007; subsequently revised to be more conservative by Southall et al. 2019) at which marine mammals are likely to incur permanent or temporary changes in hearing, and the two most conservative of these noise criteria are used to validate whether the standard monitoring zones are sufficient or should be expanded.
 25. In addition, the seismic Code requires use of 'ramp up' procedures to gradually increase the seismic source sound levels from low levels to full power over 20-40 minutes. This is intended to allow any marine mammals present in the area time to detect the sound and move away from it before it becomes loud enough to injure them.
 26. Almost all surveys lasting more than a few days undertaken thus far using the seismic Code have had repeated instances where the observers required the seismic source to be shut down or start-up delayed due to the presence of marine mammals in the monitoring zone (Blue Planet Marine 2016). Each instance has avoided potential impacts on marine mammals.
 27. In my opinion, the seismic Code is effective in managing the risks that it is designed to address. Observer training programmes are being reviewed and held to a high standard, resulting in a pool of observers who are

appropriately qualified to implement the seismic Code. The requirements for numbers of observers (four in total for most surveys) and restrictions on working hours per day are sufficient to ensure the observers can maintain focus on their responsibilities at all times. The result is that they are able to implement an effective monitoring scheme to reduce the likelihood of marine mammals being exposed to noise that is likely to injure them.

28. Overall, it is my view that the seismic Code significantly reduces the largest risks to individual marine mammals.

Effects on marine mammals which are not managed by the seismic Code

29. There are some situations in which the seismic Code is unable to minimise risks to marine mammals, either because the seismic Code was not designed to minimise the risks (e.g. behavioural disturbance) or because the ability to detect all animals at all times is limited.

Behavioural disturbance

30. As mentioned in paragraph 17, the most likely effect of seismic surveying on marine mammals is behavioural disturbance. This is implicit in the 'ramp up' procedures used when the seismic source is started up; they assume that animals will move away from the noise before it becomes loud enough to injure them. Such movements are a form of behavioural disturbance and may be significant if the animal stops doing something biologically significant (i.e. feeding, breeding, nursing offspring) in order to move away.
31. The form of disturbance which is likely to be experienced over the greatest area is 'masking' of communications. Masking occurs when sound overlaps with the same frequency used by animals to communicate and is loud enough to cover up vocalisations and reduce or prevent effective communication (e.g. not being able to talk to your neighbour when at a rock concert). Low-frequency noise from seismic surveying overlaps significantly with frequencies used by marine mammals and is transmitted efficiently in water.
32. The result is that a seismic survey may expose a large area, and therefore many marine mammals, to elevated noise levels and consequently reduced ability to communicate. This may adversely affect their ability to communicate critical information to and from other animals in their

environment (e.g. location of food, availability to mate, presence of predators).

33. The mitigation measures of the seismic Code are designed to reduce the likelihood of exposure of marine mammals to noise loud enough to cause injury, but do not address behavioural effects occurring outside the monitoring zones. The only options to address these behavioural effects are to reduce the volume of noise being produced by the acoustic source, move the survey to a different location, or to survey at a time of year when marine mammals are not present (Lücke et al. 2019).
34. Reducing the size of the acoustic source is often not an option given the objectives of the individual survey, and it is generally not plausible for petroleum surveys focused on particular permit areas to move locations. Surveying at a different time of year is considered less desirable by surveyors in most cases due to on-water conditions being less suitable for surveying in winter versus summer and would also not reduce the risk to resident marine mammals.
35. Therefore, it is my view that there are limited options to manage the risks associated with behavioural disturbance of marine mammals under the Code, other than simply prohibiting surveying. If surveying is to be undertaken these effects must be accepted as likely to occur, with unknown consequences.

Inability to detect all marine mammals

36. Detecting marine mammals requires that they either be at the surface and visible or underwater and vocalising. For species which are small and therefore difficult to see, deep divers, or infrequently vocalise, the risk of being near the seismic source but undetected by the observers is greater. For example, Māui dolphins, sperm whales, and beaked whales fit into one or more of these categories.
37. Analysis of the data submitted by observers indicates that even species which are expected to be more visible are often not detected until they are hundreds of metres inside the monitoring zone (Blue Planet Marine 2016). These animals, therefore, may have been exposed to noises loud enough to cause hearing damage.
38. Allowing surveys to proceed at night when visual observers are unable to undertake monitoring is another situation which increases risks to marine mammals. Visual observation has proven to be much more effective at

detecting marine mammals, with roughly only 20% of animals detected by acoustic monitoring (Blue Planet Marine 2016). Therefore, it is almost certain that marine mammals have been present but undetected near the seismic source at night and have been exposed to noises loud enough to cause hearing damage.

39. Some of these risks could be mitigated by applying controls on survey operations. Surveying could be restricted or prohibited at night in areas where marine mammals are deemed likely to be sighted. Monitoring zones could be expanded to include a 'buffer' zone or additional observers could be deployed on other vessels in the area to increase the likelihood of detecting animals before they are close to the acoustic source.
40. Restrictions at night, however, may make surveys prohibitively expensive and buffer zones or additional observers may still be ineffective for animals which are underwater and silent.
41. Therefore, I consider that while there are options to reduce some of the risk associated with the inability to detect all marine mammals, it is uncertain whether the controls necessary to do so could be imposed on operators using the seismic Code.

How the seismic Code addresses impacts on marine life other than marine mammals

42. My expertise is in marine mammals, but as a consequence of my involvement with the seismic Code, I am aware of a broad range of literature describing the effects of noise on other marine species.
43. In addition to the literature on marine mammals, there are published scientific papers describing impacts of seismic surveying on other taxa, including fish, invertebrates, and penguins (Carroll et al. 2017, Day et al. 2016, Edmonds et al. 2016, Fewtrell and McCauley 2012, McCauley et al. 2017, Pichegru et al. 2017).
44. Observed effects range from no response (some fish and invertebrates) to significant avoidance of the survey area (penguins and some fish) to developmental anomalies in larval stages of some species (invertebrates). The most significant effects described included complete mortality of all larval krill within 1.2 kilometres of the survey line.

45. The seismic Code was developed specifically to reduce risks to marine mammals. The impact assessment produced for each survey is required to provide a general description of marine species likely to be present in the survey area, but no monitoring or mitigation is required for species other than marine mammals.
46. Some of the mitigation measures required under the Code (such as the 'ramp up') may also be effective for other species which are mobile and capable of moving away from the seismic source as it gets louder.
47. In general, however, the seismic Code does not consider effects of the activity on species which are not marine mammals and therefore do not manage those effects. Any reduction in adverse effects on these species is incidental to implementation of the seismic Code.

Seismic surveying and the Māui dolphins Threat Management Plan

48. As part of the review of the Hector's and Māui dolphins Threat Management Plan, options have been developed to reduce potential effects of seismic surveying on Māui dolphins, including in Taranaki. The options include 1) requiring compliance with the seismic Code; 2) requiring a permit under the Marine Mammals Protection Act 1978 which could impose additional conditions on surveying operations; or 3) prohibiting seismic surveying in the range of the dolphins, with exceptions for existing permits.
49. Public consultation on these options (and others unrelated to seismic surveying) is currently being undertaken by the Department of Conservation and Fisheries New Zealand, with the aim of providing advice to Ministers later this year.

Conclusion

50. Seismic surveying has the potential to affect a range of species due to the high levels of sound produced during surveying. Marine mammals are particularly sensitive to effects of noise, but a range of other taxa may also be affected.
51. The seismic Code is designed to manage the most significant effects of seismic surveying noise on marine mammals and is effective in substantially

reducing those effects. Other effects of seismic surveying noise on marine mammals may remain and there are limited options to reduce these effects using the seismic Code.

52. Taxa other than marine mammals may receive some incidental protection from implementation of the seismic Code, but in general it is not designed to reduce effects on those species.



David Jeffrey Lundquist

DATED this 12th day of July 2019

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Appendix A – Marine mammals most likely to be found in the Taranaki coastal marine area

Common Name	Scientific Name	NZ threat status (Baker <i>et al.</i> , 2019)	IUCN conservation status www.redlist.org (July 2019)	Species of Concern (DOC 2013)
Species Likely to be present				
Bottlenose dolphin	<i>Tursiops truncatus</i>	Nationally endangered	Least concern	Yes
Common dolphin	<i>Delphinus delphis</i>	Not threatened	Vulnerable	No
Hector's dolphin	<i>Cephalorhynchus hectori hectori</i>	Nationally vulnerable	Endangered	Yes
Long-finned pilot whale	<i>Globicephala melas</i>	Not threatened	Least concern	Yes
Māui dolphin	<i>Cephalorhynchus hectori maui</i>	Nationally critical	Critically endangered	Yes
New Zealand fur seal	<i>Arctocephalus forsteri</i>	Not threatened	Least concern	No
Pygmy blue whale	<i>Balaenoptera musculus breviceps</i>	Data deficient	Data deficient	Yes
Sperm whale	<i>Physeter macrocephalus</i>	Data deficient	Vulnerable	Yes
Species possibly present				
Antarctic minke whale	<i>Balaenoptera bonaerensis</i>	Data deficient	Near threatened	Yes
Bryde's whale	<i>Balaenoptera edeni</i>	Nationally critical	Least concern	Yes
Cuvier's beaked whale	<i>Ziphius cavirostris</i>	Data deficient	Least concern	Yes
Dusky dolphin	<i>Lagenorhynchus obscurus</i>	Not threatened	Least concern	No
Dwarf minke whale	<i>Balaenoptera acutorostrata</i>	Data deficient	Least concern	Yes
False killer whale	<i>Pseudorca crassidens</i>	Naturally uncommon	Near threatened	Yes
Gray's beaked whale	<i>Mesoplodon grayi</i>	Not threatened	Data deficient	Yes
Humpback whale	<i>Megaptera novaeangliae</i>	Migrant	Endangered (Oceania sub-population)	Yes
Pygmy right whale	<i>Caperea marginata</i>	Data deficient	Least concern	Yes
Pygmy sperm whale	<i>Kogia breviceps</i>	Data deficient	Data deficient	Yes

Southern right whale	<i>Eubalaena australis</i>	At risk - Recovering	Least concern	Yes
Strap-toothed whale	<i>Mesoplodon layardii</i>	Data deficient	Data deficient	Yes
Species occasionally or rarely present				
Andrew's beaked whale	<i>Mesoplodon bowdoini</i>	Data deficient	Data deficient	Yes
Antarctic blue whale	<i>Balaenoptera musculus intermedia</i>	Data deficient	Critically endangered	Yes
Arnoux's beaked whale	<i>Berardius arnuxii</i>	Data deficient	Data deficient	Yes
Fin whale	<i>Balaenoptera physalus</i>	Data deficient	Vulnerable	Yes
Ginkgo-toothed whale	<i>Mesoplodon ginkgodens</i>	Data deficient	Data deficient	Yes
Risso's dolphin	<i>Grampus griseus</i>	Data deficient	Least concern	No
Sei whale	<i>Balaenoptera borealis</i>	Data deficient	Endangered	Yes
Shepherd's beaked whale	<i>Tasmacetus shepherdi</i>	Data deficient	Data deficient	Yes
Short-finned pilot whale	<i>Globicephala macrorhynchus</i>	Data deficient	Least concern	Yes
Southern bottlenose whale	<i>Hyperoodon planifrons</i>	Data deficient	Least concern	Yes
Southern elephant seal	<i>Mirounga leonina</i>	Nationally critical	Least concern	No
Southern right whale dolphin	<i>Lissodelphis peronii</i>	Data deficient	Least concern	Yes
Spectacled porpoise	<i>Phocoena dioptica</i>	Data deficient	Least concern	No
Striped dolphin	<i>Stenella coeruleoalba</i>	Data deficient	Least concern	No

Before a Hearings Panel for the Proposed Coastal Plan for Taranaki

Under the Resource Management Act 1991

In the matter of submissions and further submissions of Powerco Limited to the Proposed
Taranaki Coastal Plan

STATEMENT OF SIMON ROCHE ON BEHALF OF POWERCO LIMITED (SUBMITTER 45)

17 July 2019

INTRODUCTION

1. My name is Simon Roche. I am currently employed as an Environmental Planner at Powerco, a role I have held for two years. Prior to working at Powerco I worked as a consents and open space planner at Auckland Council for 10 years. I have prepared this statement on behalf of Powerco to provide the Hearings Panel with information regarding Powerco's activities and how these are addressed under the Proposed coastal Plan (PCP).
2. This statement is a company statement on behalf of Powerco. It is not expert evidence.

THE INTERESTS OF POWERCO

3. 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.
4. 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.
5. 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.
6. 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 PCP.
7. 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.
8. Powerco has inherited its electrical assets from previous power boards with many assets being over 50 years old. As these assets age they need to be replaced or upgraded to ensure power is efficiently supplied to the coastal areas of Taranaki. Replacing and repairing Powerco's ageing asset fleets, including those in the Taranaki coastal area, support economic growth of communities and provide for stable network operation in an evolving energy environment.

POWERCO'S ASSETS IN THE CMA AND COASTAL ENVIRONMENT

9. This statement focuses on Powerco's assets and activities in the CMA as these are subject of the rules in the PCP. Maps showing Powerco's assets in the CMA were attached to Powerco's submission and are attached at Appendix 3 to the evidence of Mr Laurenson. Additional plans

showing these assets in relation to the CMA and the coastal management areas will be provided in advance of the hearing.

10. Powerco has no current plans to install new assets in the CMA but needs to ensure that existing assets can be maintained, upgraded and replaced. Powerco also needs to be able to serve new development that may occur in the CMA, if any.
11. Maintenance may include replacing or upgrading electricity poles and lines. Upgrading lines may also include adding more wires or equipment on poles. Recognition of this is required in the PCP. For instance, in the last five years, Powerco replaced existing poles at Urenui, in the coastal area, but not the CMA, with taller poles to achieve required separation distances. This was necessitated by development in the area reducing clearance distances to existing lines.
12. Powerco therefore supports the intent of the s42A recommendations and in particular Rules 35, 37 and 37A, which allow for alterations and extensions to existing assets as permitted, controlled or restricted discretionary activities, and Rule 22 which provides for new assets as a controlled activity. Subject to the amendments set out in the evidence of Mr Laurenson, I consider these rules will provide for the key activities Powerco is likely to undertake in the CMA.
13. It is understood that the PCP rules apply in the CMA but that the objectives and policies also apply in the wider coastal environment. Powerco supports the indicative line of the coastal environment now proposed through s42A recommendations. In particular, it helps provide a degree of certainty as to when the PCP objectives and policies may need to be considered, noting that Powerco has a range of assets in the wider coastal environment

Signing on Behalf of Powerco

Regards



Simon Roche

Environmental Planner

Before a Hearings Panel for the Proposed Coastal Plan for Taranaki

Under the Resource Management Act 1991

In the matter of submissions and further submissions of Z Energy Limited, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Powerco Limited to the Proposed Taranaki Coastal Plan

STATEMENT OF EVIDENCE (PLANNING) OF MARK LAURENSEN ON BEHALF OF POWERCO LIMITED (SUBMITTER 45) AND Z ENERGY LIMITED, BP OIL NZ LIMITED, MOBIL OIL NZ LIMITED (THE OIL COMPANIES, SUBMITTER 46)

16 July 2019

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My full name is Mark Laurenson. I hold a Bachelor of Arts degree (Geography) from the University of Auckland and I am a full member of the New Zealand Planning Institute. I have practiced resource management for over 10 years. I have worked in local government and consultancy roles in New Zealand and the United Kingdom, including two years as a consents officer with the Otago Regional Council and more than five years in consents and policy roles with Northamptonshire County Council. From October 2014 to October 2018, I was employed as a Senior Planner at Burton Planning Consultants Limited, a specialist planning consultancy practice based in Auckland. Burton Planning Consultants Limited is now part of 4Sight Consulting Limited where I am employed as Senior Planning and Policy Consultant.
- 1.2 I have provided planning advice to a range of clients since returning to New Zealand in 2014. This has included preparation of resource consent applications, preparation of evidence, policy analysis, provision of strategic policy advice, and provision of policy advice on various regional and district planning documents, preparation of submissions and attendance at hearings and mediation on behalf of a range of corporate and private clients in relation to district and regional plans throughout New Zealand, including on behalf of the Oil Companies and Powerco.
- 1.3 My previous planning experience includes processing planning applications for small to large scale land use development, including applications for quarries, landfills and significant waste recycling and advanced treatment operations. I have also assessed land use consent applications for a range of small to large developments at educational facilities and processed a range of regional resource consent applications, including water takes and discharges. I also have experience preparing minerals and waste planning policy, including assessments of potential quarry and waste treatment and disposal sites, and with undertaking policy performance monitoring.

2. CODE OF CONDUCT

- 2.1 My qualifications as an expert are set out above. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence. Except where I state that I am relying on the evidence of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. THE INTERESTS OF POWERCO LIMITED (SUBMITTER 45)

- 3.1 The interests of Powerco addressed in the statement of Mr Roche on behalf of Powerco. I rely on them.

4. THE INTERESTS OF THE OIL COMPANIES (SUBMITTER 46)

- 4.1 Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products. The core business of the Oil Companies is the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (*terminal*) facilities. The Oil Companies also supply petroleum products to individually owned businesses.
- 4.2 There are two operational terminals in New Plymouth. The BP Oil New Zealand Limited Terminal at Omata is operated by New Zealand Oil Services Limited. The Z Energy Limited terminal is located at 8-22 Ngamotu Road. Both are located a short distance landward of the coastal environment line proposed through the s42A recommendations.
- 4.3 Fuel is primarily transported to the Port by wharflines on the Newton King Wharf. Pipelines (located largely in the road reserve) in turn transport fuel to the terminals. These pipelines are predominantly underground. Bunkering is available via pipeline at several berths at the Port. These assets are at least partly in the coastal marine area (*CMA*).
- 4.4 Under the Resource Management Act (*RMA*), terminals and pipelines are a significant physical resource that should be sustainably managed

and any adverse effects on that infrastructure must be avoided, remedied or mitigated. The terminals are recognised in the Taranaki Regional Policy Statement (*RPS*) as regionally significant infrastructure. It is important that their management is appropriately addressed in the Proposed Coastal Plan for Taranaki (*PCP*).

5. SCOPE OF EVIDENCE

- 5.1 I am broadly supportive of the s42A recommendations. My evidence focuses on a small number of what I consider to be minor but important amendments and clarifications to ensure that existing regionally important infrastructure, particularly that of the Oil Companies and Powerco, can continue to fulfill its function and operate without unnecessary restriction.
- 5.2 Through my evidence I highlight particular changes I consider to be necessary to:
- Provide for the continued operation of regionally important infrastructure, including in sensitive coastal management areas;
 - Clarify that maintenance and upgrading is a subset of operation; and
 - Ensure the approach to coastal hazard risk is consistent and appropriate.
- 5.3 I prepared the submissions and further submissions on behalf of both Powerco and the Oil Companies and am broadly familiar with the PCP.
- 5.4 In preparing this evidence I have reviewed the s42A report and the tracked change version of the PCP prepared on behalf of the Council, including the updated maps. To assist the Hearing Panel I have attached at Appendix 1 and 2 tables showing the submissions of Powerco and the Oil Companies and the corresponding s42A recommendations, highlighting where I accept the recommendations.

6. SENSITIVE COASTAL MANAGEMENT AREAS

6.1 The PCP divides the coast into five coastal management areas:

- Outstanding Value;
- Estuaries Unmodified;
- Estuaries Modified;
- Port; and
- Open Coast

6.2 These areas are mapped on the proposed plans. I understand the extent of the areas of outstanding value and estuaries (modified and unmodified) generally align with mapped areas in the corresponding district plans.¹ I also consider these areas can be generally categorised as more sensitive than the Port and Open Coast management areas.

6.3 Both Powerco and the Oil Companies sought explicit recognition of existing regionally important infrastructure in the defined coastal management areas² and that mapping of sensitive coastal management areas be revisited.³ I consider these matters to be particularly important to Powerco given it has existing assets in sensitive coastal management areas, including within the CMA (where the PCP rules apply). Powerco's assets in these areas were identified in Powerco's submission and include above ground electrical assets in sensitive areas, for example:

- Onaero Estuary (unmodified estuary) – includes two river crossings seaward of the State Highway 3 bridge and electricity lines spanning the estuary;
- Urenui Estuary (unmodified estuary) – includes existing overhead lines crossing part of the estuary; and
- Patea (modified estuary) – includes remnants of a bridge and overhead lines.

¹ s42A Report, page 124

² Including submission points 45-52, 45-206, 46-53, 46-207

³ Including submission points 46-330, 46-345, 45-329, 45-344

- 6.4 These assets are identified in the plans at Appendix 3. Additional plans showing these assets and the coastal management areas will be provided in advance of the hearing.
- 6.5 The s42A recommendations are to decline relief sought in relation to explicit recognition of existing regionally important infrastructure in sensitive coastal management areas. The s42A report records that *a number of submitters sought to have their uses, values or particular interests explicitly identified in the coastal management areas, **despite such uses being common to most if not all coastal management areas** (my emphasis).*⁴ In terms of mapping the s42A report states that the mapping was based on values and attributes of the area rather than the presence (or otherwise) of particular use and development.⁵
- 6.6 While I can accept a reluctance to revisit mapping that aligns with district plan maps, I consider that there needs to be clear recognition in the PCP that there is existing infrastructure in these sensitive areas. I do not accept the view that these uses are common to most if not all coastal management areas, certainly not the mapped estuaries and outstanding areas. I consider explicit recognition of this regionally important infrastructure is important to establish that the mapped areas are high value, irrespective of these existing assets. By recognising that these areas are of high value regardless of these assets, I consider the PCP will better allow for the continued operation of them, including where resource consent is required for such activities. In the absence of relief to this effect, I consider it will likely be unnecessarily difficult to obtain resource consent to operate existing infrastructure in these areas where such activities are not permitted.
- 6.7 My concerns regarding the above are reinforced by a lack of certainty regarding the policy hierarchy. While I note the s42A report records that all policies must be read together, where some policies are more directive, I anticipate they will be afforded greater weight. That raises the potential for works in these areas to be considered contrary to at least some of the objectives and policies of the PCP, for instance in relation to natural character. For example, Objective 6 addresses natural character

⁴ s42A Report, page 27

⁵ s42A Report, page 76

and is proposed through the s42A report to read as follows (my emphasis in bold):

*The **natural character** of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is **enhanced where degraded**.*

- 6.8 In the event that consent was required for an alteration to an existing asset in a sensitive coastal management area, it would be difficult for an applicant to demonstrate necessary works enhanced natural character as required by the second part to this objective, particularly in the absence of guidance in the PCP as to what constitutes degraded. Relevant to this is my view is that all areas where these above ground assets exist could be argued to have degraded natural character to some extent.
- 6.9 My concerns in this regard are reinforced by Policy 9 as proposed in the s42A report:

Policy 9: Natural character and natural features and landscapes
Protect the natural character, features and landscapes of the coastal environment not addressed in Policy 8 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) maintains, enhances or restores 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 within the surrounding landscape, its representativeness and ability to accommodate change;*
 - (iv) is of an appropriate form, scale and design to minimise adverse effects on values of 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 protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity;

(vi) maintains the integrity of historic and cultural 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.

- 6.10 In particular I am concerned that clause a(ii), which seeks to recognise the existing environment, requires particular regard to Policy 1, a policy which does not make reference to existing infrastructure in these areas. To address this matter, Powerco and the Oil Companies sought to amend policies 1(a), 1(b) and 1(c) to include the following:

*These areas may contain regionally important infrastructure.*⁶

- 6.11 I support this relief as a means of clearly recognising these assets are an existing element of these sensitive areas. I also consider that corresponding amendments are required at Section 1.7.2 and 1.7.3. These changes seek to give effect to relief sought by Powerco and the Oil Companies.⁷

1.7.2 Estuaries Unmodified

These are estuaries identified in Schedule 1 that have not been significantly modified, are surrounded by minimal urban development and exist in generally unmodified environments, although in some instances they contain existing regionally important infrastructure. These estuaries have significantly different and more complex natural processes than the open coast. They provide important habitats for

⁶ Submission points 45-206 and 46-207

⁷ Submission points 45-52 and 46-53

marine and bird life and, in many cases, have significant indigenous biodiversity value and high amenity value.

1.7.3 Estuaries Modified

The Pātea, Waiwhakaiho and Waitara estuaries are highly modified and are surrounded by urban and extensively modified environments. Although modified, including by existing regionally important infrastructure, these estuaries still contain significant habitats and may have significant indigenous biodiversity value. They are also areas with high amenity value.

- 6.12 Powerco also has existing assets in identified areas of outstanding value, albeit outside the CMA. Operation of these assets is therefore not affected by the PCP rules but is potentially affected by the objectives and policies, for instance Policy 8. In this regard I consider it would be helpful to explicitly recognise that minor and transitory effects may be acceptable under Policy 8, as sought by Trans-Tasman Resources Limited.⁸ The s42A report recommends declining this relief citing a preference to rely on case law when determining the extent of adverse effects to be avoided.⁹ I oppose this approach. In my opinion, case law post-dating the New Zealand Coastal Policy Statement (NZCPS) has strongly influenced the interpretation of the NZCPS and highlighted the importance of RMA plans like the PCP clearly articulating what they mean.

7. MAINTENANCE AND ALTERATION

- 7.1 The submitters sought amendments to the PCP to provide for maintenance and alteration, in addition to operations. For instance, in relation to Objective 3, the following changes were sought:

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.¹⁰

⁸ Submission point 6-323 (Trans-Tasman Resources Ltd), supported by Powerco and the Oil Companies

⁹ S42A Report, page 115

¹⁰ Submission points 45-121 and 46-122

- 7.2 The s42A author considers the phrase “the use and ongoing operation” includes maintenance and upgrading.¹¹ I consider this to be a pragmatic view and one I support. However, it is an important matter for interpretation of the PCP and I seek to provide certainty for plan users in this regard.
- 7.3 Potential for misinterpretation of the s42A author’s intent is reflected in the drafting of other provisions in the PCP where operation is referred to alongside maintenance, alteration and extending. For instance, Policy 5(aa) refers to operation, maintenance and alteration while Policy 41(g) refers to operating, maintaining, altering or extending
- 7.4 Noting that definitions of maintenance and alteration are proposed, I consider this matter would be simply clarified by a note to each definition simply stating that Maintenance/Alteration is a subset of operation.

Alteration, in relation to a structure, means any modification to a structure that does not increase its external dimensions. Alteration is a subset of operation.

Maintenance, in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same. Maintenance is a subset of operation.

- 7.5 Alternatively, a note to the same effect to the relevant rules would suffice.
- 7.6 As a consequential amendment and to ensure consistency in the PCP, I consider that references to maintaining, altering and extending, for instance at Policy 5(aa) and Policy 41(g), should be deleted with reliance placed on the term operation.

¹¹ S42A, page 47

8. PETROLEUM PRODUCTION / PETROLEUM PRODUCTION INSTALLATIONS

- 8.1 The Oil Companies' submissions were prepared on the basis that there was a definition of petroleum production. However, while petroleum is defined, petroleum production is in fact not.
- 8.2 The interests of the Oil Companies do not relate to petroleum production but rather to the storage, transfer and distribution of refined petroleum products. I consider this is an important distinction when considering potentially relevant rules that would apply to, for instance, pipelines at the port which distribute fuel to and from the terminals.
- 8.3 This matter was been discussed with Council representatives following the release of the draft s42A recommendations and has more recently been revisited in correspondence with Ms Marcroft (for Council) following the release of the s42A recommendations. Ms Marcroft has advised her view that rules relating to petroleum production / petroleum production installations do not capture downstream petroleum pipelines and that this has been clarified by reference at rules 29 and 30 to **associated** pipelines to ensure non-production pipelines are not inadvertently caught. I support the view of Ms Marcroft in this regard.

9. POLICY 20

- 9.1 The Oil Companies provided detailed submissions in relation to the notified coastal hazard provisions. The Oil Companies sought to recognise that any activity in the CMA may increase the risk of coastal hazards and that what is paramount is that any increase in risk is acceptable. I support the intent of those submissions.
- 9.2 The s42A report is generally supportive of the submissions of the Oil Companies on this topic. However, there is some inconsistency regarding how they have been applied to Policy 20.
- 9.3 The Oil Companies sought that Policy 20 be amended as follows:

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

Avoid unacceptable increase~~ing~~ in the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety including by [...]

- 9.4 The s42A recommendation is to amend Policy 20 as follows:

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

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

- 9.5 The reason given in the s42A report for declining the relief sought by the Oil Companies is that the policy aligns with Policy 25(a) of the NZCPS and that the term unacceptable would be ambiguous thereby reducing the certainty and clarity of the policy.¹²

- 9.6 As proposed by the s42A author, I consider any increase in risk of social, environmental or economic harm would be contrary to this directive policy. The proposed wording effectively sets a zero-effect threshold for development in the CMA. To consider the appropriateness of this approach, I think it is important to look at the NZCPS in its entirety, including Policy 25.

Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*

¹² S42A, page 171

- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;*
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- (f) consider the potential effects of tsunamis and how to avoid or mitigate them.*

- 9.7 While clauses (a) to (c) seek to avoid increasing risk of harm, clauses (d) and (f) temper that intent. In particular clause (d), in seeking to **encourage infrastructure away from areas of hazard risk where practicable**, clearly recognises that some infrastructure will be affected by natural hazards. Clause (f) similarly recognises that it will not necessarily be possible to avoid effects of tsunamis.
- 9.8 I also think it is important to look beyond Policy 25, for instance to Policy 6 (activities in the coastal environment) and Policy 9 (ports). These policies clearly recognise the importance of infrastructure at the coast, particularly where it has a functional need to be located there and also where it is necessary for the safe and efficient operation of ports. In my view, the position of the s42A author regarding with Policy 20 does not recognise this.
- 9.9 I also consider the approach at Policy 20 to be inconsistent with direction provided elsewhere in the PCP. For instance, the following references to unacceptable risk in relation to coastal hazards (my emphasis in bold):

Section 3.1 – *It is important that use and development of the coastal marine area does not increase coastal risk to people or property to **unacceptable levels**.*

Section 3.2 – *Ensuring use and development of the coastal marine area does not increase coastal hazard risk **to unacceptable levels** or pose a threat to the health and safety of people or property.*

Policy 5: Appropriate use and development

Determine whether subdivision and use and development of the coastal environment is an appropriate location and form, and within appropriate limits, by having regard to: ...

*(e) the degree to which the activity will be subject to **unacceptable risks** or exacerbate coastal hazards or public health and safety with particular reference to Policy 20; ...*

- 9.10 Further, I consider Policy 20 is inconsistent with Objective 2 which sets out that activities that have a functional or operational need to be in the coastal environment are provided for in appropriate locations. Development in these locations will often increase risk of coastal hazards, for instance new development at the Port, at least to some extent. In my opinion, what is important is that any increase in risk is acceptable.
- 9.11 I acknowledge that there is a degree of uncertainty with a policy which seeks to manage risk to acceptable levels. However, this allows matters to be considered on a case by case basis. In my opinion, the alternative is for Council to better quantify the risks it seeks to control and seek to provide quantitative limits around the degree of risk that is acceptable. I do not consider that avoiding all risk is a reasonable or justified position.
- 9.12 I consider Policy 20 should be amended as follows (changes to s42A recommendation in grey shading):

Policy 20: Avoidance of unacceptable increases in coastal hazard or public safety risks

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

10. RULES

- 10.1 I am generally supportive of the simplified rule suite. I consider that several important amendments and clarifications are required.

Rule 22 and Rule 37

- 10.2 Rule 22 provides a controlled activity pathway for the placement or erection of network utility structures. I support the intent of rule 22 but consider clarity is required to ensure that it is clear that reference to cables encompasses electricity lines. The same clarity is required at Rule 37 (which relates to maintenance, alteration or extension of network utility structures).

- 10.3 In both instances I think clarity would be achieved by referring to both cables and lines, not just cables. This would also be consistent with the draft national planning standards for network utilities which I understand from Mr Roche refer to both cables and lines. It would also help ensure consistency within the PCP, noting that at other points in the PCP, for instance in the standards in relation to Rule 35, cables and lines are referred to separately.

Rule 35 and Rule 37

- 10.4 Rule 35 provides for the maintenance, minor alteration or minor extension of an existing lawfully established structure as a permitted activity subject to standards.

- 10.5 I am concerned that the requirement for materials used to match the existing materials in form and appearance may have unintended consequences, for instance not allowing the upgrade of a support structure from timber to concrete or a composite material as a permitted activity. I consider that standard (b) to rule 35 should allow for the upgrade to the modern equivalent, with reliance to be placed on the balance of standards to appropriately address effects. This could be achieved by amending the standard as follows:

(b) materials used match the existing materials in form and appearance, unless otherwise required to facilitate maintenance or alteration of an existing structure to its modern equivalent.

- 10.6 I also consider that the standards in both rules 35 and 37 relating to the increase in height by 5 and 10 percent respectively are restrictive and are not likely to provide for increased pole height where required by Australian/New Zealand Standard for Overhead line design (AS/NZS 7000:2016) and the Electricity (Safety) Regulations 2010. To support extensions and alteration to poles necessary to provide appropriate separation distances, I consider it would be appropriate to amend Rule 37 to provide for these increases, irrespective of the percentage increase. To address this matter, I seek that standard (aa) to rule 37 is amended as follows:

(aa) the structure envelope, including length, width and height does not increase beyond 10% of the original size within a 24 month period, unless required to meet the Australian/New Zealand Standard for Overhead line design (AS/NZS 7000:2016) or the Electricity (Safety) Regulations 2010.

Mark Laurenson

16 July 2019

Appendix 1 – S42A Recommendations on the submissions and further submissions of Powerco

Appendix 2 - S42A Recommendations on the submissions and further submissions of the Oil Companies

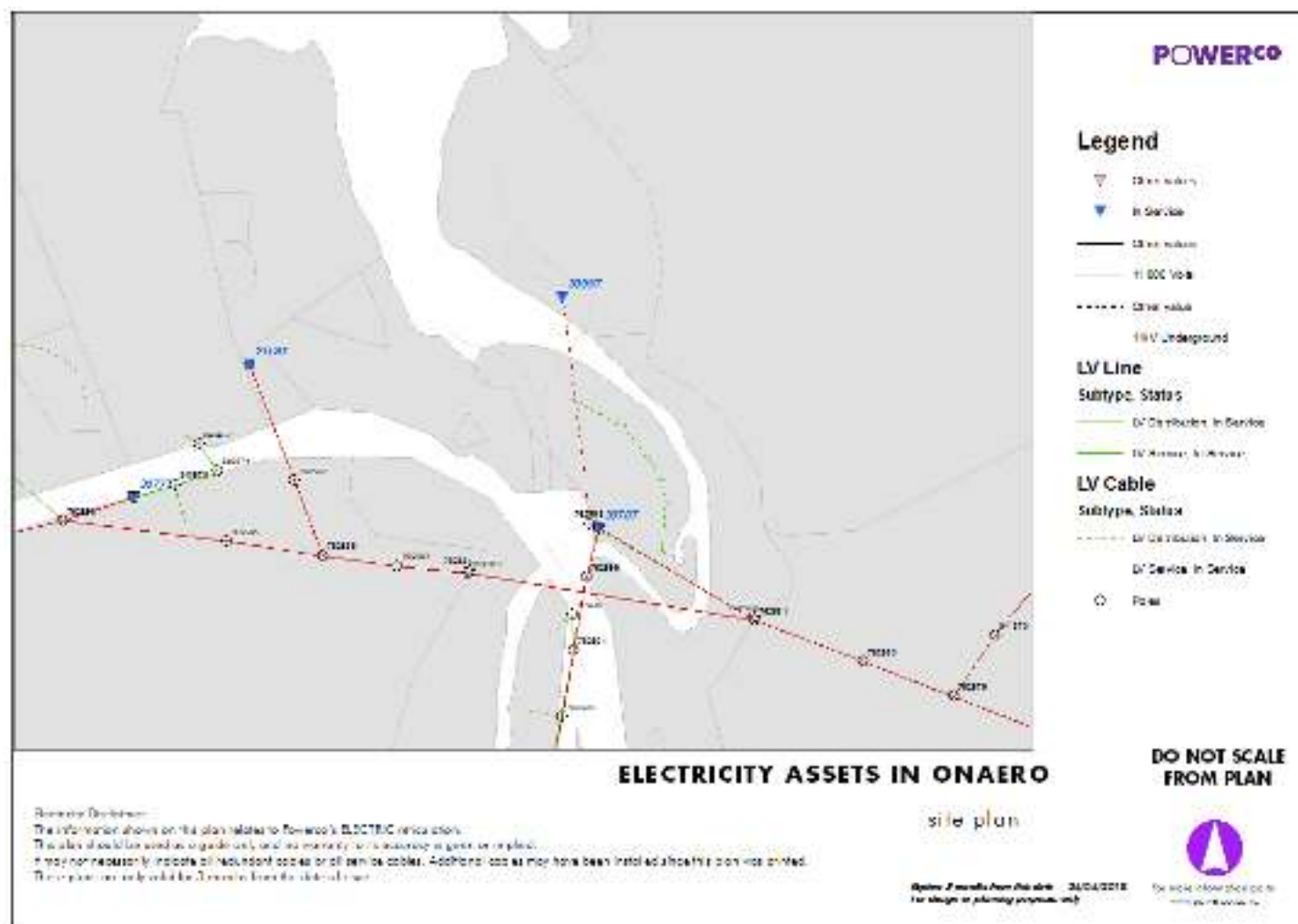
Appendix 3 - Powerco Assets within sensitive coastal management areas

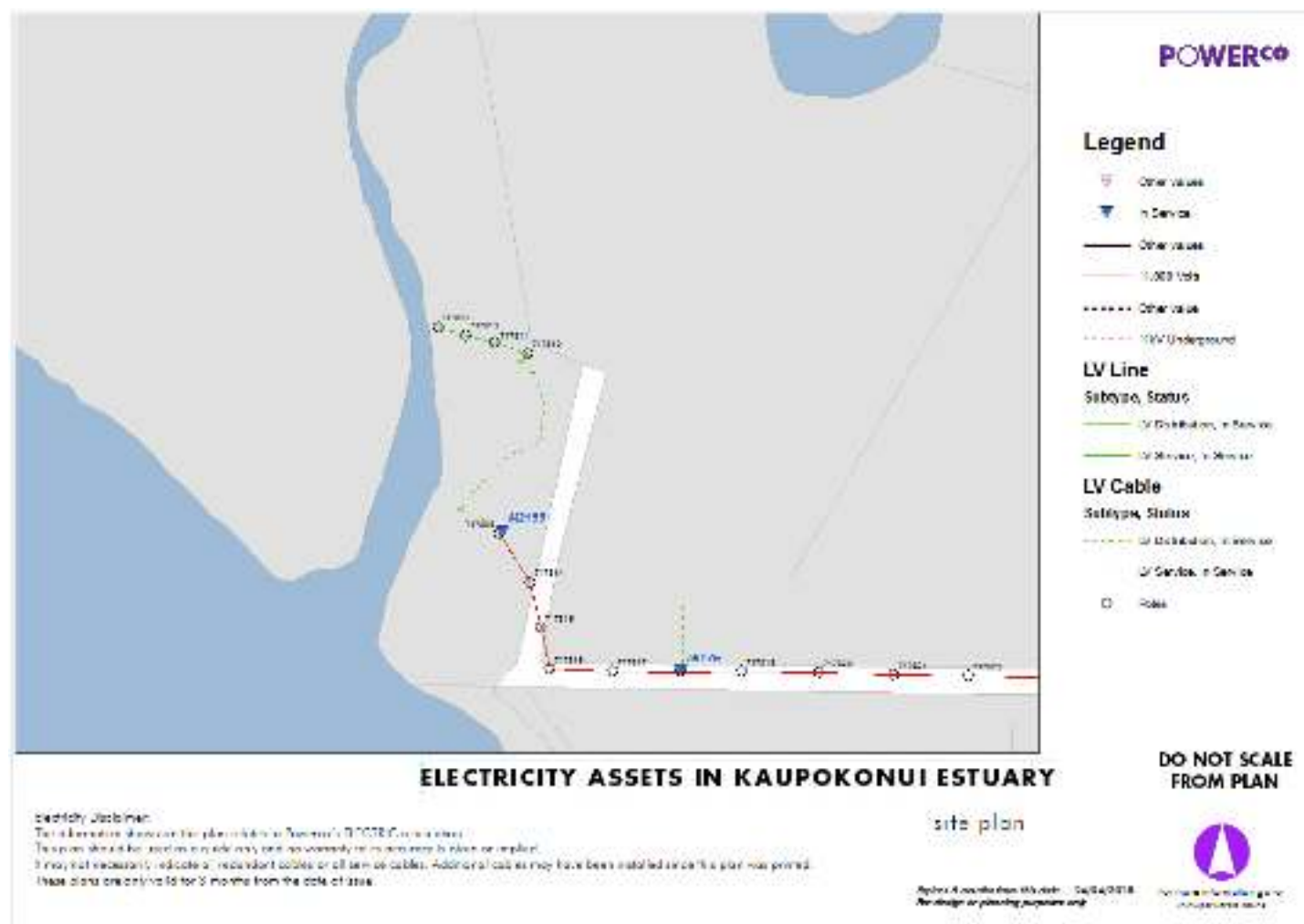


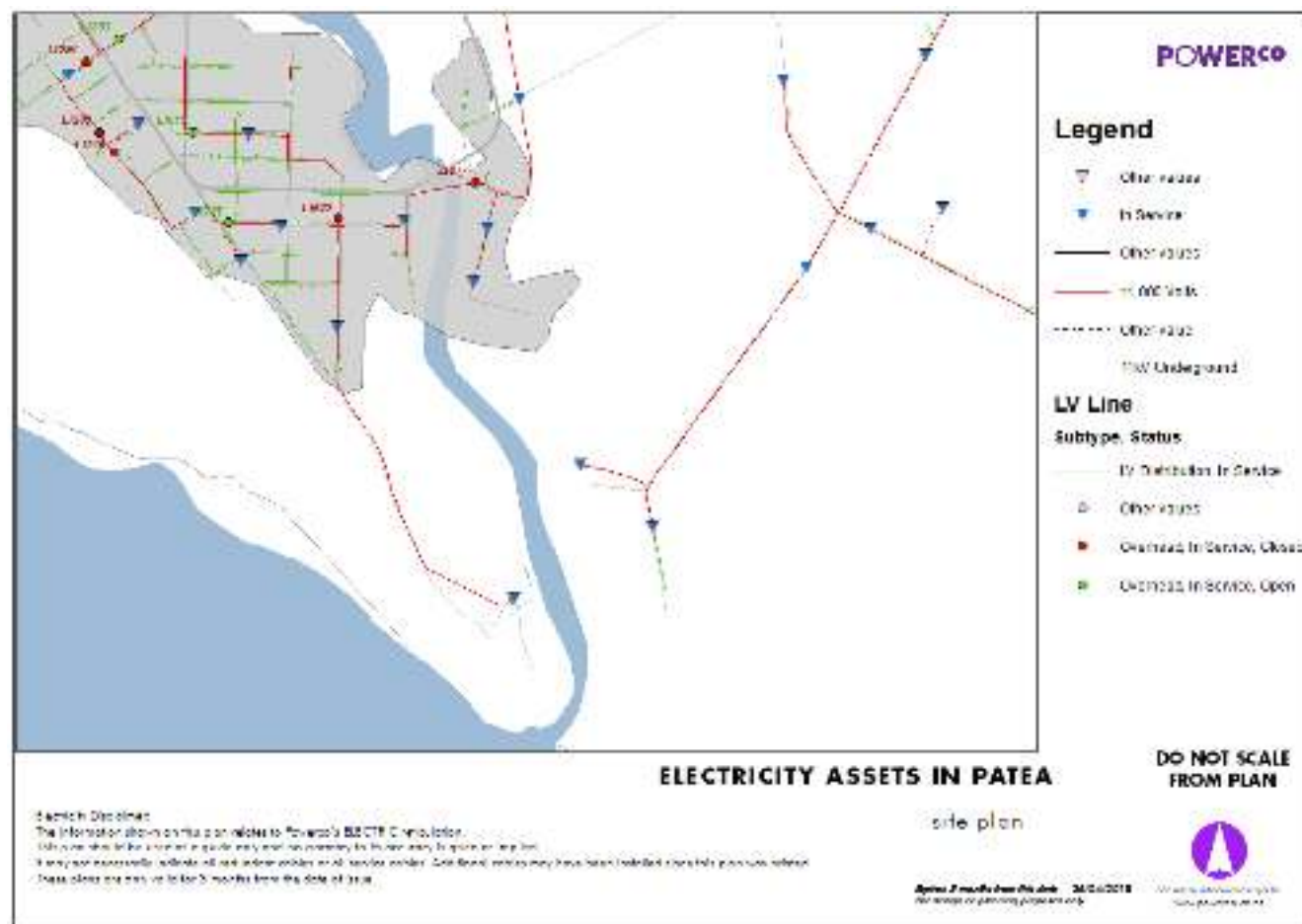
site plan

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4.1 and 1.4.2	Retain Sections 1.4.1 and 1.4.2 of the Plan as notified. Policy and Planning Committee	ACCEPT Officers recommend amendment to Section 1.4.1 to include a new sentence stating that while the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area.] <u>While the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area.</u> ⁽⁴³⁾ 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.	Accept recom
SECTION 1.7 – COASTAL MANAGEMENT AREAS			
Section 1.7.5 of the Plan to clarify whether Open Coast coastal management area refers to the coastal marine area of the coastal environment	Powerco supports the submission. Powerco has an interest in clarification of the extent of the open coast and the applicable provisions in these areas. Powerco's submissions were prepared on the basis that the open coast is all areas within the CMA not otherwise mapped as another coastal management area and if required, changes to support and clarify that interpretation are supported.	No relief is considered necessary. The first sentence of Section 1.7.5 already state that the Open Coast coastal management area is that are of the coastal marine area not covered by the other management areas. In relation to the submitter seeking clarification on how values and characteristic of the Open Coast are to be protected in accordance with Policies 11 [Indigenous biodiversity], 13[Preservation of natural character] and 15[Natural features and landscapes] of the New Zealand Coastal Policy Statement, the submitter is referred to Policies 8, 9, 10, 11, 12, 13 and 14 of the Plan and the relevant rules. All General Policies in the Plan need to be considered together.	Accept recom
In part 1.7.1 to 1.7.3	Retain Section 1.7 of the Plan and the inclusion of the five coastal management areas but amend paragraphs 1.7.1 to 1.7.3 to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised by including a sentence, as follows: <u>These areas may contain regionally important infrastructure.</u>	ACCEPT IN PART A number of submitters sought to have their uses, values or particular interests explicitly identified in the coastal management areas, despite such uses and values being common to most if not all coastal management areas. Officers recommend minor and inconsequential changes to the first paragraph of Section 1.7 of the Plan to clarify that coastal management areas are areas or zones dividing the coastal marine area for management purposes and for which specific rules apply. This will avoid the need for unnecessary and potentially redundant commentary in the Plan that attempts to describe common attributes, characteristics and values that in all likelihood apply across all coastal management areas such as the presence of regionally important infrastructure (plus other uses and values). Section 1.7 Coastal Management Areas The coastal marine area has been divided into five management areas. This division recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or have different management needs than other areas. These areas have been mapped in Schedule 1 and <u>specific rules apply. The coastal management areas</u> are as follows: [...]	Evidence As set Power in the conce existe clearly part o be un opera and e activit
SECTION 2.2 – NEW ZEALAND COASTAL POLICY STATEMENT			
In part 2	Amend Section 2.2 [New Zealand Coastal Policy Statement] of the Plan to specifically recognise and provide for infrastructure. This could be	DECLINE 8 The submitter wishes to extend the scope of Section 2.2 of the Plan to include infrastructure.	Accept recom

<p>1 d, in part by Powerco</p> <p>1 follows: activities reply upon a location in or near the coastal marine area, are dependent on the use of coastal resource, <u>or have technical, operational or locational constraints that mean they require a coastal marine area location</u>. Taranaki's coastal infrastructure and developments play a crucial role in the regional and national economy [...]</p>	<p>Powerco supports the submission, in part. The intent of the submission is supported. It may be possible to more succinctly achieve the same intent by adopting a comprehensive definition of functional need, as sought by Powerco.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>The submitter seeks amendments to the commentary to make it clear within the Plan that there are also technical, locational and/or operational reasons why an activity requires a coastal location which are not based solely on the use of the coastal resource itself.</p> <p>Officers agree that there are a number of instances where the location of infrastructure or activities in the coastal marine area is appropriate taking into account technical, operational or locational requirements. Officers recommend amending the relevant paragraph to refer to "functional need" and "operational need" and note that these terms are defined in the National Planning Standards and include locational considerations.</p> <p>Appropriate uUse and development Some activities rely upon a location in or near the coastal marine area, or are dependent on the use of coastal resources, <u>due to a technical need or operational need</u>.</p>	<p>Clarification Given the operational definition of appropriate use, the same</p>
SECTION 4 – OBJECTIVES			
<p>1 d, in part by Powerco</p>	<p>Retain Objective 1 of the Plan as notified.</p>	<p>ACCEPT Objective 1 is retained subject to the amendments below: Objective 1: Integrated Management 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>.</p>	<p>Acceptance recomm</p>
<p>2 nd physical resource of the coastal environment are used efficiently, and activities that in the use and development of these <u>or have technical, operational and/or locational requirements</u>, are provided for in appropriate locations.</p>	<p>Powerco support the submission, in part. The intent of the submission is supported. It may be possible to more succinctly achieve the same intent by adopting a comprehensive definition of functional need, as sought by Powerco.</p>	<p>Objective 2: Appropriate Use and development Natural and physical resource of the coastal environment are used efficiently, and activities <u>that have a functional need or an operational need</u> that depend on the use and development of these resource, are provided for in appropriate locations.</p>	<p>Acceptance recomm</p>
<p>d, in part by Powerco</p> <p>2 bjective of the Plan (or add a new objective to specifically address provision for development of strategically significant infrastructure and national infrastructure, including Port</p>	<p>Powerco support the submission, in part. The intent of the submission is supported, although it is noted that Rule 35 already provides a permitted activity pathway for maintenance, repair or minor alteration, except at the Port.</p> <p>Powerco reserves judgement on the specific provisions of the proposed permitted activity rule and how this will sit alongside the existing cascade, particularly Rule 35.</p>		
<p>2 n part</p>	<p>Retain Objective 2 of the Plan as notified.</p>		
<p>3 n part</p>	<p>Amend Objective 3 of the Plan, as follows: The use and ongoing operation, <u>maintenance, and upgrading</u> of nationally and regionally important infrastructure and other existing</p>	<p>NO RELIEF REQUIRED Officers consider maintenance and upgrading to already being captured in the phrase "the use and ongoing operation" of nationally and regionally important infrastructure. The introduction of added terms is not only unnecessary but potentially confusing in that it uses terms not used in the Plan policies or rules relating to structures.</p>	<p>Evidence The proposed amendment and its impact on the environment</p>

		<p>support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.</p> <p>Objective 6: Natural character The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is restored<u>enhanced</u> where appropriated<u>degraded</u>.</p>	
7	Retain Objective 7 of the Plan as notified.	<p>ACCEPT</p> <p>Objective 7: Natural features and landscapes The natural features and landscapes of the coastal environment are protected from inappropriate subdivision, use and development.</p>	Accept recom
n part 8	Amend Objective 8 (and corresponding policies and rules) to provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.	<p>NO RELIEF NECESSARY No precise details of amendments sought to Objective 8 have been provided. However, officers note that Section 4 of the Plan provides a suite of objectives that together provide for a broad range of values and uses, including nationally and regionally important infrastructure. Objectives relating to regionally important infrastructure are separately addressed in Objectives 2 and 3 of the Plan. In determining the weighting or priority given to particular values the Plan policies also apply. Officers do not believe any amendments to Objective 8 are therefore necessary.</p> <p>Notwithstanding the above, in response to relief sought elsewhere by the submitter (and others), consequential amendments have been made in other Plan provisions that further recognise and provide for the operation, maintenance and alteration (upgrade) of existing regionally important infrastructure.</p> <p>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.</p>	Accept recom
SECTION 5.1 – PREAMBLE			
d, in part by Powerco 1 s follows: on provides the overall direction for integrated management for the n of significant <u>and outstanding</u> values ers in the coastal environment (i.e. both al marine area and areas <u>landward</u> where rocesses, influences or qualities are t) in order to achieve the objectives of this es apply to all activities in the coastal ent, regardless of which coastal ent area the activity may fall within anagement areas are identified in 1 and their characteristics are described -/-	<p>Powerco supports the submission, in part. Powerco supports the amendments, particularly the mapping of the coastal environment (as set out in primary submissions).</p>	<p>Officers agree to amend the introduction of Section 5.1 but note that the Plan policies cover use, development and protection of all coastal values not just “the protection of significant and outstanding values.” Officers recommend an alternative relief that takes into account relief sought in other submissions.</p> <p>This section provides the overall direction for achieving integrated management in the coastal environment (i.e. both the coastal marine area and areas <u>landward</u> where coastal processes, influences or qualities are significant <u>and as indicatively shown on the planning maps</u>) in order to achieve the objectives of this Plan.</p> <p>The policies apply to all activities in the coastal <u>marine area but include consideration of uses values and relationships across the wider coastal environment. The Policies set out a coastal management framework, providing for use and development, protect, maintain and enhance significant and outstanding values, and manage coastal hazards and risks to public health and safety.</u></p>	Accept recom

<p>mapped and schedule areas. Refer to policies to identify characteristics in those which are not already for those areas in a</p> <p>a statement that explains that Policy 1 provide direction for subdivision, use or nent activities within the management</p>	<p>beyond the indicative CMA boundary. It was understood that the Open Coast only applied in the CMA</p> <p>Policy and Planning Committee</p> <p>Powerco opposes the submission in part. Powerco is not necessarily opposed to the intent of the relief sought by the submitter but reserve judgement pending specific wording of the amendments.</p>	<p>equivalent policy, has been demonstrated to be efficient and effective in managing adverse effects in the coastal marine area through interim reviews and state of the environment monitoring. Officers do not believe it necessary nor appropriate to delete Policy 1.</p> <p>Approval of Proposed Coastal Plan for Taranaki</p> <p>Notwithstanding the above, officers note recommendations that give partial relief to other reliefs sought by the submitter. These include amendments to the Policy 1 plus other inconsequential changes in Section 1.7 of the Plan to clarify that the application of the coastal management areas apply only to the coastal marine area.</p>	
<p>n part</p>	<p>Retain Policy 1 of the Plan subject to an amendment that recognises the existence of existing infrastructure in areas of Outstanding Values, Estuaries Unmodified and Estuaries Modified, unless the mapping is amended such that this is not the case. Seek amendment to Policies 1(a), 1(b), and 1(c) to read as follows:</p> <p><u>these areas may contain regionally important infrastructure.</u></p>	<p>DECLINE</p> <p>Officers recommend declining the relief sought by the submitter in that the suggested amendments are for a value or attribute that is not a distinguishing feature of the coastal management area.</p> <p>Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to 'bundle' compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enable some activities, and restrict other activities.</p> <p>As noted in Policy 1(a), (b) and (c) the listed matters refer to attributes and values characteristic of the area. There is no value in identifying values and attributes (already recognised and provided for by policies elsewhere) and which can occur anywhere in the coastal marine area.</p>	<p>Evidence Addressed evidence</p>
<p>d by Powerco</p> <p>Policy 1, as follows: Coast: Areas of the open coast not in (a), (b), (c) and (e) of this Policy istrictally:</p> <p>tain infrastructure, structures and that enable people and communities to or their economic and social well being.</p>	<p>Powerco supports the submission. Powerco sought similar recognition of infrastructure in other management areas and considers it would be appropriate to similarly recognise the presence of this infrastructure in the Open Coast.</p>		

	<p>(f) managing natural and physical—coastal resource 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 [...]</p>	<p>functional needs in Policy 2(f). Policy 2(f) would read as follows:</p> <p>(f) managing natural and physical resources in a manner that recognises and provides for the social, economic and cultural objectives and well-being of the community and the functional needs and/or operational needs of regionally important infrastructure, and industry [...]</p>	
	<p>Delete Policy 4 as currently worded and replace it with comprehensive mapping of the coastal environment (not just the coastal marine area).</p>	<p>GRANT IN KIND</p> <p>The reader is referred to the Department of Conservation’s guidance on the <i>New Zealand Coastal Policy Statement</i>. The guidance notes that the term ‘coastal environment’ is an environment in which the coast is a significant part or element, However, the guidance notes the difficulties in setting out an abstract definition which is capable of simple and ready application to any given situation. What constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed.</p> <p>Officers do not recommend amending Policy 4(a) in the manner suggested by the submitter but do agree with amending the Plan to provide more certainty in relation to where the coastal environment lies. It is recommended that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>The revised Policy would read as follows</p> <p>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</p> <ul style="list-style-type: none"> (a) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and (b) on a case by case, basis, recognising: <ul style="list-style-type: none"> (i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetland and the margins of these areas; and (ii) 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 	<p>Accept recom</p>
<p>SECTION 5.1.2 – USE AND DEVELOPMENT OF RESOURCES (POLICIES)</p>			
<p>d by Powerco</p> <p>(b), (e), (f) and (g) follows:</p> <p>enefits to be derived from the activity at a onal and national level, including the contribution of aquaculture and marine ewable-energy or mineral resources.</p>	<p>Powerco supports the submission. The relief proposed by the submitter improves the clarity of the policy and is consistent with the requirements of the RMA in relation to alternatives and the BPO.</p>	<p>Officers consider the inclusion of “renewable energy” within Policy 5(b) to be in line with the requirements of Policy 6(1)(g) [Activities in the coastal environment] of the New Zealand Coastal Policy Statement to take into account the potential for renewable resources.</p> <p>However, officers consider the addition of mineral resources within the Policy to be in line with Policy 6(2)(a) of the New Zealand Coastal Policy Statement whereby contributions to social, economic and cultural wellbeing of people and communities from use and development, including (but not limited to) the potential for renewable marine energy are recognised. Therefore, officers recommend granting the</p>	<p>Accept recom</p>

<p>...sites of historical heritage value, agree to which the activity contributes to <u>enhance</u>, enhancement or restoration of <u>access</u> or public use of the coast including for ...;</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	<p>(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, <u>including best practicable options for preventing or minimising adverse effects on the environment</u>; ⁽⁶⁾</p> <p>(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 (cane landing sites), nga toka (rocks) and tauranga ika (fishing grounds);</p> <p>(e) the degree to which the activity will be threatened by, or contribute to, subject to unacceptable risks or exacerbate ⁽⁴⁰⁾ coastal hazards, risk, or pose a threat to public health and safety with particular reference to Policy 20;</p> <p>(f) the degree to which the activity contributes to the <u>maintenance</u>, ⁽⁸⁾ enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;</p> <p>(g) the degree to which the activity contributes to the <u>maintenance</u>, ⁽⁸⁾ enhancement or restoration of <u>appropriate</u> ⁽⁷²⁾ public access or public use of the coast including for recreation;</p>	
<p>d, in part by Powerco</p> <p>(c) Policy 5(c) to recognise that an alternative <u>functional need</u>, and the need for an activity to be the <u>best practicable option</u> is not always required, <u>only where there are no significant adverse effects</u></p>	<p>Powerco supports, in part the submission. The relief proposed by the submitter improves the clarity of the policy and is consistent with the requirements of the RMA in relation to alternatives and the BPO.</p>	<p>Officers recommend amending Policy 5(c) to state that having regard to possible alternative may include consideration of best practicable options for preventing or minimising adverse effects on the environment.</p> <p>(b) the appropriateness of the proposed design, methodology, location or route of the activity in the context of the receiving environment and any possible alternatives, <u>including best practicable options for preventing or minimising adverse effects on the environment</u> [...]</p>	<p>Accept recom</p>
<p>d by Powerco</p> <p>(a) Policy 5(a) of the Plan as follows: 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 [...]</p>	<p>Powerco support the submission, in part. Powerco similarly seeks that functional need applies to both the CMA and Coastal Environment and seeks to ensure that the policy does not narrow the definition of functional need sought in its submission.</p>	<p>Officers recommend declining the relief sought by the submitter.</p> <p>Officers note that Policy 5(a) is deliberately confined to activities being located in the coastal marine area because they have a functional need or operational need. This reflects the coastal marine area being a public space. Officers do not believe that such restrictions are necessary or appropriate on the landward part of the coastal environment.</p>	<p>Accept recom</p>
<p>n part (a) and (c)</p>	<p>Amend Policy 5(a) and (c) of the Plan to read:</p> <p>Determine whether use and development of the coastal environment is in an appropriate place and form, and within appropriate limits, by having regard to:</p> <p>(a) the functional need for the activity to be located in the coastal marine area. <u>Conversley a</u> Activities that do not have a functional need to be located in the coastal marine area generally should not be located there [...]</p>	<p>ACCEPT IN PART</p> <p>Officers recommend amending Policy 5(a) as sought by the submitter but note consequential changes made to Clause (c) and (e) in response to other submitters.</p> <p>Determine whether use and development of the coastal environment is in an appropriate place location and form, and within appropriate limits, by having regard to:</p> <p>(a) the functional need <u>or operational need</u> for the activity to be located in the coastal marine area. <u>Activities that do not have a functional need or operational 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);</u></p>	<p>Accept recom</p>

	<p>route of the activity in the context of the receiving environment and any possible alternatives;</p> <p>[...] Policy and Planning Committee</p>	<p>Approval of Proposed Coastal Plan for Taranaki</p>	
<p>d, in part by Powerco</p> <p>and Policy 6</p> <p>Policy 5 but include explicit recognition of its of a reliable and secure supply of</p> <p>.</p> <p>Policy 6) of the Plan as follows:</p> <p>and provide for new and existing</p> <p>ture of <u>national or regional</u> importance or</p> <p>ance to the social, economic and cultural</p> <p>g of people and communities in Taranaki,</p> <p><u>recognition of the benefits of a reliable,</u></p> <p><u>and efficient supply of electricity,</u> subject to</p> <p>te management of adverse</p> <p>ental effects; [...]</p> <p>e Plan to include a standalone policy</p> <p>ognises and provides for the benefits of a</p> <p>ecure and efficient supply of electricity.</p>	<p>Powerco supports, in part the submission. Specific recognition of the importance of electricity supply (including both transmission and distribution) is supported and will help ensure that Powerco's electrical assets are appropriately provided for.</p>	<p>Of note the definition of "regionally important infrastructure" states that it includes infrastructure of regional and national importance and includes the national electricity grid. Officers do not recommend granting the relief in the manner sought by the submitter and note that inconsequential amendments are recommended to the Plan to remove reference to "nationally important infrastructure" where it is used to promote consistency in the use of terminology throughout the Plan.</p> <p>Determine whether use and development of the coastal environment is in an appropriate place location and form, and within appropriate limits, by having regard to:</p> <p>[...]</p> <p><u>(aa) whether the activity relates to the use, operation, maintenance and alteration of regionally important infrastructure [...]</u></p> <p>And the amendment of the heading and content of Policy 6 to include reference to the safe and efficient operation of regionally important infrastructure to read (officers note additional amendments as sought by other submitters are also included):</p> <p>Policy 6: Benefits of regionally important infrastructure Recognise the benefits of new and existing regionally important infrastructure to the social, economic and cultural well-being of people and communities in Taranaki, and provide for the safe and efficient operation of regionally important infrastructure subject to appropriate avoidance, remediation or mitigation of adverse environmental effects.</p> <p>A new Policy 6A [Management of adverse effects of the National Grid] is also proposed.</p>	<p>Accept</p> <p>recom</p>
<p>n part</p>	<p>Amend Policy 6 of the Plan, as follows:</p> <p>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.</p>	<p>ACCEPT</p> <p>Accept the amendment to Policy 6 to provide for the safe and efficient operation of infrastructure.</p> <p>Policy 6: Benefits of regionally important infrastructure Recognise the benefits of new and existing regionally important infrastructure to the social, economic and cultural well-being of people and communities in Taranaki, and provide for the safe and efficient operation of regionally important infrastructure subject to appropriate avoidance, remediation or mitigation of adverse environmental effects.</p>	<p>Accept</p> <p>recom</p>
	<p>Amend Policy 7, as follows:</p> <p>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:</p> <p>(a) avoiding significant adverse effects on infrastructure of national or regional importance;</p> <p>(b) avoiding, remedying or mitigating</p>	<p>ACCEPT</p> <p>Officers agree to amend Policy 7 in line with the relief sought by the submitter (noting some minor changes are made to align the reading of the policy with other policies in the Plan).</p> <p><u>Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of existing activities by:</u></p> <p><u>(a) avoiding significant adverse effects on regionally important infrastructure;</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure; and other activities.</u></p>	<p>Accept</p> <p>recom</p>

<p>Policy 8 as follows:</p> <p>the visual quality and the physical, cultural and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</p> <p>causing adverse effects of activities on the outstanding natural character identified in Schedule 2 contribute to areas:</p> <p>outstanding natural character; and/or outstanding natural features and landscapes; and</p> <p>adjoining coastal management area – Outstanding Values; and;</p> <p>maintaining significant seascapes and visual values associated with outstanding natural features and landscapes, including views from the landscape or features, and views of the seascapes and features.</p>	<p>changes sought provide improved clarity with regard to the effect of the policy on areas in proximity to scheduled areas of outstanding value. While it is recognised and accepted that the Coastal Plan has effect over both the CMA and the coastal environment, the extent to which the Policy applies should be clearly and appropriately identified, and activities adjacent to such areas should not be unnecessarily constrained or subject to more than one regulatory approach (e.g.: regional and district), unless those approaches clearly have different intent.</p> <p>This is important to the ongoing operation, maintenance, development and upgrade of Powerco's network.</p>	<p>Officers note that activities undertaken adjoining Outstanding Value areas can, over time, adversely affect the values associated with an outstanding area. Seascapes and visual corridors are important values associated with natural features and landscapes and therefore require protection as per Policy 15 of the New Zealand Coastal Policy Statement. Accordingly, for the purposes of integrated coastal management, it would be inappropriate to exclude consideration of the wider landscape and would derogate from Council's efforts seeking to give effect to Policies 13 and 15 of the New Zealand Coastal Policy Statement.</p>	recom
<p>Submitted by Powerco</p> <p>read:</p> <p>the visual quality and the physical, cultural and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</p> <p>causing adverse effects of activities (other than transitory effects) on the outstanding natural character and characteristics identified in Schedule 2 contribute to areas:</p>	<p>Powerco support the submission. The principle of introducing wording to specifically recognise that it may be appropriate to allow minor or transitory effects is in keeping with case law and is supported.</p>	<p>Officers agree that minor or transitory effects are not necessarily required to be avoided within Policy 8. In the recent King Salmon case law, the Supreme Court ruled that avoidance policies do not necessarily rule out minor and transitory effects.</p> <p>Notwithstanding that, officers do not consider it necessary to include explicit recognition of this within Plan policies. Indeed there are risks in doing so. Officers believe that it is more appropriate for the interpretation of Plan policies to rely on case law when determining the extent of effects which are necessary to be avoided. The current wording reflects the wording of the New Zealand Coastal Policy Statement and will ensure that any evolution of case law can be taken into consideration during the consenting process.</p>	Evidence Clarity specific direct Policy say w that c signifi direct
<p>On part</p>	<p>Seek that the Council revisit mapping of areas of outstanding natural features and landscapes</p> <p>OR</p> <p>Amend Policy 8, as follows:</p> <p><u>(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</u></p>	<p>DECLINE</p> <p>Officers recommend declining the relief sought by the submitter. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes and there is alignment between the plans in relation to the areas identified. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development.</p> <p>In relation to the alternative relief of amending Policy 8, officers do not believe any relief is necessary. Officers note all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</p>	
<p>On part</p>	<p>Revisit whether regionally important infrastructure falls within areas of natural character and natural features and landscapes.</p>	<p>DECLINE</p> <p>Officers do not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing</p>	

	<p>OR</p> <p>Amend Policy 9, as follows:</p> <p style="text-align: center;">Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>[...]</i></p> <p><i>(ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.</i></p>	<p>Officers note all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</p>	
<p>in part by Powerco</p> <p><i>ies that:</i></p> <p><i>nes/identifies areas outstanding Natural</i></p> <p><i>ve areas of High Natural Character</i></p> <p><i>r natural character in all areas of the</i></p> <p><i>nvironment</i></p> <p><i>de a basis for determining outstanding</i></p> <p><i>atures and landscapes</i></p> <p><i>tural features and landscapes in all areas</i></p> <p><i>stal environment</i></p>	<p><i>Powerco oppose the submission, in part. Powerco is not necessarily opposed to the intent of the relief sought by the submitter but reserves judgement pending specific wording of the amendments.</i></p>	<p><i>Officers do not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report Regional Landscape Study of the Taranaki Coastal Environment, which was prepared and consulted on as part of the Coastal Plan review. It was this work, which was used for determining and identifying outstanding natural features and landscapes but also examined natural character across the entirety of the Taranaki coastline.</i></p> <p><i>Officers further note that the Plan already contains policies addressing the protection of natural character, features and landscapes (Policies 8, 9 and 10) and do not believe additional policies are necessary or appropriate. All General Policies apply to any use and development activities in the coastal marine area and must be read together.</i></p>	<p>Accept</p> <p>recom</p>
	<p>Retain Policy 10 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Supported noted. Policy 10 is retained as notified.</p> <p>Policy 10: Restoration of natural character</p> <p>Promote the restoration 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.</p>	<p>Accept</p> <p>recom</p>
<p>SECTION 5.1.3A – INDIGENOUS BIODIVERSITY (POLICIES)</p>			
<p>in part by Powerco</p> <p><i>olicy 14 by removing reference to</i></p> <p><i>ing and enhancing indigenous</i></p>	<p><i>Powerco oppose the submission, in part. Powerco is not necessarily opposed to the intent of the relief sought by the submitter but reserve judgement pending specific wording of the amendments.</i></p>	<p><i>Policy 14 is directly aligned with Policy 11 [Indigenous biodiversity] of the New Zealand Coastal Policy Statement. Although the matters covered in Policy 14 cover most aspects of indigenous biodiversity, the submitter quite rightly, points out that indigenous biodiversity is much broader than those aspects highlighted in Policy 14. Officers therefore recommend amending the Plan to include a separate stand-alone policy to address the remaining aspects of indigenous biodiversity not otherwise covered by Policy</i></p>	<p>Accept</p> <p>recom</p>

<p>guidance on relevant habitats under Clause</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	<p><u>effects, including consideration of:</u></p> <ul style="list-style-type: none"> (i) <u>the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;</u> (ii) <u>the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;</u> (iii) <u>the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that:</u> <ul style="list-style-type: none"> i. <u>the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;</u> ii. <u>discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and</u> iii. <u>activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible.</u> <p>In relation to adding guidance in the Plan on relevant habitats under clause (a)(iv), habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare. Officers do not believe this level of specificity is necessary or appropriate for a regulatory plan. While the Council contains some information on the distribution and abundance of some indigenous biodiversity species, currently such information is generally fragmented and incomplete. Officers suggest that such guidance more appropriately sits outside a Plan so that it can be easily developed and amended over time as better information is gathered.</p> <p>In relation to adding guidance in the Plan on relevant habitats under clause (a)(iv), habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare. Officers do not believe this level of specificity is necessary or appropriate for a regulatory plan. While the Council contains some information on the distribution and abundance of some indigenous biodiversity species, such information is generally fragmented and incomplete.</p>	
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SECTION 5.1.3B – HISTORIC HERITAGE (POLICIES)
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	<p>Retain Policy 15 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Supported noted. Policy 15 is retained as notified, except for the addition of reference to subdivision.</p> <p>Recommendation:</p> <p>Policy 15: Historic heritage</p> <p>Protect historic heritage in the coastal environment from inappropriate subdivision, use and development by:</p> <ul style="list-style-type: none"> (a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and historic areas identified in Schedule 5A; (b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with sites of significance to Māori identified in Schedules 5A and 5B; (c) avoiding, remedying or mitigating adverse effects on the values associated with all other historic heritage sites, including those identified in Schedule 5 and those identified by New Zealand Archaeological Association’s ArchSite (Archaeological Site Recording Scheme); (d) when assessing adverse effects on historic heritage, giving regard to the extent of effects, including consideration of: <ul style="list-style-type: none"> (i) the association of the site with other interrelated, but not necessarily contiguous, historic heritage sites and their collective significance in the context of historic landscapes and areas 	<p>Accept</p> <p>recom</p>
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	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	<p>(v) the importance (if any) of land surrounding the historic heritage, the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements;</p> <p>(vi) any investigation and documentation of the site to provide a historical record; and</p> <p>(vii) the outcome of any consultation with any relevant body or individual, such as Heritage New Zealand Pohere Taonga, the Department of Conservation, or local iwi and/or hapū; and</p> <p>(e) allowing the maintenance, repair or restoration of identified historic heritage where it is based on a clear understanding of the heritage values of the place, and undertaken in accordance with good practice conservation principles and methods.</p>	
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SECTION 5.1.4 – PUBLIC USE AND ENJOYMENT (POLICIES)

	Retain Policy 17 of the Plan as notified.	<p>ACCEPT</p> <p>Supported noted. Policy 17 is retained subject to amendments made to offer relief to other submitters' concerns where appropriate.</p> <p>Recommendation:</p> <p>Policy 17: Public access</p> <p>Maintain and enhance public access to, along and adjacent to the coastal environment <u>marine area</u> by:</p> <p>(a) avoiding, remedying or mitigating any adverse effects of activities on public access;</p> <p>(b) promoting the enhancement or restoration of public access, <u>where a demand exists</u>, 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</p> <p>(c) only imposing a restriction on public access, including vehicles, where such a restriction is necessary to:</p> <p>(i) protect significant natural or historic heritage values;</p> <p>(ii) protect dunes, estuaries and other sensitive natural areas or habitats;</p> <p>(iii) protect sites and activities of cultural value to Māori;</p> <p>(iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;</p> <p>(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;</p> <p>(vi) provide for defence purposes in accordance with the <i>Defence Act 1990</i> or port or airport purposes;</p> <p>(vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;</p> <p>(viii) provide for temporary activities or special events;</p> <p>(ix) ensure a level of security <u>for lawfully established activities</u> consistent with the activity, including protection of equipment; or</p> <p>(x) provide for other exceptional circumstances where restriction to public access is justifiable;</p> <p>828</p> <p>and alternative access routes for the public have been considered and provided where practicable.</p>	Accept recom
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	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	<p>(a) coastal areas of outstanding value identified in Schedules 1 and 2;</p> <p>(b) coastal sites with significant amenity values identified in Schedule 6 including:</p> <ul style="list-style-type: none"> (i) beaches; (ii) reefs, and (iii) estuaries and river mouths; <p>(c) surf breaks identified in Schedule 7; and</p> <p>(d) <u>coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4CC, or historic heritage sites including those identified in Schedule 5A and B and Appendix 2</u></p> <p>(e) <u>other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a), (b), (c) and (d).</u></p>	
<p>d, in part by Powerco</p> <p>b) and (d)</p> <p>Policy 19(b) and (d) as follows:</p> <p>surf breaks and their use and enjoyment</p> <p>adverse effects of other activities in the</p> <p>environment <u>Coastal Marine Area</u> by:</p> <p>ing adverse effects on all regionally</p> <p>t surf breaks, identified in Schedule 7, that</p> <p>le of the Significant Surfing Area unless</p> <p>ty is necessary for the provision of</p> <p>important infrastructure <u>or farming</u></p> <p>avoidance of effects is not possible and</p> <p>effects are remedied or mitigated;</p> <p>the Significant Surfing Area, avoiding</p> <p>t adverse effects and avoiding, remedying</p> <p>ing other adverse effects on seascape,</p> <p>development <u>within the Coastal Marine</u></p> <p>h would have an adverse effect on the</p> <p>el of the area; and [...]</p>	<p>Powerco supports the submission, in part. The focus on the CMA is supported as it is activities in this location that have the greatest potential to affect surf breaks and significant surfing areas.</p> <p>Powerco seeks to ensure that the provisions do not unduly restrict the provision of electricity infrastructure in the coastal environment where it falls within significant surfing areas.</p>	<p>Officers note that references to the “coastal environment” in Policy 19 (rather than “coastal marine area”) is intentional. It ensures that when managing adverse effects of use and development in the coastal marine area, there is wider consideration (through Policy 19) of effects on the wider coastal environment. Policy 19 and its application to the coastal environment promotes the integrated management of the wider area across environmental domains and local authority jurisdictional boundaries. This is consistent with Policy 4 of the New Zealand Coastal Policy Statement and contributes to meeting Objective 1 [Integrated management] of the Plan.</p> <p>Provisions for (b) is limited to regionally important infrastructure and officers do not agree that it should extend to include farming activities. However, officers note that the application of the Policy is through rules which pertain to activities in the coastal marine area. As such, land based farming activities are highly unlikely to create the types of effects outlined in (e).</p> <p>Clause (d) relates to development within the Significant Surfing area, it is not necessary or appropriate to refer to the coastal marine area. Officers do not believe farming activities are particularly affected by this Policy. Notwithstanding that, officers suggest some of the submitter’s concerns may be partially addressed by granting relief sought by other submitters whereby the landward extent of the Significant Surfing Area has been amended to be the mean high water springs.</p> <p>Within Clause (e)(ii), officers recommend granting the relief in part by removing reference to “access to”. Access to surf breaks is one of many important considerations for managing adverse effects and it is suggested that this clause focus on other qualities of surf breaks. The revised Clause would read as follows:</p> <p>(ii) effects on other qualities and characteristics that contribute to use and enjoyment of surf breaks.</p>	<p>Accept</p> <p>recom</p>
<p>d, in part by Powerco</p> <p>Policy 19 as follows:</p> <p>surf breaks and their use and enjoyment</p> <p>adverse effects of other activities <u>to</u>by:</p> <p><u>remedy or mitigate</u> significant adverse</p> <p>: [...]</p>	<p>Powerco supports the submission, in part. Powerco supports further consideration of the inland extent of the Significant Surfing Area to ensure the provisions do not unduly restrict the provision of gas and electricity infrastructure in the coastal environment.</p>	<p>The submitter notes that the Taranaki Regional Council is wishing to provide a higher level of protection for a higher number of surf breaks than required by the New Zealand Coastal Policy Statement, The submitter suggests that under Policy 19 it would be very difficult for any activity that gives rise to any adverse effects on amenity or natural character to find support because the policy does not refer to an acceptable level of effects or provide for effects to be remedied or mitigated.</p> <p>Officers note the concerns of the submitter and recommend granting the relief sought by the submitter by amending Policy 19(e)(ii) to delete reference to “natural character” and “amenity values”.</p>	<p>Accept</p> <p>recom</p>

	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	<p>Policy 19: Surf breaks and Significant Surfing Area Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</p> <p>(a) avoiding adverse effects on:</p> <ul style="list-style-type: none"> (i) all nationally significant surf breaks as identified in Schedule 7; and (ii) all surf breaks within the designated Significant Surfing Area as identified in Schedule 7; <p>(b) avoiding significant adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area unless the activity is necessary for the provision of regionally important infrastructure, avoidance of effects is not possible practicable and effects are remedied or mitigated <u>to the extent reasonably practicable</u>;</p> <p>(c) avoiding, remedying or mitigating adverse effects on all locally significant surf breaks listed in Schedule 7;</p> <p>(d) within the Significant Surfing Area, avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on seascape, including development which would have an adverse effect on the remote feel of the area; and</p> <p>(e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:</p> <ul style="list-style-type: none"> (i) effects on the quality or consistency of the surf break by considering the extent to which the activity may: change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and (ii) the effects on access to surf breaks and other qualities and characteristics that contribute to use and enjoyment of surf breaks, including natural character, water quality, and amenity values. 	
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SECTION 5.2.2 – COASTAL STRUCTURES AND OCCUPATION OF SPACE IN THE COASTAL MARINE AREA (POLICIES)

	Retain Policy 31 of the Plan as notified.	<p>ACCEPT Support noted. Policy 31 is retained subject to minor amendments.</p> <p>Policy 31: Structures that support safe public access and use, or public or environmental benefit Allow. Structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for:</p> <ul style="list-style-type: none"> (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; (d) and the efficient operation of nationally and regionally important infrastructure. 	Accept recom
	Retain Policy 32 of the Plan as notified.	<p>ACCEPT Support noted. Policy 32 is retained subject to minor amendments.</p> <p>Policy 32: Placement of structures 830 Structures placed in the coastal marine area:</p> <ul style="list-style-type: none"> (a) must generally be limited to those that have a functional need <u>or operational need</u> to be located in the coastal marine area and that do not cause duplication of a function for 	Accept recom

	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	<p>(d) must be designed, located and managed so as to avoid, remedy or mitigate:</p> <ul style="list-style-type: none"> (i) any increase in coastal hazard risk including increased rates of erosion or accretion; (ii) settlement or loss of foundation material; (iii) movement or dislodgement of individual structural elements; and (iv) adverse effects on the environment and associated uses and values, including cumulative effects; <p>(e) should be made available for public or multiple use where it will not conflict with operational or safety requirements; and</p> <p>(f) where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with <u>minimise effects on the natural character and visual amenity of</u> the adjoining coast.</p>	
	Retain Policy 36 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Policy 36 is retained subject to minor amendments.</p> <p>Policy 36: Maintenance, repair, replacement and minor alteration or minor extension of existing structures</p> <p>Maintenance, repair, replacement and minor alteration or minor extension of existing lawful structures and reclamations will be allowed in order to:</p> <p>(a) <u>in order to</u>:</p> <ul style="list-style-type: none"> (i) enable compliance with applicable standards and codes; (ii) ensure structural integrity; (iii) maintain or improve efficiency; or (iv) address health and safety or navigational safety issues; and <p>(b) <u>where it does not increase the scale or significance of the adverse effects of the activity or structure;</u></p> <p><u>subject</u> to the appropriate management of adverse effects.</p>	Accept recom
n part	<p>Amend Policy 37 of the Plan, as follows:</p> <p>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 [...]</p>	<p>DECLINE</p> <p>The submitter wishes to extend the scope of the policy to cover all alterations or extensions of structures in the coastal marine area, not just major alterations or extensions. Officers recommends declining the relief sought. Officers consider that the current wording is appropriate as it provides for two types of alterations or extension. These being minor alterations and extensions that are managed through Policy 36 as a Permitted Activity. Other alteration or extension activities are addressed under Policy 37 will generally require a consent. Officers prefer to keep this distinction simple for Plan users as notified.</p>	Accept recom
	Retain Policy 38 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Policy 38 is retained subject to minor amendments.</p> <p>Policy 38: Removal of coastal structures</p> <p>Decommissioning and removal of any new structure will must be considered planned for as part of the initial design and installation and removal will generally be required.</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 When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply one or more of the following applies:</p>	Accept recom

	Retain Policy 39 of the Plan as notified. Policy and Planning Committee	ACCEPT Support noted. Policy 39 is retained as notified. Approval of Proposed Coastal Plan for Taranaki 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.	Accept recom
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SECTION 5.2.3 – DISTURBANCE, DEPOSITION AND EXTRACTION (POLICIES)

	Retain Policy 41 of the Plan as notified.	ACCEPT Support noted. Policy 41 is retained subject to minor amendments Policy 41: Disturbance, deposition or extraction activities that provide public or environmental benefits Allow disturbance, deposition or extraction that is necessary to protect, or maintain the safe and efficient operation of nationally and regionally significant infrastructure or provide for public or environment benefit, <u>including protecting or maintaining the safe and efficient operation of nationally and regionally important infrastructure,</u> will be allowed, subject to appropriate management of adverse effects, include: <ul style="list-style-type: none"> (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, altering or extending 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. 	Accept recom
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SECTION 6.1 – GENERAL (METHODS)

<i>in part by Powerco</i> Rules Permitted activity rules of the Plan by references to avoiding adverse effects on of the New Zealand Coastal Policy t matters with permitted activities that activity type, scale and location to the at the activity will not have an adverse ich is inconsistent with achieving Policy 11 w Zealand Coastal Policy Statement	Powerco is not necessarily opposed to the intent of the relief sought by the submitter but reserves judgement pending specific wording of the amendments.	No precise details of amendments sought to the Plan have been provided and officers are unclear as to what is sought in this relief. However, officers note that it is their view that all rules give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the New Zealand Coastal Policy Statement. Permitted activity rules are already proposed that are believed to be of a scale, type and location that any adverse effects on biodiversity will be less than minor and is consistent with community expectations set out in the Plan policies – particularly Policies 14, 14A and 14B the Plan, which, in turn give effect to Policy 11 of the New Zealand Coastal Policy Statement. 832 Notwithstanding any permitted activity classification, undertaking such activities is still subject to compliance with the standards, terms and conditions of the rule, which will ensure that such activities	Accept recom
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Approval of Proposed Coastal Plan for Taranaki
Permitted activity rules are believed to be of a scale, type and location that any adverse effects on natural character and natural features and landscapes will be less than minor and is consistent with community expectations set out in the Plan policies – particularly Policies 8 to 13 of the Plan, which, in turn give effect to Policies 13 and 15 of the New Zealand Coastal Policy Statement. Any permitted activity is subject to compliance with the standards, terms and conditions of the rule, which will ensure permitted activities are carried out in a manner that will avoid, remedy or mitigate effects on natural character and natural features and landscapes.

Where activities are of a scale, type and location that any adverse effects on natural character and natural features and landscapes will likely to be more than minor a resource consent is required. Through the consenting process, all General Policies are considered, including Policies 8 to 13, when determining whether the activity will be allowed and, in the event that it is consented, what conditions will be imposed to avoid, remedy or mitigate effects on natural character and natural features and landscapes.

Where activities are of a scale, type and location that any adverse effects on natural character and natural features and landscapes will likely to be more than minor a resource consent is required. Through the consenting process, all General Policies are considered, including Policies 8 to 13, when determining whether the activity will be allowed and, in the event that it is consented, what conditions will be imposed to avoid, remedy or mitigate effects on natural character and natural features and landscapes.

SECTION 8.2 – STRUCTURES AND OCCUPATION (RULES)

<p>in part by Powerco</p> <p>ification whether Activity Description (d) the cable only and is not the actual</p>	<p>Powerco supports clarity as to whether the reference to cable include support structures. The industry interpretation of lines/cables is that it does include support structures. This reflects the definition of 'line' under the Electricity Act 1992 which is as follows: 'lines means works that are used or intended to be used for conveyance of electricity'. A similar definition of cable or line could be incorporated into the proposed Coastal Plan.</p>	<p>NO RELIEF NECESSARY</p> <p>Support noted. Officers note that Condition (d) refer to the cable and constituent parts.</p>	<p>Evidence Clause cable, Clarity includ</p>
<p>in part by Powerco</p> <p>ipeline that is buried" and "a cation or electricity cable that is buried" Controlled Activity description and insert a icted Discretionary rule.</p>	<p>Powerco oppose, in part the submission. Powerco is not necessarily opposed to a Restricted Discretionary Activity status for buried cables in the CMA but in the absence of proposed wording of the rule and related matters of discretion the rule is opposed.</p>	<p>The submitter suggests the burial of pipes and cables may have significantly different levels and types of effects compared with attaching a pipe to a bridge.</p> <p>Officers agree with that assessment but are confident that subject to the standards, terms and conditions of this Controlled Activity rule, any adverse environmental effects are reasonably foreseeable and can be appropriately avoided, remedied or mitigated via conditions of a resource consent. Activities that cannot comply with the standards, terms and conditions are more appropriately managed through Rules 33 [Discretionary Activity] and 34 [Non-complying Activity] of the Plan.</p>	<p>Accept recom</p>
<p>in part by Powerco</p> <p>e rule classification to make the erection ent of network utility structures within</p>	<p>Powerco oppose, in part the submission. Powerco consider that the matters raised can properly be addressed by appropriate matters of control.</p>	<p>DECLINE</p> <p>Officers note that Rule 22 seeks to provide for the placement of important network utilities that might transcend the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately</p>	<p>Accept recom</p>

	Policy and Planning Committee	the placement of network utility structures to be made a Restricted Discretionary Activity. However, officers also note that if proposed activity is unable to meet all of the standards, terms and conditions of the Controlled Activity Rule, then the activity would need to be addressed under Rules 33 (Discretionary) and 34 (Non-complying) depending on the coastal management area.	
in part by Powerco condition for a 100m setback from Outstanding Value Management areas.	Powerco oppose, in part the submission. Powerco opposes the proposed 100m setback from Outstanding Value Management areas, which is arbitrary and not justified in terms of effects.	No precise details of the rationale for the relief sought has been provided, or indeed what the proposed setback distance would achieve. Officers recommend declining the relief sought by the submitter noting that the rule excludes the Outstanding Value coastal management area and given that most of the activities covered by this rule require the structure to be buried or are small scale. Of note, in the event that this activity is of a type or scale that it could have an impact on Outstanding Values, the Rule reserves control over the location of the work.	Accept recom
in part by Powerco the following matters of discretion: <u>on indigenous biological diversity</u> <u>on natural character and natural</u> <u>and landscape</u> <u>on any areas of Outstanding Value.</u>	Powerco oppose, in part the submission. Powerco considers that the matters raised can properly be addressed by appropriate matters of control.	Officers agree in part to the relief sought by the submitter by amending the following matters of discretion in Rule 22 (plus consequential changes to equivalent rules elsewhere in the Plan). Rule 22: Network utility structure erection or placement (f) effects on ecological <u>ecological-natural character, features and landscapes values</u> (fa) <u>effects on indigenous biodiversity</u> values [...] Officers recommend that this amendment also be included in additional Rules where appropriate to maintain consistency. Officers note the amendments to term “ecological” better aligns with the wording adopted in the General Policies, which refers to “natural character, features and landscapes” and “indigenous biodiversity”. Officers did not believe it necessary to specify in the matters of discretion areas of outstanding values as this is a subset of natural character, features and landscapes (and therefore already provided for).	Accept recom
	Retain Rule 22 of the Plan as notified.	ACCEPT Support noted. Recommendation: Rule 22: Network utility structure erection or placement Placement or erection of a network utility structure erection or placement where the structure is: (a) A pipeline that is buried or attached to a bridge, wharf , or access structure; (b) an outfall structure which does not come within or comply with Rule 18; (c) an intake structure; (d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole ; or (e) marine communications equipment and any associated: (a) occupation of space in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).	Evidence As per
in part	Include a new rule or amend rule to provide a	DECLINE	Accept

		<p>Policy and Planning Committee – Approval of Proposed Coastal Plan for Taranaki</p> <table> <tr> <th>Activity</th><th>Rule</th><th>Coastal management area</th><th>Classification</th></tr> <tr> <td> <p><u>Other drilling, structure placement or erection or placement temporary military training activities</u> ⁽²⁹⁾ and any associated:</p> <p>(e) occupation of space in the common marine and coastal area</p> <p>(f) <u>noise;</u></p> <p>(g) <u>disturbance of the foreshore or seabed;</u></p> <p>(h) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(i) <u>discharge of sediment</u></p> <p>and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾</p> </td><td>33</td><td> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p> </td><td>Discretionary</td></tr> </table>	Activity	Rule	Coastal management area	Classification	<p><u>Other drilling, structure placement or erection or placement temporary military training activities</u> ⁽²⁹⁾ and any associated:</p> <p>(e) occupation of space in the common marine and coastal area</p> <p>(f) <u>noise;</u></p> <p>(g) <u>disturbance of the foreshore or seabed;</u></p> <p>(h) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(i) <u>discharge of sediment</u></p> <p>and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾</p>	33	<p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	
Activity	Rule	Coastal management area	Classification								
<p><u>Other drilling, structure placement or erection or placement temporary military training activities</u> ⁽²⁹⁾ and any associated:</p> <p>(e) occupation of space in the common marine and coastal area</p> <p>(f) <u>noise;</u></p> <p>(g) <u>disturbance of the foreshore or seabed;</u></p> <p>(h) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(i) <u>discharge of sediment</u></p> <p>and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾</p>	33	<p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary								
<p>d, in part by Powerco</p> <p>make network utility underground or pipelines attached to existing bridge or structures in Outstanding Value coastal management area a Controlled Activity (rather than Complying).</p>	<p>Powerco oppose the submission. While Powerco seeks amendments to mapping such that none of its assets would be included within areas of Outstanding Value or Estuaries Unmodified, there remains potential for electrical and gas assets to be required in these areas to serve development. Powerco supports an alternative activity status that focuses the decision on pertinent matters. Powerco does not consider the rule need to be restricted to pipelines, noting that a range of other network utility structures may be appropriate in these areas.</p>	<p>Officers recommend granting an alternative relief to that sought by the submitter that provides a similar outcome to that which has been requested. Officers recommend amending Rule 22 [Network utility structure erection or placement] to include Outstanding Value coastal management areas as a Controlled Activity.</p>	<p>Accept</p> <p>recom</p>								
	<p>Retain Rule 34 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted. Rule 33 is retained subject to minor amendments.</p>	<p>Accept</p> <p>recom</p>								

		<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>(a) occupation of space in the common marine and coastal area</p> <p>(b) <u>noise;</u></p> <p>(c) <u>disturbance of the foreshore or seabed;</u></p> <p>(d) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(e) <u>discharge of sediment</u></p> <p>and does not come within or comply with Rules 18 to 32, any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2000 (Appendix 6). (2)(i)</p>	
<p>d, in part by Powerco</p> <p>Rule]</p> <p>new rule:</p> <p><u>erection or placement associated with</u></p> <p><u>y Significant Infrastructure (or the</u></p> <p><u>Grid) and any associated works:</u></p> <p><u>ation of space in the common marine and</u></p> <p><u>ea and does not come within or comply</u></p> <p><u>s 18 to 32.</u></p>	<p>Powerco supports, in part the submission. While Powerco seeks amendments to mapping such that none of its assets would be included within areas of Outstanding Value or Estuaries Unmodified, there remains potential for electrical and gas assets to be required in these areas to serve development. Powerco supports a discretionary pathway for development (including associated works such as maintenance and/or upgrading) of this nature and considers it should not be limited solely to the National Grid.</p>	<p>Officers recommend declining the relief sought by the submitter.</p> <p>Officers do not believe it necessary to have a new Rule addressing the placement of Regionally Important Infrastructure in Outstanding Value and Estuaries Unmodified coastal management areas. Officers do not consider it appropriate in such circumstances to differentiate between the Regional Important Infrastructure in such areas and other activities. Outstanding Value and Estuaries Unmodified have exceptional/significant values and it is appropriate that they have high levels of protection under the Plan.</p> <p>Officers note that applications for a resource consent for Regionally Important Infrastructure may still be considered under Rule 34 as a Non-complying Activity. While officers recognise that Non-complying Activities represent a very high level of regulatory protection it is noted that a resource consent can still be granted where the effects of the activity are less than minor and the activity is not contrary to the objectives and policies of the Plan.</p>	<p>Accept</p> <p>recom</p>
<p>by Powerco</p> <p>include new conditions addressing;</p> <p>e use of vehicles and machinery in the</p> <p>environment will be avoided where</p> <p>e, and minimised/effects mitigated where</p> <p>ary (including taking the shortest and</p> <p>nsitive route)</p> <p>uirement for construction equipment</p> <p>a spoil, litter or equipment to be removed</p>	<p>Powerco opposes the submission. The proposed wording of standards addressing the matters raised has not been provided. In the absence of specific wording, the nature and effect of the standards is unclear and they are opposed. For instance, the submission seeks machinery takes the shortest and least sensitive route. There would seem to be potential that these two matters are contradictory, and it is not clear why there is a need to include a requirement beyond “least sensitive”</p>	<p>Officers recommend declining the relief sought by the submitter.</p> <p>Similar type conditions have been considered as part of the Plan review process and were not deemed to be necessary. Most of the proposed conditions seem to relate to avoiding, remedying or mitigating adverse effects already addressed by the standard, terms and conditions, particularly Conditions (d) and (e). For example refuelling or fuel storage is not allowed , under Condition (d)(i), to result in any conspicuous oil or grease films. Similarly, Condition (e) addresses disturbances to the foreshore and seabed which could be caused by vehicles.</p> <p>836</p> <p>In relation to other matters raised by the submitter, officers are concerned that the specificity sought is unnecessarily restrictive and imposes operational constraints on those using it. For example, the</p>	<p>Accept</p> <p>recom</p>

	<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 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)</p> <p>OR</p> <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 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)</p>	<p>Officers recommend granting the relief sought by the submitter, however, recommend an alternative relief that takes into account other amendments sought by other submitters to Condition (a). The recommended alternative amendment splits the existing condition into two separate conditions to improve readability and reads as follows:</p> <p>(a) size of Minor extensions are incidental to maintenance or alteration activities and the structure, including length, width and height, does not increase beyond 5% of the original size. ⁽³²⁾</p> <p>(aa) except for existing communications cables, or electricity transmission or distribution lines where these activities does not result cause in an increase in the design voltage above 33kV ⁽⁴⁵⁾ and the new or altered cables or lines are not lower in height above the foreshore or seabed;</p>	
by Powerco	<p>Powerco oppose the submission. Matters of control such as the design and the size of any extension would reasonably be considered a design matter, which is already included as a matter of control. An amendment to this effect sought by the submitter is therefore considered unnecessary.</p>	<p>ACCEPT</p> <p>Officers recommend accepting the amendments requested relating to an extension limit. Officers have considered other similar conditions in other regional coastal plans and consider a 10% extension limit to be appropriate provided other environmental concerns are addressed. The new standard, term and condition reads as follows:</p> <p>(aa) the structure envelope, including length, width and height does not increase beyond 10% of the original size within a 24 month period; [...]</p> <p>Officers also recommend that, for the purposes of consistency, a similar condition be included in Rule 40 (Controlled).</p>	Accept recom
n part	<p>Amend Rule 37, as follows:</p> <p>Lawfully established network utility structure maintenance, 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>[..]</p> <p>(d) a communication or electricity cable that is buried or attached to a bridge or access structure or pole; or</p> <p>[..]</p> <p>(d) discharge of sediment</p> <p>And does not come within or comply with Rule 35 [..]</p>	<p>ACCEPT IN PART</p> <p>Officers note that there are multiple aspects to the submitter’s request. Each is addressed in turn.</p> <ul style="list-style-type: none"> • In relation to the inclusion of ‘maintenance’ officers recommend amending the Rule and note that there may be instances where a maintenance activity may not meet all of the standards, terms and conditions. In these instances, the activity may be addressed as a Controlled Activity under Rule 37. • Officers recommend an alternative the relief to the amendment sought in relation to amending the Activity Description (d) to read as follows: <p>(d) a communication or electricity cable; or [...]</p> <ul style="list-style-type: none"> • Regarding compliance with Rule 35, officers recommend declining the request and note that there may be instances where an activity does not come within the activity description of that Rule. Maintaining the current wording will ensure consistency with the rest of the Plan. 	Eviden Relate lines/ increa requir distan
d, in part by Powerco	<p>Powerco supports, in part the submission. The intent of the submission is supported, although it is noted that Rule 35 already provides a</p>	<p>In response to submitters, the rules relating to maintenance, alteration and extension of structures have been reframed to more clearly delineate between the respective activities.</p>	Accept recom

	Policy and Planning Committee	Officers note that, for those activities not covered by Rule 35 and 37, would be addressed under a new rule, Rule 37A, whereby alteration and extension of network utilities can be addressed as a Restricted Discretionary Activity. This is part of a framework that better recognises and provides for regionally important network utilities.	
<p>d, in part by Powerco</p> <p>follows:</p> <p>replacement structure is built in the same <u>or location</u> as the original structure;</p> <p>existing structure is removed completely</p> <p>waste being placed into the coastal marine</p> <p>ess the removal of the structure is</p> <p>d by a <u>Suitably Experienced and Qualified</u></p> <p>professional, in collaboration with the</p> <p>Council. to have greater adverse effects</p> <p>environment than leaving it in place;</p> <p>ards/terms/conditions are amended to</p> <p>replacement structure, <u>except for submarine</u></p> <p>lines, is built in the same location as the</p> <p>structure. <u>A replacement submarine cable</u></p> <p>aid or suspended within a horizontal</p> <p>of no more than three times</p> <p>of water from the cable or line which is</p> <p>placed;</p> <p>existing structure is removed completely</p> <p>waste being placed into the coastal marine</p> <p>ess the removal of the structure is</p> <p>d by an</p> <p>ent suitably qualified and experienced</p> <p>ractionner, to have greater adverse</p> <p>the environment than leaving it in place.</p> <p>ning for this must be provided to</p> <p>Regional Council; [...]</p>	<p>Powerco supports, in part the submission. Like telecommunications infrastructure, gas and electrical upgrades are typically undertaken with existing infrastructure remaining operational until the replacement structure is commissioned. Powerco therefore supports provisions which enable new structures to be replaced in similar locations, recognising the limited potential for adverse effects on a replacement basis.</p> <p>However, while Powerco recognises the addition of the term “similar” to identify an appropriate replacement location does not have absolute clarity, it considers that a more certain terminology may be “in the same, or as close as is reasonably practicable to the same, location”. That phraseology has a greater degree of certainty and can be tested.</p> <p>Furthermore, Powerco considers that if it is adopted, the term “collaboration” should be replaced with consultation, to make it clear that the opinion is that of the SEQCP in consultation with TRC, rather than TRCS approval effectively being required as a “third party”.</p>	<p>In response to other submitters, officers consider that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. Officers recommend deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the ‘replacement’ aspects of the structure.</p>	<p>Accept</p> <p>recom</p>
<p>by Powerco</p> <p>include new standards, terms and</p> <p>s addressing:</p> <p>e use of vehicles and machinery in the</p> <p>environment will be avoided where</p> <p>e, and minimised/effects mitigated where</p> <p>ry (including taking the shortest and least</p> <p>e route)</p>	<p>Powerco oppose the submission. The proposed wording of standards addressing the matters raised has not been provided. In the absence of specific wording, the nature and effect of the standards is unclear and they are opposed. For instance, the submission seeks machinery takes the shortest and least sensitive route. There would seem to be potential that these two matters are contradictory, and is not clear why there is a need to include a requirement beyond</p>	<p>Officers recommend declining the relief sought by the submitter. Similar type conditions have been considered as part of the Plan review process and were not deemed to be not necessary with the effects of those activities being addressed in the standards, terms and conditions of the Rule. Notwithstanding the above, in response to other submitters’ requests, officers consider that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. Officers recommend deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the ‘replacement’ aspects of the structure.</p>	<p>Accept</p> <p>recom</p>

that network utility pipeline removal and ent within coastal management areas: ing Value and Estuaries Unmodified, Modified and Port be classified as a / Activity and be included under Rule 38 (rate rule).	Powerco is neutral to the submission. Powerco consider its gas transmission pipelines are addressed under Rule 38, not in the rules relating to petroleum production. On this basis Powerco is neutral with regard to the changes sought by the submitter to Rule 38. However, if there is some uncertainty that gas transmission pipelines are addressed under Rule 38, then this should be clarified to avoid later misinterpretation. This could be achieved through a consequential amendment, perhaps an advice note, a clarification to the wording of the rule or a definition.	Officers note that the Activity Description of Rule 38 deliberately excludes petroleum production installations and pipelines because of the higher environmental risks involved. Officers further note that Rules relating to maintenance, alterations, extensions and removal are recommended to be reframed to more clearly differentiate between the respective activities. In response to other submitters, officers consider that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. Officers recommend deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the ‘replacement’ aspects of the structure.	Accept recom
	Retain Rule 42 of the Plan as notified.	ACCEPT Support noted. Rule 42 is retained subject to amendments. Rule 42: Structure maintenance, repair alteration, extension or removal and replacement not provided for in Rules 35 to 41 Structure maintenance, repair , alteration, extension or removal and replacement and any related occupation of the common marine and coastal area <u>and any associated:</u> (a) <u>occupation of space in the common marine and coastal area;</u> (b) <u>disturbance of the foreshore or seabed;</u> (c) <u>deposition in, on or under the foreshore or seabed; and</u> (d) <u>discharge of sediment</u> and the activity or structure does not come within or comply with any of Rules 35 to 41 or the Resource Management (National Environmental Standards for Electricity transmission Activities) Regulations 2009 (Appendix 6).	Accept recom
	Retain Rule 43 of the Plan as notified.	ACCEPT Support noted. Rule 43 is retained subject to amendments. Recommendation: Rule 43: Other structure maintenance, repair alteration, extension or removal and replacement not provided for in Rules 35 to 41 Structure maintenance, repair , alteration, extension or removal and replacement and any related occupation of the common marine and coastal area <u>and any associated:</u> (a) <u>occupation of space in the common marine and coastal area;</u> (b) <u>disturbance of the foreshore or seabed;</u> (c) <u>deposition in, on or under the foreshore or seabed; and</u> (d) <u>discharge of sediment</u> and the activity or structure does not come within or comply with any of Rules 35 to 41 or the Resource Management (National Environmental Standards for Electricity transmission Activities) Regulations 2009 (Appendix 6).	Accept recom
by Powerco	Powerco oppose the submission. The proposed wording of standards addressing the matters	Officers recommend declining the relief sought.	Accept recom

<p>requirement for construction equipment</p> <p>ing spoil, litter or equipment to be removed</p> <p>24 hours of completion of any works</p> <p>hibition of any refuelling or fuel storage</p> <p>within the coastal environment and that</p> <p>s should be employed to avoid any fuel</p>	<p>why there is a need to include a requirement beyond “least sensitive”.</p> <p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>		
	<p>Retain Rule 48 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted. Rule 48 is retained subject to amendments to the corresponding standard.</p> <p>Rule 48: Continued occupation</p> <p><i>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.</i></p>	<p>Accept</p> <p>recom</p>
	<p>Retain Rule 49 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted. Rule 49 is retained subject to amendments to the matters of discretion.</p> <p>Recommendation:</p> <p>Rule 49: Continued occupation</p> <p><i>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.</i></p>	<p>Accept</p> <p>recom</p>
	<p>Retain Rule 50 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted. Rule 50 is retained subject to minor amendments</p> <p>Rule 50: Continued occupation</p> <p><i>Occupation of the common marine and coastal area and the activity does not come with or comply with Rules 47 to 50 49 or any other Rule in this Plan-or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5)-.</i></p>	<p>Accept</p> <p>recom</p>

SECTION 3.7 – DEFINITIONS

<p>by Powerco</p> <p>– “Alteration”</p> <p>follows:</p> <p>, in relation to buildings, means any</p> <p>o the fabric or</p> <p>istics of a structure involving, but not</p> <p>, the removal and</p> <p>ent of walls, windows, ceilings, floors or</p> <p>er internally or externally and includes</p> <p>attached to the structure. In relation to</p> <p>i, means any changes to function, layout,</p> <p>ance of a structure without</p>	<p>Powerco oppose the submission. The narrow definition of alteration is opposed, particularly the exclusion of any changes to the physical dimensions of a structure.</p>	<p>ACCEPT IN PART</p> <p>Officers agree that the interpretation and application of the Plan, particularly in relation to rules addressing structures in the coastal marine area, would be improved by defining the term “alteration”. Officers note that alteration may apply to many types of structures and is not restricted to buildings, therefore, for the purpose of the Plan, reads as follows.</p> <p><u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions</u></p> <p>Officers note that change to the external dimensions of a structure is defined through the term “extension” which officers suggest should also be included within the definitions section for consistency.</p> <p><u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u></p>	<p>Accept</p> <p>recom</p>
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	<p>coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes 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.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Coastal environment means</p> <p>(a) <i>all of the coastal marine area;</i></p> <p>(b) <i>areas landward of the coastal marine area and identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link), however described; and</i></p> <p>(c) <i>any other areas landward of the coastal environment line where coastal processes, influences or qualities are significant.</i></p> <p>Officers also recommend additional consequential amendments to the Plan, including amendments to associated planning maps to identify the indicative coastal environment line, including amendments to associated planning maps to identify the coastal environment line that are aligned with the coastal environment line identified in a district plan or proposed district plan (or their equivalent).</p>	
<p>d, in part by Powerco</p> <p>[definition]</p> <p>– “Functional need”</p> <p><u>onal, operational, practical or technical</u></p> <p><u>an activity, including development and</u></p>	<p>Powerco support, in part the submission. The intent of the submission is supported. A similar definition, explicitly referencing the coastal environment, was sought by Powerco, as follows:</p> <p><u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u></p> <p>Powerco accept that the ‘requirement’ could be further clarified with reference to “<u>locational, operational, practical or technical needs</u>”.</p>	<p>Officers recommend including a definition for “functional need” but noting that the definition must be aligned with the National Planning Standards 2019. The definition reads:</p> <p><i>Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i></p>	<p>Accep</p> <p>recom</p>
<p>[definition]</p> <p>– “Functional need”</p>	<p>Include a new definition, as follows:</p> <p><u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u></p>		
<p>in part by Powerco</p> <p>[definition]</p> <p>– “Functional need”</p> <p><u>l need means the need for a proposal or</u></p> <p><u>traverse, locate or operate in a</u></p> <p><u>environment because it can only occur in</u></p> <p><u>onment.</u></p>	<p>Powerco oppose, in part the submission. The principle of a definition for functional need is supported but Powerco prefer the definition proposed in its primary submissions which appropriately recognises that these assets don’t necessarily have to be in the CMA and which may avoid the need for the definition of operational requirement as also proposed by the submitter.</p> <p>Powerco sought the following definition be included:</p> <p><u>Functional need means a requirement for a proposal or activity to traverse, locate or</u></p>		

	<p>replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure or asset or site remains the same or similar. It excludes the extension. It excludes the extension or repair of structures or assets, or change in location.</p> <p>OR</p> <p>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. It excludes the extension or repair of structures or assets or change in location.</p>	<p>alteration. These definitions align with relevant rules, particularly Rules 33 to 43. Officers recommend the definition for “maintenance” read as follows:</p> <p>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</p> <p>Officers further note that alterations may not be restricted to alterations completed in order to bring a piece of equipment up to a new standard and there may be other reasons for altering a structure and may include other modifications for other purposes. Officers consider that it is appropriate to leave the definition broad so that it can be applied to other scenarios. For the purpose of the Plan officers recommend that the definition of alteration read as follows:</p> <p>Alteration, in relation to a structure, means any modification to a structure that does not increase its external dimensions.</p>	
<p>by Powerco</p> <p>– “Maintenance”</p> <p>definition as follows:</p> <p><u>Maintenance means the ongoing protective care of</u></p>	<p>Powerco oppose the submission. In applying only to a place, the definition is particularly narrow and does not encompass the range of activities that may constitute maintenance. The definition of maintenance in the proposed plan, subject to amendments set out in Powerco submission, is preferred.</p>	<p>Officers do not consider the relief suggested by the submitter to be sufficient for the Plan as it does not provide enough direction or clarification as to what activities can be considered “maintenance” due to the use of the term “protective care”. This term is broad and has potential to be misinterpreted or distorted to fit a user’s requirements irrespective of the intent of the Plan. Officers recommend amending the definition of maintenance to read as follows:</p> <p>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</p>	Accept recom
<p>by Powerco</p> <p>– “Major alteration or extension” as</p> <p><u>alteration or extension means any alteration of a structure which does not meet the of a minor alteration or extension.</u></p>	<p>Powerco oppose the submission. Powerco is not necessarily opposed to the intent of the relief sought by the submitter subject to appropriate wording of the corresponding definition of minor alteration or extension, and to it being able to be demonstrated that such a definition is necessary (i.e. that the policy provisions and/or rules specifically recognise the presence of this infrastructure in the Open Coast.</p>	<p>Officers recommend giving partial relief to the request sought by the submitter involving reframing the maintenance, alterations, extensions and removal rules (to more clearly differentiate between the respective activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for ‘maintenance’ and with new definitions for ‘alteration’ and ‘extension’ also proposed. However, officers do not believe it is necessary to include a definition for “major alteration”. Officers suggest that the distinction between major and minor alterations is determinable through the individual reading of relevant rules. Officers recommend that the following new definitions of “alteration” and “extension” be included in the Plan to read as follows:</p> <p>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</p> <p>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</p>	Accept recom

<p>in increase in adverse effects over effects from the operational and maintenance structure.</p>	<p>Alterations and extensions to gas and electricity assets are often undertaken within existing infrastructure remaining operational while new assets are commissioned. Powerco therefore supports provisions which enable these alterations, for instance replacement support structure, to be established in similar locations, recognising the limited potential for adverse effects on a replacement basis.</p>	<p>Officers note that activities that do not fit these standards, terms and conditions would not be considered to be 'minor' and would be considered under another rule. Officers recommend that the following new definitions of "alteration" and "extension" be included in the Plan to read as follows:</p> <p>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</p> <p>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</p>	
<p>by Powerco</p> <p>– "Natural character"</p> <p>definition to have regard to specific of the NZCPS. Amend definition to better Policy 15 of the NZCPS</p>	<p>Powerco oppose the submission. In the absence of proposed wording, the amendments sought and their potential implications are unclear.</p>	<p>Officers recommend declining the relief sought by the submitter.</p> <p>Officers note that the proposed definition of natural character would encompass all of the qualities identified in Policy 13 of the New Zealand Coastal Policy Statement and that Policy 13 is not an exhaustive list but merely identifies some characteristics that may (emphasis added) be recognised as natural character. For this reason, officers consider that a more generic and broader definition than that sought by the submitter is required in order to avoid a verbose Plan and the inclusion of an unnecessarily lengthy definition that do not capture all of the possible characteristics. Officers note that all of the characteristics listed in Policy 13 of the New Zealand Coastal Policy Statement are either natural elements, patterns or process or are the experiential perceptions of those processes</p>	<p>Accept recom</p>
<p>by Powerco</p> <p>– "Natural feature"</p> <p>definition to have regard to better reflect (c) of the New Zealand Coastal Policy t</p>	<p>Powerco oppose the submission. In the absence of proposed wording, the amendments sought and their potential implications are unclear.</p>	<p>Officers recommend declining the relief sought by the submitter and note that the definition of "natural feature" encompasses those elements and characteristic identified in Policy 15 of the New Zealand Coastal Policy Statement. Officers note that Policy 15 of the New Zealand Coastal Policy Statement includes a list of features, characteristics and values that are components of a natural landscape which are either part of the physical character of the area (such as natural science factors, presence of water, vegetation and presence of wildlife), the perceptions of that character or associations with that area (such as the legibility or expressiveness of those characters, their aesthetic values, memorability and wild or scenic values), and cultural spiritual, historical and heritage associations (such as values of tangata whenua and historic heritage associations).</p>	<p>Accept recom</p>
<p>– "Network utility"</p>	<p>Retain the definition of "Network utility" as notified.</p>	<p>ACCEPT</p> <p>Definition of "network utility" is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.</p>	<p>Accept recom</p>
<p>in part by Powerco</p> <p>definition]</p> <p>– "Operational requirement"</p> <p><u>operational requirement means the requirement</u> <u>osal or activity to traverse, locate or</u> <u>a particular environment because of</u> <u>or operational characteristics or</u> <u>ts.</u></p>	<p>Powerco oppose, in part the submission. The principle of a definition of operational need is supported if that term is used in or relevant to the Plan but Powerco prefer the simplicity of a broader definition of functional need.</p>	<p>Submitter requests amendment to the Plan to include a definition for "operational requirement" as a consequential amendment as a result of amendments requested for Policy 5 [Appropriate use and development of the coastal environment] of the Plan. Officers recommend granting the relief sought by the submitter to include a definition of "operational requirement", however, recommend aligning with the definition for "operational need" within the National Planning Standards 2019, which reads as follows:</p> <p>Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</p>	<p>Accept recom</p>
<p>– "Pipeline"</p>	<p>Retain the definition of "Pipeline" as notified.</p>	<p>ACCEPT</p> <p>Definition of "Pipeline" is retained as notified.</p>	<p>Accept recom</p>
<p>n part</p>	<p>Retain the definition of "Regionally important</p>	<p>DECLINE</p>	<p>Accept</p>

Repair	<p>Repair means reconstruction.</p> <p>Policy and Planning Committee</p>	<p>The submitter suggests that repair is a type of maintenance activity and that the standard definition should be deleted.</p> <p>Approval of Proposed Coastal Plan for Taranaki</p> <p>Officers recommend granting the relief sought. Consequential amendments are also necessary to the definition of maintenance and associated rules.</p>	recom
<p>n part</p> <p>– “Reverse sensitivity”</p>	<p>Amend the definition of “Reverse sensitivity”, as follows:</p> <p>Reverse sensitivity refer to the potential for the operation of an existing effect 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.</p>	<p>ACCEPT</p> <p>A range of activities may be susceptible to reverse sensitivity effects. As drafted, the submitter believes that the definition 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. The submitter has suggested amendments to the definition that retain its intent but provides added clarity and minimises potential for misinterpretation. Officers agree that the definition for “reverse sensitivity” is ambiguous and potentially confusing. Officers recommend amending the definition.</p> <p>Reverse sensitivity refers to <u>the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the exiting activity-</u></p>	<p>Accept</p> <p>recom</p>
– “Structure”	Retain the definition of “Structure” as notified.	<p>ACCEPT</p> <p>Definition of “structure” retained as notified.</p>	<p>Accept</p> <p>recom</p>
SCHEDULE 1 (COASTAL MANAGEMENT AREAS) & SCHEDULE 2 (COASTAL AREAS OF OUTSTANDING VALUE)			
<p>n part</p> <p>1 and Schedule 2</p>	<p>Amend Schedules 1 and 2, as follows:</p> <ul style="list-style-type: none"> - mapping the coastal environment line - ensuring that the extent of sensitive coastal management areas are appropriate having particular regard to existing infrastructure, particularly the landward edge of Nga Motu and Tapuae areas of outstanding value - amending the corresponding descriptions of the coastal management areas throughout the Plan to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate. 	<p>ACCEPT IN PART</p> <p>A number of submitters have requested to have the coastal environment defined by a line that recognises its extent. Officers recommend granting the relief sought by referencing an “indicative coastal environment line” in the Plan and identifying the coastal environment on relevant planning maps.</p> <p>The indicative nature of this line is to recognise that the coastal environment is a dynamic environment where process of can occur rapidly and induce change to the nature and character of the area and as such the coastal environment line may become redundant or inaccurate in the future due to these changes. The indicative line is useful for identifying whether a particular activity is likely to fall within the coastal environment, however, proper assessment of the location with regards to coastal features and processes will still be necessary to consider the nature of that location, including the relative significance of any coastal features and characteristics (such matters to be considered on a case-by-case basis through the consenting process).</p> <p>With regards to existing infrastructure, the location of infrastructure has been considered, however, the values associated with these locations are considered to be high enough to afford the protections provided for within the Plan despite any infrastructure that may exist in their vicinity. Further, officers consider it unnecessary and inappropriate to retrospectively amend the extent of any sensitive management areas or their descriptions to simply provide for existing infrastructure.</p> <p>Officers further note that areas of Outstanding Value are consistent with the extents of outstanding natural feature and landscapes identified by the New Plymouth District Council in the Draft District Plan and South Taranaki District Council. Officers seek, as far as is practicable, alignment and consistency with other Plans within the region.</p>	<p>Accept</p> <p>recom</p>
Ministry of	Ministry of	Ministry of	1

<p>4</p> <p>identify areas of significant indigenous ty in the coastal marine area, including s and characteristics that contribute to cance of each area. Areas identified are the 'significant coastal areas' identified v Plymouth District Plan and the relevant t Bird Areas for New Zealand Seabirds (as Appendix 3 of the submission).</p>	<p>Powerco opposes, in part the submission. Powerco is not necessarily opposed to the intent of the relief sought by the submitter but reserves judgement pending full detail of the schedule.</p>	<p>Policy and Planning Committee</p> <p>Approval of Proposed Coastal Plan for Taranaki</p> <p>Agencies with monitoring roles for biodiversity include the Department of Conservation, regional councils, district councils, Ministry for Primary Industries, Environmental Protection Authority, and Maritime New Zealand. However, data and knowledge gaps make biodiversity mapping especially challenging. There is no accurate national or regional dataset. One of the challenges for accurately mapping biodiversity is accessing data of sufficient quality and breadth to be confident that all aspects of biodiversity can be adequately mapped. Officers are concerned that Taranaki, as with the rest of New Zealand, has incomplete information and that mapping sites based upon information we currently have (such as SNAs, KNEs) would have a perverse outcome in that it provides less protection for those aspects of biodiversity that were not mapped. The situation is even worse when it comes to species information and/or the marine environment.</p> <p>The Council's preferred approach is to clearly identify those aspects of biodiversity (through Policy 14) that require a higher level of protection by avoiding the adverse effects of activities. Officers believe the current protections give effect to Policy 11 [Indigenous biological diversity (biodiversity)] of the New Zealand Coastal Policy Statement.</p> <p>Notwithstanding the above, officers have reviewed spatial information to ascertain whether any additional biodiversity mapping overlays can be provided. As a result it is recommended that the Important Bird Areas for New Zealand that occur within the Taranaki region be included as a planning layer alongside the Maui dolphin sanctuary and that appropriate policy linkages be made as a consequential amendment.</p>	<p>Accept recom</p>
<p>d, in part by Powerco</p> <p>4A</p> <p>include maps of areas, ecosystems, and that have significant indigenous ty values.</p>	<p>Powerco supports, in part the submission. The principle of mapping areas, ecosystems and habitats that have significant indigenous biodiversity values is appropriate and supported, however Powerco reserves judgement on the nature and extent of the mapped areas and considers that any such relief should be introduced by way of variation to the Plan.</p>	<p>Agencies with monitoring roles for biodiversity include the Department of Conservation, regional councils, district councils, Ministry for Primary Industries, Environmental Protection Authority, and Maritime New Zealand. Officers do not believe any of these agencies are in a position to supply a complete and accurate record of significant indigenous biodiversity in Taranaki.</p> <p>It is officers' view that data and knowledge gaps make biodiversity mapping especially challenging. There is no accurate national or regional dataset. One of the challenges for accurately mapping biodiversity is accessing data of sufficient quality and breadth to be confident that all aspects of biodiversity can be adequately mapped. Officers are concerned that Taranaki, as with the rest of New Zealand, has incomplete information and that mapping sites based upon information we currently have (such as SNAs, KNEs) would have a perverse outcome in that it provides less protection for those aspects of biodiversity that were not mapped. The situation is even worse when it comes to species information.</p>	<p>Accept recom</p>
<p>d, in part by Powerco</p> <p>and Surfing Area</p> <p>inland edge of 'Significant Surfing Area' coastline. The Significant Surfing Area restricted to areas where surfing can e.</p>	<p>Powerco supports, in part the submission. Powerco supports further consideration of the inland extent of the Significant Surfing Area to ensure the provisions do not unduly restrict the provision of gas an electricity infrastructure in the coastal environment.</p>	<p>Officers note the submitter's concern and recommend amending the landward extent of the significant surf break area to align with the indicative coastal marine area line so as to not capture private land. Officers also recommend amending the extent of the Significant Surfing area and confining it to the coastal marine area.</p>	<p>Accept recom</p>

by the Oil s s, policies and in the coastal ea should reflect ionary regime for activities that tain, unknown or erstood. at should te a nary approach ut are not limited 5(j) 22, and 29	<i>The Oil Companies oppose the submission. The Oil Companies consider that the plan must be read as a whole and therefore the precautionary principle already applies as requested by the submitter. A consistent approach should be adopted in the Plan.</i>	<i>The submitter is concerned that areas of the Plan relating to petroleum provisions do not reflect a precautionary approach, which, in their view, is required by the New Zealand Coastal Policy Statement. Officers suggest that no relief is necessary given that a precautionary approach is already adequately provided for via Policy 3 [Precautionary approach] of the Plan. Policy 3 is a General Policy that applies to all activities, including oil and gas industries, within the coastal environment and regardless of which coastal management area the activity may fall within. Officers further note that the potential risks associated with oil and gas exploration and production activities are well understood. In the main oil and gas exploration and production activities in the coastal marine area are largely a Discretionary Activity or a Non-complying Activity. Therefore, through the consenting process, Policy 3 and other relevant policies will be considered and applied as appropriate on a case-by-case basis.</i>	Accept the s42A rec
SECTION 1.4 – PLAN APPLICATION			
4.1 and 1.4.2	Retain Sections 1.4.1 and 1.4.2 of the Plan as notified.	<p>ACCEPT</p> <p>Officers recommend amendment to Section 1.4.1 to include a new sentence stating that while the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area.]</p> <p><u>While the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area.</u> ⁽⁴³⁾ 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.</p>	Accept the s42A rec
SECTION 1.7 – COASTAL MANAGEMENT AREAS			
ction 1.7.5 of the arify whether the st coastal ent are refers to ning area of the arine area of the stal environment	<i>The Oil Companies support the submission. The Oil Companies have an interest in clarification of the extent of the open coast and the applicable provisions in these areas. The Oil Companies submissions were prepared on the basis that the open coast is all areas within the CMA not otherwise mapped as another coastal management area and if required, changes to support and clarify that interpretation are supported.</i>	<p><i>No relief is considered necessary. The first sentence of Section 1.7.5 already state that the Open Coast coastal management area is that area of the coastal marine area not covered by the other management areas.</i></p> <p><i>In relation to the submitter seeking clarification on how values and characteristic of the Open Coast are to be protected in accordance with Policies 11 [Indigenous biodiversity], 13[Preservation of natural character] and 15[Natural features and landscapes] of the New Zealand Coastal Policy Statement, the submitter is referred to Policies 8, 9, 10, 11, 12, 13 and 14 of the Plan and the relevant rules. All General Policies in the Plan need to be considered together.</i></p>	Accept the s42A rec
n part 7.1 to 1.7.3	Retain Section 1.7 of the Plan and the inclusion of the five coastal management areas but amend paragraphs 1.7.1 to	<p>ACCEPT IN PART</p> <p>A number of submitters sought to have their uses, values or particular interests explicitly identified</p>	Evidence

		<p>Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki</p> <p>Section 1.7 Coastal Management Areas</p> <p><i>The coastal marine area has been divided into five management areas. This division recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or have different management needs than other areas. These areas have been mapped in Schedule 1 and <u>specific rules apply. The coastal management areas</u> are as follows: [...]</i></p>	
SECTION 2.2 – NEW ZEALAND COASTAL POLICY STATEMENT			
<p>In part</p> <p>2</p>	<p>Amend Section 2.2 [New Zealand Coastal Policy Statement] of the Plan to specifically recognise and provide for infrastructure. This could be achieved by adding an additional bullet point, as follows:</p> <p><u>Recognising and providing for infrastructure.</u></p>	<p>DECLINE</p> <p>The submitter wishes to extend the scope of Section 2.2 of the Plan to include infrastructure.</p> <p>A number of submitters sought to have their areas of interests explicitly identified in the commentary on the <i>New Zealand Coastal Policy Statement</i>, in this case recognition and provision for infrastructure.</p> <p>Officers note the commentary is deliberately high level that infrastructure is already adequately covered under references to development. Officers suggest that the Plan objectives, policies and rules adequately recognise and provide for infrastructure.</p>	<p>Accept the s42A recommendation</p>
SECTION 2.3 - MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011			
<p>3</p>	<p>Retain Section 2.3 of the Plan as notified.</p>	<p>ACCEPT IN PART</p> <p>The submitters support is noted. However, officers note that in response to relief sought by another submitter, minor amendments have been made to Section 2.3 [<i>Marine and Coastal Area (Takutai Moana) Act 2011</i>] to further explain that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary rights.</p>	<p>Accept the s42A recommendation</p>
SECTION 3.1 - TARANAKI COASTAL ENVIRONMENT			
<p>In part, in part by the Oil Companies</p> <p>1</p> <p>as follows:</p> <p>activities reply upon in or near the coastal marine area, are not on the use of coastal resource, <u>or have operational or</u> constraints that <u>require a coastal marine area</u> Taranaki's coastal resource and activities play a role in both the local and national context.</p>	<p><i>The Oil Companies support the submission in part. The intent of the submission is supported. It may be possible to more succinctly achieve the same intent by adopting a comprehensive definition of functional need, as sought by the Oil Companies.</i></p>	<p><i>The submitter seeks amendments to the commentary to make it clear within the Plan that there are also technical, locational and/or operational reasons why an activity requires a coastal location which are not based solely on the use of the coastal resource itself.</i></p> <p><i>Officers agree that there are a number of instances where the location of infrastructure or activities in the coastal marine area is appropriate taking into account technical, operational or locational requirements. Officers recommend amending the relevant paragraph to refer to “functional need” and “operational need” and note that these terms are defined in the National Planning Standards and include locational considerations.</i></p> <p>Appropriate use and development</p> <p><i>Some activities rely upon a location in or near the coastal marine area, or are dependent on the use of coastal resources, <u>due to a technical need or operational need.</u></i></p>	<p>Clarification</p> <p>Given functional need and operational need are defined in the National Planning Standards, it is appropriate to refer to “functional need” and “operational need”.</p>
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	<p>vulnerability to, coastal hazards may increase over time, <u>for instance</u> due to climate change and sea level rise.</p> <p>Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. <u>It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.</u></p> <p>Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that <u>these activities do not use and development of the coastal marine area does not increase coastal hazard risk or</u> pose a threat to the health and safety of people or property (refer 7 below).</p>	<p>and vulnerability to, coastal hazards <u>may</u> increase over time, <u>for instance</u> due to climate change and sea level rise.</p> <p>Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with the soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. <u>It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.</u></p> <p>Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that <u>these activities do not</u> pose a threat to the health and safety of people or property (refer 7 below).</p>	
SECTION 3.2 - MANAGING THE TARANAKI COASTAL ENVIRONMENT			
<p>n part 2.7</p>	<p>Retain Section 3.2 [Matters to be addressed] of the Plan subject to amending bullet point 7, as follows:</p> <p>7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk <u>to unacceptable levels</u> or pose a threat to the health and safety of people and property.</p>	<p>ACCEPT</p>	<p>Accept the s42A rec</p>
SECTION 4 - OBJECTIVES			
<p>1</p>	<p>Retain Objective 1 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Objective 1 is retained subject to the amendments below:</p>	<p>Accept the s42A rec</p>

<p>and physical of the coastal ent are used , and activities nd on the use opment of these or have operational ational ents, are for in appropriate</p>	<p>comprehensive definition of functional need, as sought by the Oil Companies.</p> <p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	<p>resource, are provided for in appropriate locations.</p>	
<p>d, in part by the anies</p> <p>2</p> <p>jective of the dd a new to specifically rovision for evelopment of lly significant nd national ure, including naki.</p>	<p>The Oil Companies support the submission, in part. The intent of the submission is supported, although it is noted that Rule 35 already provides a permitted activity pathway for maintenance, repair or minor alteration, except at the Port.</p> <p>The Oil Companies reserve judgement on the specific provisions of the proposed permitted activity rule and how this will sit alongside the existing cascade, particularly Rule 35.</p>		
<p>2</p>	<p>Retain Objective 2 of the Plan as notified.</p>		
<p>n part 3</p>	<p>Amend Objective 3 of the Plan, as follows:</p> <p>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.</p>	<p>NO RELIEF REQUIRED</p> <p>Officers consider maintenance and upgrading to already being captured in the phrase “the use and ongoing operation” of nationally and regionally important infrastructure. The introduction of added terms is not only unnecessary but potentially confusing in that it uses terms not used in the Plan policies or rules relating to structures.</p>	<p>Evidence</p> <p>The principle that o maintenance and up However, consistent instance Policy 5 ref maintenance separa uncertainty regardin operation.</p>
<p>4</p>	<p>Retain Objective 4 of the Plan as notified</p>	<p>ACCEPT</p> <p>Support noted. Objective 4 is retained.</p> <p>Recommendation:</p> <p>Objective 4: Life-supporting capacity and mouri</p> <p>The life s49 supporting capacity and muri of coastal water, land and air are safeguarded form the adverse effects, including cumulative effects, of use and development of the coastal environment.</p>	<p>Accept the s42A rec</p>

6	Retain Objective 6 of the Plan as notified	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>ACCEPT</p> <p>Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.</p> <p>Objective 6: Natural character The natural character of the coastal environment is preserved and protected from inappropriate subdivision, use and development and is restored<u>enhanced</u> where appropriated<u>degraded</u>.</p>	Accept the recommendation
7	Retain Objective 7 of the Plan as notified.	<p>ACCEPT</p> <p>Objective 7: Natural features and landscapes The natural features and landscapes of the coastal environment are protected from inappropriate subdivision, use and development.</p>	Accept the s42A recommendation
in part 8	Amend Objective 8 (and corresponding policies and rules) to provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.	<p>NO RELIEF NECESSARY</p> <p>No precise details of amendments sought to Objective 8 have been provided. However, officers note that Section 4 of the Plan provides a suite of objectives that together provide for a broad range of values and uses, including nationally and regionally important infrastructure. Objectives relating to regionally important infrastructure are separately addressed in Objectives 2 and 3 of the Plan. In determining the weighting or priority given to particular values the Plan policies also apply. Officers do not believe any amendments to Objective 8 are therefore necessary.</p> <p>Notwithstanding the above, in response to relief sought elsewhere by the submitter (and others), consequential amendments have been made in other Plan provisions that further recognise and provide for the operation, maintenance and alteration (upgrade) of existing regionally important infrastructure.</p> <p>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.</p>	Accept the s42A recommendation
in part 13	<p>Amend Objective 13 of the Plan, as follows:</p> <p><i>The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased <u>to unacceptable levels</u> and public health, safety and property is not compromised by use and development of the coastal marine area.</i></p>	<p>ACCEPT</p> <p>Officers agree to the sought amendment as it allows minor risks deemed acceptable while continuing to protect the region from coastal hazards.</p> <p>Objective 13: Coastal hazard risk and public health and safety The risk of social, cultural, environmental, and economic harm <u>in the coastal environment</u> from coastal hazards is not increased <u>beyond acceptable levels</u> and public health, safety and property is not compromised by use and development of the coastal marine area.</p>	Accept the s42A recommendation
SECTION 5.1 – PREAMBLE			
and, in part by the Companies	<p>The Oil Companies support the submission, in part. Clarification regarding the landward extent of the management area is supported. The Oil Companies submissions were prepared on the basis that these areas apply as mapped, including beyond the CMA. As the Open Coast is not mapped beyond the indicative CMA boundary. It was understood that the Open Coast only applied in the CMA.</p>	<p>Officers agree to amend the introduction of Section 5.1 but note that the Plan policies cover use, development and protection of all coastal values not just “the protection of significant and outstanding values.” Officers recommend an alternative relief that takes into account relief sought in other submissions.</p> <p>850</p> <p>This section provides the overall direction for achieving integrated management in the coastal environment (i.e. both the coastal marine area and areas <u>landward</u> where coastal processes,</p>	Accept the s42A recommendation
1 s follows: on provides the rection for			

<p>cesses, or qualities are t) in order to the objectives of</p> <p>es apply to all in the coastal ent, regardless of stal</p> <p>ent area the ay fall within management identified in 1 and their istics are in Policy 1).</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	
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SECTION 5.1.1 – MANAGEMENT OF THE COASTAL ENVIRONMENT (POLICIES)

<p>in part, Opposed, the Oil</p> <p>Policy 1 of the Plan</p> <p>Policy 1 by:</p> <p>ut an area based ment approach mapped and d areas. Refer to oolicies to haracteristics in as which are not or those areas in e.</p> <p>a statement that that Policy 1 does de direction for on, use or ment activities e management</p>	<p>The Oil Companies oppose the submission in part. The Oil Companies are not necessarily opposed to the intent of the relief sought by the submitter but reserve judgement pending specific wording of the amendments.</p>	<p>Officers recommend amendments to Policy 1 that gives partial effect to the relief sought by the submitter, but which also addresses issues/matters raised by other submitters.</p> <p>The submitter’s concerns with the coastal management area approach are noted. However, officers note that the approach has been in place since 1997 and to date no issues have been identified in relation to its application. The current Coastal Plan, which includes the same zonal approach and has an equivalent policy, has been demonstrated to be efficient and effective in managing adverse effects in the coastal marine area through interim reviews and state of the environment monitoring. Officers do not believe it necessary nor appropriate to delete Policy 1.</p> <p>Notwithstanding the above, officers note recommendations that give partial relief to other reliefs sought by the submitter. These include amendments to the Policy 1 plus other inconsequential changes in Section 1.7 of the Plan to clarify that the application of the coastal management areas apply only to the coastal marine area.</p>	<p>Accept the s42A rec</p>
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<p>new Policy to the Port of and consistent y 9 [Port] of the and Coastal tement.</p>	<p>Companies support the intent of the submission but reserve judgement pending specific wording of the policy sought.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Resolution: It is therefore unnecessary to include a new policy specific to the Port when matters outlined in Policy 9 of the New Zealand Coastal Policy Statement have been more fully covered and addressed via Policy 1 [Coastal management areas], Policy 5 [Use and development], Policy 6 [Regionally important infrastructure] and Policy 7 [Reverse sensitivity]. These and the other General Policies and relevant Activity Policies will contribute to the efficient and safe operation of Port Taranaki.</p>	
<p>n part</p>	<p>Retain Policy 1 of the Plan subject to an amendment that recognises the existence of existing infrastructure in areas of Outstanding Values, Estuaries Unmodified and Estuaries Modified, unless the mapping is amended such that this is not the case. Seek amendment to Policies 1(a), 1(b), and 1(c) to read as follows:</p> <p><u>these areas may contain regionally important infrastructure.</u></p>	<p>DECLINE</p> <p>Officers recommend declining the relief sought by the submitter in that the suggested amendments are for a value or attribute that is not a distinguishing feature of the coastal management area. Policy 1 sets out a zonal approach for the application of rules in the coastal marine area. The coastal marine area has been divided into five coastal management areas based upon shared values, characteristics, uses, vulnerability or sensitivity, and different management needs. The zones allow rules to ‘bundle’ compatible activities or effects of these activities together and restrict activities or effects which are incompatible. The coastal management areas enable some activities, and restrict other activities. As noted in Policy 1(a), (b) and (c) the listed matters refer to attributes and values characteristic of the area. There is no value in identifying values and attributes (already recognised and provided for by policies elsewhere) and which can occur anywhere in the coastal marine area.</p>	<p>Evidence</p> <p>Address in conjunct Section 1.7.</p>
<p>n part</p>	<p>Amend Policy 2(f) of the Plan, as follows:</p> <p><i>Provide for the integrated management of the coastal environment by: [...]</i></p> <p><i>(f) managing natural and physical—coastal resource in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional <u>need</u> and/or location constraints of nationally or regionally important infrastructure, and [...]</i></p>	<p>ACCEPT</p> <p>Officers agree with the submitter that reference to “<i>functional need</i>” provides more clarity to Plan users noting that this has been defined in the Plan. Further to this, the Plan also defines “operational needs: which encompasses locational constraints which is recommended to be included following functional needs in Policy 2(f). Policy 2(f) would read as follows:</p> <p>(f) managing natural and physical resources in a manner that <u>recognises and provides for</u> the social, economic and cultural objectives and well-being of the community and the functional <u>needs and/or operational needs</u> of regionally important infrastructure, <u>and industry</u> [...]</p>	<p>Accept the s42A rec</p>
	<p>Retain Policy 3 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Policy 3 is retained subject to minor amendments.</p> <p>Policy 3: Precautionary approach</p> <p>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.</p>	<p>Accept the s42A rec</p>
	<p>Delete Policy 4 as currently worded and replacing it with</p>	<p>GRANT IN KIND</p>	<p>Accept the s42A rec</p>

	Policy and Planning Committee – Approval of Proposed Coastal Plan for Taranaki	<p>agree with amending the Plan to provide more certainty in relation to where the coastal environment lies. It is recommended that the Plan (and associated GIS layers and planning maps) be amended to include an indicative extent of the coastal environment that is aligned with the coastal environment lines (or their equivalent) identified in the South Taranaki and New Plymouth district plans.</p> <p>The revised Policy would read as follows</p> <p>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan by:</p> <ul style="list-style-type: none"> (a) <u>having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and</u> (b) <u>on a case by case, basis, recognising:</u> <ul style="list-style-type: none"> (i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetland and the margins of these areas; and (ii) 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
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SECTION 5.1.2 – USE AND DEVELOPMENT OF RESOURCES (POLICIES)

<p>d by the Oil</p> <p>es</p> <p>b), (e), (f) and (g)</p> <p>follows:</p> <p>enefits to be</p> <p>om the activity</p> <p>regional and</p> <p>vel, including</p> <p>tial contribution</p> <p>lture and marine</p> <p>ewable-energy</p> <p>l resources.</p> <p>gree to which the</p> <p>ill be threatened</p> <p>tribute to,</p> <p>azard risk, or</p> <p>reat to public</p> <p>d safety <u>risks</u></p> <p>cular reference</p> <p>20;</p> <p>gree to which the</p> <p>ontributes to the</p> <p>nce</p> <p>ent or</p> <p>n of natural or</p> <p>eritage including</p>	<p>The Oil companies supports the submission. The relief proposed by the submitter improves the clarity of the policy and is consistent with the requirements of the RMA in relation to alternatives and the BPO.</p>	<p>Officers consider the inclusion of “renewable energy” within Policy 5(b) to be in line with the requirements of Policy 6(1)(g) [Activities in the coastal environment] of the New Zealand Coastal Policy Statement to take into account the potential for renewable resources.</p> <p>However, officers consider the addition of mineral resources within the Policy to be in line with Policy 6(2)(a) of the New Zealand Coastal Policy Statement whereby contributions to social, economic and cultural wellbeing of people and communities from use and development, including (but not limited to) the potential for renewable marine energy are recognised. Therefore, officers recommend granting the relief in part whereby the scope of Policy 5(b) is broadened to explicitly recognise mineral resources alongside aquaculture, renewable energy and other marine based energy plus other consequential changes to the Policy as requested by other submitters</p>	<p>Accept the s42A rec</p>
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<p>n of public public use of the uding for n;</p>		<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives, including best practicable options for preventing or minimising adverse effects on the environment: ⁽⁶⁾</p> <p>(d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Māori and their culture and traditions with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka (canoe landing sites), nga toka (rocks) and tauranga ika (fishing grounds);</p> <p>(e) the degree to which the activity will be threatened by, or contribute to, subject to unacceptable risks or exacerbate ⁽⁶⁶⁾ coastal hazards, risk, or pose a threat to public health and safety with particular reference to Policy 20;</p> <p>(f) the degree to which the activity contributes to the maintenance ⁽⁸⁾ enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;</p> <p>(g) the degree to which the activity contributes to the maintenance ⁽⁸⁾ enhancement or restoration of appropriate ⁽¹⁰⁾ public access or public use of the coast including for recreation;</p>	
<p>d by the Oil es</p> <p>)</p> <p>follows:</p> <p>gree to which the ntributes to the nent or n of public public use of the uding for n or restoration access or public coast including tion, unless the tivity, and the aintain public akes nent or n of public appropriate; [...]</p>	<p>The Oil Companies support the submission. The Oil Companies activities at the Port include the storage and use of petroleum products. These products are hazardous substances and unfettered access is not appropriate. This is appropriately recognised in the proposed amendment to clause (g) sought by the submitter.</p>	<p>Officers note that Policy 5 contains a suite of considerations and must be read in conjunction with the other General Policies and relevant Activity-specific Policies. Policy 5(e) already addresses public health and safety risks while Policy 17 [Public access] sets out circumstances where public access would not be appropriate. Accordingly, Officers do not believe it necessary or appropriate to paraphrase other Plan provisions. Indeed there are risks in creating legal uncertainty in doing so.</p> <p>Officers recommend alternative relief whereby Policy 5(g) is amended to refer to “appropriate” public access or use. Policy 17 would then apply and provides the guidance and direction on what constitutes appropriate public access and use in the coastal environment.</p> <p>Policy 5: Appropriate use and development of the coastal environment Determine whether subdivision and use and development of the coastal environment is in an appropriate place-location and form, and within appropriate limits, by having regard to: [...] (g) the degree to which the activity contributes to the maintenance enhancement or restoration of appropriate public access or public use of the coast including for recreation.</p>	<p>Accept s42A recom</p>
<p>d by the Oil es</p> <p>)</p> <p>olicy 5(a) of the llows:</p> <p>unctional need for y to be located istal marine area istal ent. Conversely</p>	<p>The Oil Companies support the submission, in part. The Oil Companies similarly seeks that functional need applies to both the CMA and Coastal Environment and seeks to ensure that the policy does not narrow the definition of functional need sought in its submission.</p>	<p>Officers recommend declining the relief sought by the submitter.</p> <p>Officers note that Policy 5(a) is deliberately confined to activities being located in the coastal marine area because they have a functional need or operational need. This reflects the coastal marine area being a public space. Officers do not believe that such restrictions are necessary or appropriate on the landward part of the coastal environment.</p>	<p>Accept the s42A rec</p>

<p>n part (c) and (e)</p>	<p>Amend Policy 5(a), (c) and (e) of the Plan to read:</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> <p>(a) <i>the functional need for the activity to be located in the coastal marine area. Conversley 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 indeed use and function of the area).</i></p> <p>[...]</p> <p>(c) <i>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;</i></p> <p>[...]</p> <p>(e) <i>the degree to which the activity will be threatened by, or contribute to, <u>subject to unacceptable risks or exacerbate adverse effect arising from</u> coastal hazards risk, or pose a threat to public health and safety with particular reference to Policy 20;</i></p> <p>[...]</p>	<p>ACCEPT IN PART</p> <p>Officers recommend amending Policy 5(a) as sought by the submitter but recommend alternative relief to that proposed with additional changes made to clauses (c) and (e) in response to other submitters and to reflect that often little can be done to control the coastal hazard risk.</p> <p>Policy 5: Appropriate use and development of the coastal environment</p> <p>Determine whether subdivision and use and development of the coastal environment is in an appropriate place-location and form, and within appropriate limits, by having regard to:</p> <p>[...]</p> <p>(c) <i>the appropriateness of the proposed design, methodology, location or route of the activity in the context of the receiving environment and any possible alternatives, <u>including best practicable options for preventing or minimising adverse effect on the environment</u> [...]</i></p> <p>(e) <i>the degree to which the activity will be <u>subject to unacceptable risks or exacerbated</u> coastal hazards s risks, or public health and safety with particular reference to Policy 20;</i></p> <p>[...]</p>	<p>Accept the s42A rec</p>
<p>n part</p>	<p>Amend Policy 6 of the Plan, as follows:</p> <p><i>Recognise and provide for <u>the safe and efficient operation of</u> 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></p>	<p>ACCEPT</p> <p>Accept the amendment to Policy 6 to provide for the sale and efficient operation of infrastructure.</p> <p>Policy 6: Benefits of regionally important infrastructure</p> <p>Recognise the benefits of new and existing regionally important infrastructure to the social, economic and cultural well-being of people and communities in Taranaki, and provide for the safe and efficient operation of regionally important infrastructure subject to appropriate avoidance, remediation or mitigation of adverse environmental effects.</p>	<p>Accept the s42A rec</p>
	<p>Ament Policy 7, as follows:</p> <p>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:</p> <p>(a) avoiding significant adverse effects on infrastructure of national or regional importance;</p> <p>(b) avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;</p> <p>(c) avoiding, remedying or mitigating adverse effects on other activities</p>	<p>ACCEPT</p> <p>Officers agree to amend Policy 7 in line with the relief sought by the submitter (noting some minor changes are made to align the reading of the policy with other policies in the Plan).</p> <div data-bbox="1014 1262 1951 1506"> <p><u>Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of existing activities by:</u></p> <p><u>(a) avoiding significant adverse effects on regionally important infrastructure;</u></p> <p><u>(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure; and other activities.</u></p> </div>	<p>Clarification</p> <p>Clause (b) would be two clauses for clarification semi colon.</p>

<p>follows:</p> <p>ing adverse activities on the d characteristics in Schedule 2 ibute to areas: outstanding character, and/or outstanding atures and ; adjoining coastal ent area – ing Values; and aining significant and visual associated with ng natural and landscapes, views from e landscapes or and views of the es and features.</p>	<p>effect of the policy on areas in proximity to scheduled areas of outstanding value. While it is recognised and accepted that the Coastal Plan has effect over both the CMA and the coastal environment, the extent to which the Policy applies should be clearly and appropriately identified, and activities adjacent to such areas should not be unnecessarily constrained or subject to more than one regulatory approach (eg: regional and district), unless those approaches clearly have different intent.</p> <p>This is particularly relevant to the Oil Companies’ Omata Terminal which is regionally significant infrastructure in close proximity to areas of Outstanding Value. For instance the terminal is clearly visible from Paritutu Rock. As drafted, clause (b) of Policy 8 could unreasonably restrict further development at the terminal.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Officers note that activities undertaken adjoining Outstanding Value areas can, over time, adversely affect the values associated with an outstanding area. Seascapes and visual corridors are important values associated with natural features and landscapes and therefore require protection as per Policy 15 of the New Zealand Coastal Policy Statement. Accordingly, for the purposes of integrated coastal management, it would be inappropriate to exclude consideration of the wider landscape and would derogate from Council’s efforts seeking to give effect to Policies 13 and 15 of the New Zealand Coastal Policy Statement.</p>	
<p>d by the Oil es</p> <p>read:</p> <p>the visual quality physical, l and cultural f areas of ng value in Schedule 1 appropriate evelopment by: ng adverse activities (other or or transitory n s and istics identified in 2 that contribute</p>	<p>The Oil Companies support the submission. The principle of introducing wording to specifically recognise that it may be appropriate to allow minor or transitory effects is in keeping with case law and is supported.</p>	<p>Officers agree that minor or transitory effects are not necessarily required to be avoided within Policy 8. In the recent King Salmon case law, the Supreme Court ruled that avoidance policies do not necessarily rule out minor and transitory effects. Notwithstanding that, officers do not consider it necessary to include explicit recognition of this within Plan policies. Indeed there are risks in doing so. Officers believe that it is more appropriate for the interpretation of Plan policies to rely on case law when determining the extent of effects which are necessary to be avoided. The current wording reflects the wording of the New Zealand Coastal Policy Statement and will ensure that any evolution of case law can be taken into consideration during the consenting process.</p>	<p>Evidence</p> <p>Clarity re policy hierarchy and directiveness of policies. The Coastal Plan should say what it intends. That case law does not dictate the direction in the</p>

	Amend Policy 8, as follows: <u>(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.</u>	based on values and attributes of the area rather than the presence (or otherwise) of particular use and development. Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki In relation to the alternative relief of amending Policy 8, officers do not believe any relief is necessary. Officers note all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.	
n part	Revisit whether regionally important infrastructure falls within areas of natural character and natural features and landscapes, OR Amend Policy 9, as follows: <i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i> <i>(a) 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> [...] <u>(ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.</u>	DECLINE Officers do not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i> , which was prepared and consulted on as part of the Coastal Plan review. Officers do not believe it is necessary to revisit this work. Mapping was appropriately based on values and attributes of the area rather than the presence (or otherwise) of particular use and development. In relation to the alternative relief of amending Policy 9, officers do not believe any relief is necessary. Officers note all General Policies must be read together. Policies 5, 6 and 7 already recognise the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.	Accept the recomm
in part by the anies	The Oil Companies oppose the submission, in part. The Oil Companies are not necessarily opposed to the intent of the relief sought by the submitter but reserve judgement pending specific wording of the amendments.	Officers do not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report <i>Regional Landscape Study of the Taranaki Coastal Environment</i> , which was prepared and consulted on as part of the Coastal Plan review. It was this work, which was used for determining and identifying outstanding natural features and landscapes but also examined natural character across the entirety of the Taranaki coastline. Officers further note that the Plan already contains policies addressing the protection of natural character, features and landscapes (Policies 8, 9 and 10) and do not believe additional policies are necessary or appropriate. All General Policies apply to any use and development activities in the coastal marine area and must be read together.	Accept the s42A rec

	Retain Policy 11 of the Plan as notified. Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	<p>ACCEPT Supported noted. Policy 11 is retained subject to minor amendments”</p> <p>Policy 11: Coastal water quality Maintain <u>coastal water quality where it is good</u> ⁽⁴⁷⁾ and or ⁽⁴⁸⁾ enhance coastal water quality <u>where it is degraded</u> ⁽⁴⁷⁾ by avoiding, remedying and mitigating the adverse effects of activities on:</p> <ul style="list-style-type: none"> (a) the life-supporting capacity of coastal water; (b) the mauri and wairua of coastal water; (c) the integrity and functioning of natural coastal processes; and (d) the ability of coastal water to provide for existing and anticipated future use by the community. 	Accept the s42A rec
<p>in part</p> <p>A Policy]</p> <p>policy would set quality targets and for freshwater al water in the environment to at upstream ality does not dverse effects in al environment.</p>	<i>The Oil Companies oppose the submission, in part. The Oil Companies are not necessarily opposed to the intent of the relief sought by the submitter but reserve judgement pending specific wording of the amendments. Further, the setting of water quality standards and targets is a matter that should be properly justified and debated, and may need to be introduced by way of variation.</i>	<i>The submitter does not specify what attributes and numerics would be acceptable for coastal water quality and marine health. Officers have concerns that the adoption of standardised and universal water quality targets and standards would have a perverse outcome in that such targets are likely to be too high or too low depending upon uses and values in the locality. Such matters are best dealt with through the consenting process where the type, scale and significance of the activity and the vulnerability and sensitivities of the receiving environment (including cultural interests), and an appropriate mixing zone may be considered on a case-by-case basis. The Council’s approach involves taking into account recognised national/international guideline values as appropriate. Officers note Taranaki only has seven major municipal and/or industrial discharges to the coastal marine area and that coastal water quality is generally good. In localities where that is not the case, a new Policy 12 has been included in the Plan seeking the restoration of local coastal water quality.</i>	Accept the s42A rec
	Retain Policy 12 of the Plan as notified.	<p>ACCEPT Supported noted. Policy 12 is retained subject to minor amendments</p> <p>Policy 12: Restoration of coastal water quality Promote the restoration of coastal water quality where deterioration degradation 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.</p>	Accept the s42A rec
	Retain Policy 13 of the Plan as notified.	<p>ACCEPT Supported noted. Policy 13 is retained subject to amendments made to offer relief to other submitters’ concerns where appropriate.</p> <p>Policy 13: Coastal air quality Maintain and enhance coastal air quality by avoiding, remedying and mitigating the adverse effects of activities on the life-supporting capacity of coastal air.</p>	Accept the s42A rec

SECTION 5.1.3A – INDIGENOUS BIODIVERSITY (POLICIES)

in part	It is unclear how clause (a) (avoiding adverse effect of activities on: (a)) and clause (b) (avoiding significant adverse	<p>NO RELIEF NECESSARY Comments noted. Officers note that all the General Policies (and relevant Activity-specific Policies)</p>	Accept the s42A rec
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	Policy and Planning Committee and Development	<p>Policy 15: Historic heritage Protect historic heritage in the coastal environment from inappropriate subdivision use and development by:</p> <ul style="list-style-type: none"> (a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and historic areas identified in Schedule 5A; (b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with sites of significance to Māori identified in Schedules 5A and 5B; (c) avoiding, remedying or mitigating adverse effects on the values associated with all other historic heritage sites, including those identified in Schedule 5 and those identified by New Zealand Archaeological Association's ArchSite (Archaeological Site Recording Scheme); (d) when assessing adverse effects on historic heritage, giving regard to the extent of effects, including consideration of: <ul style="list-style-type: none"> (i) the association of the site with other interrelated, but not necessarily contiguous, historic heritage sites and their collective significance in the context of historic landscapes and areas; (ii) the degree to which historic heritage values will be lost, damaged, destroyed, or enhanced; the nature, location, extent, design and appearance of the proposed development and the effects of these factors on historic heritage values; (iii) the classification given to the historic heritage, as set out in Schedule 5A and the reasons for which it has been scheduled; (iv) the extent to which the historic heritage has been damaged by natural events, weather, or environmental factors and any subsequent risk to public safety; (v) the importance (if any) of land surrounding the historic heritage; the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements; (vi) any investigation and documentation of the site to provide a historical record; and (vii) the outcome of any consultation with any relevant body or individual, such as Heritage New Zealand Pohere Taonga, the Department of Conservation, or local iwi and/or hapū; and (e) allowing the maintenance, repair or restoration of identified historic heritage where it is based on a clear understanding of the heritage values of the place, and undertaken in accordance with good practice conservation principles and methods. 	
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SECTION 5.1.4 – PUBLIC USE AND ENJOYMENT (POLICIES)

Retain Policy 17 of the Plan as notified.	<p>ACCEPT Supported noted. Policy 17 is retained subject to amendments made to offer relief to other submitters' concerns where appropriate.</p> <p>Recommendation: Policy 17: Public access Maintain and enhance public access to, along and adjacent to the coastal environment marine area by:</p>	Accept the s42A rec
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		<p>restriction is necessary to:</p> <ul style="list-style-type: none"> (i) protect significant natural or historic heritage values; (ii) protect dunes, estuaries and other sensitive natural areas or habitats; (iii) protect sites and activities of cultural value to Māori; (iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A; (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; (vi) provide for defence purposes in accordance with the <i>Defence Act 1990</i> or port or airport purposes; (vii) avoid or reduce conflict between public uses of the coastal marine area and its margins; (viii) provide for temporary activities or special events; (ix) ensure a level of security <u>for lawfully established activities</u> consistent with the activity, including protection of equipment; or (x) provide for other exceptional circumstances where restriction to public access is justifiable; <p>and alternative access routes for the public have been considered and provided where practicable.</p>	
	Retain Policy 18 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Policy 18 is retained subject to amendments made to offer relief to other submitters' concerns where appropriate.</p> <p>Policy 18: Amenity values</p> <p>Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on <u>those qualities and characteristics that contribute to amenity values in:</u></p> <ul style="list-style-type: none"> (a) coastal areas of outstanding value identified in Schedules <u>1 and 2</u>; (b) coastal sites with significant amenity values identified in Schedule 6 including: <ul style="list-style-type: none"> (i) beaches; (ii) reefs; and (iii) estuaries and river mouths; (c) surf breaks identified in Schedule 7; and (d) <u>coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4CC, or historic heritage sites including those identified in Schedule 5A and B and Appendix 2</u> (e) <u>other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a), (b), (c) and (d).</u> 	Accept the s42A rec

SECTION 5.1.5 – COASTAL HAZARDS AND PUBLIC HEALTH AND SAFETY (POLICIES)

<p>in part by the Oil</p> <p>es</p> <p>follows:</p> <p>creasing the risk of</p> <p>vironmental and</p>	<p><i>The Oil Companies support the submission, in part. The Oil Companies support the intent of the submission insofar as a threat does not equate to a risk, and is an unnecessarily low threshold, however, in line with its own submissions, the Oil Companies also seek to ensure that the policy does not exclude any increase in risk.</i></p>	<p>ACCEPT</p> <p>Officers agree and recommend amending Policy 20.</p> <p>Recommendation:</p> <p>Policy 20: Avoidance of increasing coastal hazard or public safety risks</p> <p>Avoid increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat and avoid increased risks to public health and safety, or aircraft or</p>	<p>Evidence</p> <p><i>In conjunction with</i></p>
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n part	<p>Amend Policy 20, as follows:</p> <p><i>Avoid unacceptable increases in the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety including by [...]</i></p>	<p>GRANT IN KIND</p> <p>The submitter's concern that the Policy might be interpreted to "excluding any increase in [natural hazard] risk" is noted. However, officers note that the current Policy is aligned with Policy 25(a) of the New Zealand Coastal Policy Statement and the use of the term "unacceptable" would be ambiguous thereby reducing the certainty and clarity to those applying the policy. To address the submitter's concerns an alternative relief is proposed (based upon a relief sought by another submitter) that amends Policy 20 to reads as follows:</p> <p>Policy 20: Avoidance of increasing coastal hazard or public safety risks</p> <p><i>Avoid increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat and avoid increased risks to public health and safety, or aircraft or navigation safety including by: [...]</i></p>	<p>Evidence</p> <p>Inconsistent with ap Focus should be on risk. All developmen instance will increas .</p>
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SECTION 5.2.1 – DISCHARGES TO THE COASTAL MARINE AREA (POLICIES)

n part	<p>Amend Policy 22, as follows:</p> <p><i>Discharges of water or contaminants to water in the coastal marine area will:</i></p> <p>(a) be of an acceptable quality with regard to:</p> <p>(i) the sensitivity of the receiving environment;</p> <p>(ii) the nature and concentration of the contaminants to be discharged and the efficacy of waste contaminant reduction, treatment and disposal measures [...]</p>	<p>ACCEPT IN PART</p> <p>The submitter wishes to amend the policy to provide greater clarity for Plan users regarding Policy 22(a)(ii). Officers agree that there is no need to focus on "waste" when referring to reduction, treatment and disposal measures in the Policy and recommend an alternative relief that deletes the term. The revised Policy 22(a)(ii) would read as follows:</p> <p>(ii) the nature and concentration of the contaminants to be discharged and the efficacy of reduction, treatment and disposal measures; [...]</p>	<p>Accept the s42A rec</p>
	<p>Retain Policy 27 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted. Policy 27 is retained subject to minor amendments</p>	<p>Accept the s42A rec</p>

		<p>(i) the nature of the activities undertaken, and substances stored or used, within the contributing catchment;</p> <p>(ii) the use of source controls to avoid the contamination of stormwater;</p> <p>(iii) the use of measures (which may includeing treatment^{(41) (54)} to prevent or minimise contamination of the receiving environment;</p> <p>(iiiA) the location of the discharge in relation to avoiding, remedying or mitigating any adverse environmental effects;^{(40) (41) (54)}</p> <p>(iv) the use of design options to reduce the overall volume of stormwater requiring disposal to the coastal marine area, including discharging into or onto land; and</p> <p>(v) integrated management of whole stormwater catchments and stormwater networks where appropriate;</p> <p>(b) avoiding, where practicable, and otherwise remedying cross contamination of sewage and stormwater systems; and</p> <p>(c) ensuring discharge rates and volumes, and outlet structures are designed and managed to avoid, remedy or mitigate erosion and scour; and</p> <p>(d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects.⁽⁴⁷⁾</p>	
	Retain Policy 30 of the Plan as notified.	<p>ACCEPT Support noted. Policy 30 is retained as notified.</p> <p>Policy 30: Discharge of contaminants to air Discharges of contaminants to air in the coastal marine area must:</p> <p>(a) not occur at a volume, concentration or rate, or in such a manner that causes or is likely to cause a hazardous, noxious, dangerous, toxic, offensive or objectionable effect on the environment including human or animal health or the significant restriction of visibility or soiling of property;</p> <p>(b) not cause odours that are offensive or objectionable to people on private property or public places of assembly or on their use and enjoyment of the coast; and</p> <p>(c) adopt the best practicable option to prevent or minimise adverse effects on the environment by giving consideration to the following:</p> <p>(i) the nature of the discharge;</p> <p>(ii) the sensitivity of the receiving environment;</p> <p>(iii) the capital, operating and maintenance costs of relative technical options to reduce the effects of the discharge, the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and</p> <p>(iv) the weighting of costs in proportion to any benefits to the receiving environment offered by each option.</p>	Accept the s42A recom

SECTION 5.2.2 – COASTAL STRUCTURES AND OCCUPATION OF SPACE IN THE COASTAL MARINE AREA (POLICIES)

	Retain Policy 31 of the Plan as notified.	<p>ACCEPT Support noted. Policy 31 is retained subject to minor amendments</p>	Accept s42A recom
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		(d) and the efficient operation of Nationally and Regionally important infrastructure.	
	Retain Policy 32 of the Plan as notified. Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki Support noted. Policy 32 is retained subject to minor amendments.	<p>ACCEPT</p> <p>Policy 32: Placement of structures Structures placed in the coastal marine area:</p> <ul style="list-style-type: none"> (a) must generally be limited to those that have a functional need <u>or operational need</u> to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate; (b) must not be located in Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve identified in Schedule 1 apart from boundary marker buoys or temporary structures associated with scientific or educational study or research; (c) should be placed in an appropriate location with consideration given to the sensitivity of the environment; (d) must be designed, located and managed so as to avoid, remedy or mitigate: <ul style="list-style-type: none"> (i) any increase in coastal hazard risk including increased rates of erosion or accretion; (ii) settlement or loss of foundation material; (iii) movement or dislodgement of individual structural elements; and (iv) adverse effects on the environment and associated uses and values, including cumulative effects; (e) should be made available for public or multiple use where it will not conflict with operational or safety requirements; and (f) where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with <u>minimise effects on the natural character and visual amenity of</u> the adjoining coast. 	Accept the s42A recommendation
	Retain Policy 36 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Policy 36 is retained subject to minor amendments.</p> <p>Policy 36: Maintenance, repair, replacement and minor alteration or minor extension of existing structures Maintenance, repair, replacement and minor alteration or minor extension of existing lawful structures and reclamations will be allowed in order to:</p> <ul style="list-style-type: none"> (a) <u>in order to</u>: <ul style="list-style-type: none"> (i) enable compliance with applicable standards and codes; (ii) ensure structural integrity; (iii) maintain or improve efficiency; or (iv) address health and safety or navigational safety issues; <u>and</u> (b) <u>where it does not increase the scale or significance of the adverse effects of the activity or structure;</u> <u>subject</u> to the appropriate management of adverse effects. 	Accept the s42A recommendation
n part	Amend Policy 37 of the Plan, as follows: Major alteration or extension of existing lawful structures. including major alterations or extensions.	<p>DECLINE</p> <p>The submitter wishes to extend the scope of the policy to cover all alterations or extensions of structures in the coastal marine area, not just major alterations or extensions. Officers recommends declining the relief sought. Officers consider that the current wording is appropriate as it provides</p>	Accept the recommendation

	Policy and Planning Committee	<p>Policy 38: Removal of coastal structures</p> <p>Decommissioning and removal of any new structure will must be considered planned for as part of the initial design and installation and removal will generally be required.</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 When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply one or more of the following applies:</p> <ul style="list-style-type: none"> (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) <u>the structure, or part of the structure, is permanent or has reuse value that is considered appropriate in accordance with Policy 5;</u> (d) <u>the removal of the structure is technically unfeasible;</u> (e) <u>the removal of the structure poses unreasonable risk on human health and safety</u> 	
	Retain Policy 39 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Policy 39 is retained as notified.</p> <p>Policy 39: Occupation</p> <p>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.</p> <p>Occupation should be avoided in areas where it will have significant adverse effects on public use.</p>	Accept the s42A rec
SECTION 8.1 – DISCHARGES (RULES)			
	Retain Rule 1 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Rule 1 is maintained subject to minor amendments</p>	<p>Accept the s42A rec</p> <p>PA rule won't apply on hazardous storage Schedule 8AA. However, submissions, the Oil discharges to the CN support the rules but recognise that discharge from reticulated stormwater is considered as discharge assessed under the Plan.</p>

		<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>does not either:</p> <ul style="list-style-type: none"> (a) does not convey stormwater from any industrial or trade premises, or (b) conveys stormwater from industrial or trade premises that: <ul style="list-style-type: none"> (i) cover a total area of 2 ha or less; and (ii) do not use or store hazardous substances <u>in quantities or of a type that exceed any of the hazardous property threshold values identified in Schedule 1AA</u> ⁽¹⁾ <p><u>and any associated disturbance of the foreshore or seabed.</u></p> <p>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.</p> <p>Note (2): If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule 2 or Rule 3 depending on the coastal management area involved.</p>	
<p>d, in part by the panies</p> <p>e Activity tion of Rule 1 of o include a of hazardous s, the type and of which would regulating</p>	<p>The Oil Companies support, in part the submission. The Oil Companies do not have any discharges directly to the CMA in Taranaki but recognise the issue raised by the submitter and consider that an exclusion for high risk industrial or trade premises may be a more appropriate means of capturing premises that have potential to adversely affect water quality. An appropriate definition would recognise that mitigation, for instance containment and treatment in accordance with established</p>	<p>ACCEPT</p> <p>The definition of hazardous substances is very broad and includes many normal day-to-day items and products such as detergents, household cleaners etc. As a result, Rule 1 is likely to unnecessarily capture all industrial or trade premises regardless of quantities and risk to the environment.</p> <p>Officers recommend granting the relief sought by the submitter to include a schedule of hazardous substances limits (setting out for the reader's information hazardous property threshold criteria under the Hazardous Substances and New Organisms Act) and amending Rule 1 to read:</p> <p style="padding-left: 40px;">Stormwater discharge into water or onto land in the coastal marine area that either:</p>	<p>Accept the recomm</p>

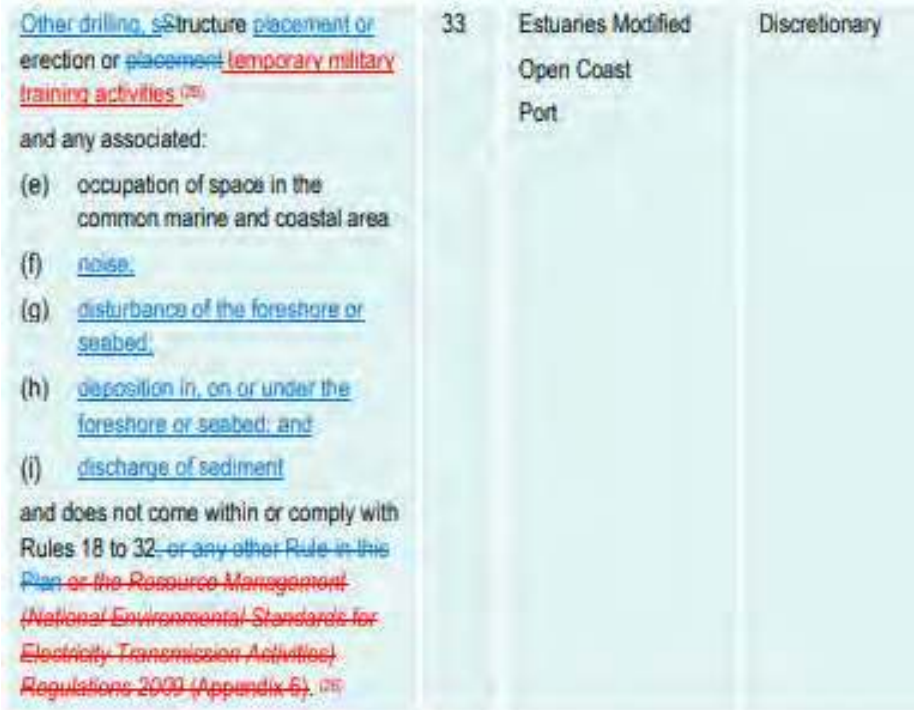
		As well as the inclusion of an additional Schedule identifying the hazardous substances and quantities which are identified in Schedule 8AA [Hazardous substance thresholds].	
	Retain Rule 2 of the Plan as notified.	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki ACCEPT Support noted. Rule 2 is maintained subject to minor inconsequential amendments.	Accept the recommendation
	Retain Rule 3 of the Plan as notified.	ACCEPT Support noted. Rule 3 is maintained subject to minor inconsequential amendments.	Accept the recommendation
In part	Amend Rule 13, as follows: <u>A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</u>	ACCEPT Rule 13: Other discharges to water or land not provided for in Rules 1 to 12 Discharge of water energy or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 19 to 12A, any other Rule in this Plan, excluding discharges regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). <u>Note: A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</u>	Accept the s42A recommendation
	Retain Rule 14 of the Plan subject to the addition of a note, as follows: <u>A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</u>	ACCEPT Rule 14: Other discharges to water or land not provided for in Rules 1 to 12 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, the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). <u>Note: A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</u>	Accept the s42A recommendation

SECTION 8.2 – STRUCTURES AND OCCUPATION (RULES)

In part by the Oil Companies	<i>The Oil Companies oppose, in part the submission. The Oil Companies consider that the matters raised can properly be addressed by appropriate matters of control.</i>	DECLINE Officers note that Rule 22 seeks to provide for the placement of important network utilities that might transsect the coastal marine area pursuant to Policy 6 of the Plan and subject to the appropriate management of adverse effects. Through the consenting process, relevant environmental effects on historic heritage, indigenous biodiversity and use and enjoyment of the coast will be appropriately considered and managed having reference to the General Policies of the Plan plus relevant Activity-specific Policies. Other adverse effects within the coastal marine area, e.g. water quality are likely to be less than minor and temporary. Some certainty for these uses is considered appropriate, which would not be the case if the activity was made a Discretionary Activity (with the ability to decline a resource consent application). The Council has not encountered significant issues with the placement of utility structures in the coastal marine area under the current Plan and therefore do not consider it appropriate or necessary to require the placement of network utility structures to be made a Restricted Discretionary Activity. However, officers acknowledge that if a resource consent is sought for the placement of the network utility structures, it will be subject to the Resource Management Act 1991 and the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).	Accept the s42A recommendation
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<p>standard, term in rule that 100m setback Outstanding Value management</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	<p>Outstanding value coastal management area and given that most of the activities covered by this rule require the structure to be buried or are small scale. Of note, in the event that this activity is of a type or scale that it could have an impact on Outstanding Values, the Rule reserves control over the location of the work.</p>	
<p>in part by the panies</p> <p>e following f discretion: on indigenous diversity on natural and natural nd landscape on any areas of ing Value.</p>	<p>The Oil Companies oppose, in part the submission. The Oil Companies consider that the matters raised can properly be addressed by appropriate matters of control.</p>	<p>Officers agree in part to the relief sought by the submitter by amending the following matters of discretion in Rule 22 (plus consequential changes to equivalent rules elsewhere in the Plan).</p> <p>Rule 22: Network utility structure erection or placement (f) effects on ecological <u>natural character, features and landscapes values</u> (fa) effects on indigenous biodiversity values [...]</p> <p>Officers recommend that this amendment also be included in additional Rules where appropriate to maintain consistency. Officers note the amendments to term “ecological” better aligns with the wording adopted in the General Policies, which refers to “natural character, features and landscapes” and “indigenous biodiversity”. Officers did not believe it necessary to specify in the matters of discretion areas of outstanding values as this is a subset of natural character, features and landscapes (and therefore already provided for).</p>	<p>Accept the s42A rec</p>
	<p>Retain Rule 22 of the Plan subject to the addition of wharf, as follows:</p> <p>Network utility structure erection or placement where the structure is: (a) A pipeline that is buried or attached to a bridge, <u>wharf</u>, or access structure [...]</p>	<p>ACCEPT Support noted.</p> <p>Rule 22: Network utility structure erection or placement Placement or erection of a network utility structure erection or placement where the structure is: (a) A pipeline that is buried or attached to a bridge, <u>wharf</u>, or access structure; (b) an outfall structure which does not come within or comply with Rule 18; (c) an intake structure; (d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or (e) marine communications equipment and any associated: (a) occupation of space in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	<p>Accept the recomm (although evidence cables/lines)</p>
<p>in part by the panies</p> <p>les as follows: oporating a utionary ach in the rules</p>	<p>The Oil Companies oppose, in part the submission. The Oil Companies oppose the relief sought as it is unclear what amendment to notification and activity status the submitter seeks. If changes are required, it may be more appropriate to introduce these by way of variation. The Oil Companies consider that the plan must be read as a whole and therefore the precautionary principle already applies, as requested by the submitter. A consistent</p>	<p>DECLINE</p> <p>Officers suggest that Rules 26 to 30 of the Plan do incorporate a precautionary approach, whereby for drilling in the Open Coast or Port (for which the activity and adverse effects are relatively low, subject to compliance with standards, terms and conditions) conditions have been applied that includes buffer distances based on Cawthron advice requiring the activity to be 2,000 m or more from the line of the mean high water springs or from any Outstanding Value coastal management area, 1,000 m or more from any sensitive marine benthic habitats, including reef systems, and</p>	<p>Accept the recomm</p>

<p>activity status</p> <p>ing an</p> <p>ment criteria to</p> <p>tionary oil and</p> <p>ctivities within</p> <p>astal marine</p> <p>that includes</p> <p>deration of low</p> <p>bility but</p> <p>icant adverse</p> <p>s events and</p> <p>zones as</p> <p>priate planning</p> <p>requirement to</p> <p>ly notify under</p> <p>rules</p>	<p>they are considered ‘necessary’ for the purposes of the RMA. Where the HSNO requirements are sufficient to meet the purposes of the RMA that test will not be met. Any RMA controls must also be justified in terms of section 32 of that Act. The submitter has not provided justification for the inclusion of provisions as sought.</p> <p>Further, the relief sought by the submitter is not specific to petroleum production activities as defined in the plan and therefore has potential to impact on a range of onshore activities undertaken by the Oil Companies. The principle of criteria addressing risk is not necessarily opposed if it can be justified, but in the absence of detail of the relief sought the submission is opposed. In particular the Oil Companies</p>	<p>process, relevant environmental effects will be appropriately considered and Policies 1 to 21, 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47 and 49, including Policy 3 relating to the adoption of a precautionary approach.</p> <p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	
<p>by the Oil</p> <p>s</p> <p>les so, at a</p> <p>they are</p> <p>ary Activity</p> <p>ion and that</p> <p>h higher natural</p> <p>al values are</p> <p>n-complying</p> <p>or Prohibited</p>	<p>The Oil Companies oppose, in part the submission. The Oil Companies oppose the relief sought as it is unclear what amendment to notification and activity status the submitter seeks. If changes are required, it may be more appropriate to introduce these by way of variation. The Oil Companies consider that the plan must be read as a whole and therefore the precautionary principle already applies as request by the submitter. A consistent approach should be adopted in the Plan.</p> <p>Sections 30 and 31 of the RMA need to be read together with section 142 of the HSNO Act. Section 142 of HSNO provides that RMA instruments can only include more stringent requirements than HSNO when they are considered ‘necessary’ for the purposes of the RMA. Where the HSNO requirements are sufficient to meet the purposes of the RMA that test will not be met. Any RMA controls must also be justified in terms of section 32 of that Act. The submitter has not provided justification for the inclusion of provisions as sought.</p> <p>Further, the relief sought by the submitter is not specific to petroleum production activities as defined in the plan and therefore has potential to impact on a range of onshore activities undertaken by the Oil Companies. The principle of criteria addressing risk is not necessarily opposed if it can be justified, but in the absence of detail of the relief sought the</p>	<p>NO RELIEF NECESSARY / DECLINE</p> <p>The submitter seeks that all drilling and production activities in the coastal marine area be a Discretionary Activity at the very least and Non-complying or Prohibited Activity within areas with higher natural and cultural values. Officers note that the Rules 27 to 30 already give effect to the relief sought by the submitter (but not in relation to Rule 26).</p> <p>For Rules 27 to 30, officers suggest no relief is necessary as drilling and production activities in the coastal marine area are already a Discretionary or Non-complying Activity depending upon what coastal management area the activity occurs in. As part of that framework, Outstanding Value. Estuaries Unmodified and Estuaries Modified coastal management areas have a higher level of regulatory protection under the Plan.</p> <p>However, drilling activities in the Open Coast or Port coastal management areas, are currently proposed to be a Controlled Activity (noting it is a Permitted Activity under the current Plan). This is considered appropriate as drilling associated with seabed exploration should have less than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is important to differentiate between hydrocarbon exploration activities and later production activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. Officers do not believe it appropriate to require this activity to be a Discretionary Activity.</p>	<p>Accept the s42A rec</p>

ies so, at a t they are ary Activity ion.	activities undertaken by the Oil Companies. As sought by the submitter, all activities undertaken by the Oil Companies at the Newton King Wharf, including planning amendments to the Oil Companies existing infrastructure in this location, would as a minimum require discretionary activity consent. This approach is not justified and is opposed.	<p>Officers note that the Rules 27 to 30 already give effect to the relief sought by the submitter (but not in relation to Rule 26).</p> <p>For Rules 27 and 30, Officers suggest no relief is necessary as drilling and production activities in the coastal marine area are already a Discretionary or Non-complying Activity depending upon what coastal management area the activity occurs in.</p> <p>However, drilling activities in the Open Coast or Port coastal management areas, are currently proposed to be a Controlled Activity (it is a Permitted Activity under the current Plan). This is considered appropriate as drilling associated with seabed exploration should have less than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is important to differentiate between hydrocarbon exploration activities and later production activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. Officers do not believe it appropriate to require this activity to be a Discretionary Activity.</p>	
	Retain Rule 33 of the Plan as notified.	<p>ACCEPT</p> <p>Support noted. Rule 33 is retained subject to minor amendments.</p> 	Accept the s42A rec
by the Oil es	The Oil Companies oppose the submission. The proposed wording of standards addressing the matters raised has not been provided. In the absence of specific	<p>Officers recommended declining the relief sought by the submitter.</p> <p>Similar type conditions have been considered as part of the Plan review process and were not</p>	Accept the s42A rec

<p>jects d where y (including e shortest and sitive route) ement for ion equipment spoil, litter or nt to be removed hours of on of any works bition of any or fuel storage hin the coastal ent and that should be d to avoid any ge.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>	<p>sought is unnecessarily restrictive and imposes operational constraints on those using it. For example, the requirement to remove spoil within 24 hours.</p>	
<p>n part</p>	<p>Amend Rule 35, as follows:</p> <ul style="list-style-type: none"> - delete reference in the Activity Description to “minor” - include the Port coastal management area to this rule. 	<p>ACCEPT IN PART</p> <p>Officers recommend accepting in part the relief sought by the submitter. Officers consider that the reference to “minor” is necessary as it reflects the recommended wording in Policy 36 [Maintenance, minor alteration or minor extension of existing structures]. There is a distinction between those alteration and extension activities that are minor (and can therefore comply with the standards terms and conditions listed in Rule 35) and those which are considered more significant and will require a resource consent.</p> <p>Officers note that consequential amendments are also recommended to the Plan definitions including amending the existing definition for “maintenance” and introducing new definitions for “alteration” and “extension”.</p> <p>Officers recommend granting the relief sought by the submitter to include the Port within Rule 35, however, recommend deleting Rule 39 as a consequential amendment to ensure that there is no confusion around which rule applies to structures within the Port.</p> <p>Further to simplifying the Rules cascade for Port structures and ensuring consistency within the Plan with regards to the inclusion of the Port within Rule 35, officers recommend that Rule 41 is also deleted and that the provisions that are covered by Rule 41 are incorporated into Rule 40. This will provide a similar drafting approach to Rule 35 and ensures a simpler pathway for Port structures that do not comply with the standards, terms and conditions of Rule 35 as a Permitted Activity.</p>	<p>Accept the s42A rec</p>
<p>by the Oil s include a about limiting</p>	<p>The Oil Companies oppose the submission. Matters of control such as the design and the size of any extension would reasonably be considered a design matter, which is already included as a matter of control. An amendment to this effect sought by the submitter is therefore considered unnecessary.</p>	<p>ACCEPT</p> <p>Officers recommend accepting the amendments requested relating to an extension limit. Officers have considered other similar conditions in other regional coastal plans and consider a 10% extension limit to be appropriate provided other environmental concerns are addressed. The new standard, term and condition reads as follows:</p>	<p>Accept the s42A rec</p>

<p>le to make utility pipeline eration or a Permitted rather than a (lying activity)</p> <p>e Rule to include ing Values anagement</p>	<p>intent of the submission is supported, although it is noted that Rule 35 already provides a permitted activity pathway for maintenance, repair or minor alteration except at the Port.</p> <p>The Oil Companies reserve judgement on the specific provisions of the proposed permitted activity rule and how this will sit alongside the existing cascade, particularly Rule 35.</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Officers recommend granting the relief in kind by including a new Restricted Discretionary Rule addressing network utilities, including those in Outstanding Value areas, not covered by Rule 35 and 37.</p> <p>Officers note that most maintenance and minor alteration activities associated with network utilities can be addressed as a Permitted Activity under Rule 35. Other alteration and extension activities associated with network utilities cab be addressed under Rule 37.</p> <p>Officers note that, for those activities not covered by Rule 35 and 37, would be addressed under a new rule, Rule 37A, whereby alteration and extension of network utilities can be addressed as a Restricted Discretionary Activity. This is part of a framework that better recognises and provides for regionally important network utilities.</p>	
<p>n part</p>	<p>Amend Rule 37, as follows:</p> <p>Lawfully established network utility structure <u>maintenance</u>, repair, alteration or extension where the structure is:</p> <p>(a) a pipeline that is buried or attached to a bridge, <u>wharf</u> or access structure;</p> <p>[..]</p> <p>(f) discharge of sediment and does not come within or comply with Rule 35 excluding activities regulated by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	<p>ACCEPT IN PART</p> <p>Officers recommend granting the relief sought in relation to amending the Activity Description (a) and the inclusion of ‘wharf’.</p> <p>Regarding compliance with Rule 35, officers recommend declining the relief sought noting that there may be instances where an activity does not come within the activity description of that Rule. Maintaining the current wording will ensure drafting consistency with the rest of the Plan.</p>	<p>Accept the recomm (although evidence cables/lines)</p>
<p>by the Oil es</p> <p>include new , terms and s addressing: e use of vehicles chinery in the environment will ded where , and ed/effects ed where ry (including he shortest and</p>	<p>The Oil Companies oppose the submission. The proposed wording of standards addressing the matters raised has not been provided. In the absence of specific wording, the nature and effect of the standards is unclear and they are opposed. For instance, the submission seeks machinery takes the shortest and least sensitive route. There would seem to be potential that these two matters are contradictory, and is not clear why there is a need to include a requirement beyond “least sensitive”.</p>	<p>Officers recommend declining the relief sought by the submitter. Similar type conditions have been considered as part of the Plan review process and were not deemed to be not necessary with the effects of those activities being addressed in the standards, terms and conditions of the Rule. Notwithstanding the above, in response to other submitters’ requests, officers consider that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. Officers recommend deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the ‘replacement’ aspects of the structure.</p>	<p>Accept the s42A rec</p>

<p>prohibition of any ing or fuel storage within the coastal environment and methods should be ed to avoid any llage</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>		
<p>n part</p>	<p>Amend Rule 39, as follows:</p> <p><i>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: [...]</i></p>	<p>GRANT IN KIND</p> <p>Officers recommend granting the relief in kind. Officers note that amendments made to Rule 35 have made Rule 39 redundant due to duplication of provisions. As a result, Rule 39 is recommended to be deleted. Officers note that the concerns raised by the submitter and request to broaden the scope of Rule 39 to all port operations has already been provided for under Rule 35.</p>	<p>Accept the s42A rec</p>
	<p>Retain Rule 40 of the Plan as notified.</p>	<p>ACCEPT</p> <p>Support noted but additional standards, terms and conditions</p>	<p>Accept the s42A rec</p>
<p>d by the Oil</p> <p>es</p> <p>:</p> <p>new rule</p> <p>ally for Port</p> <p>management</p> <p>d in respect to</p> <p>ivities providing</p> <p>led Activity</p> <p>or other</p> <p>re repair,</p> <p>on, extension or</p> <p>l and</p> <p>ment that is not</p> <p>d for un Rules</p> <p>ny consequential</p> <p>ments to other</p> <p>d objectives and</p> <p>to give effect to</p> <p>ef</p> <p>another rule</p> <p>re or</p> <p>ment/additional</p>	<p><i>The Oil Companies support the submission. The Oil Companies support the principle of a standalone controlled activity rule for the provision of infrastructure at the Port not otherwise provided for, but reserve judgement on the specific wording of the rule.</i></p>	<p>ACCEPT IN PART</p> <p><i>Officers recommend accepting in part the relief requested by the submitter. Officers consider that regionally important infrastructure, which includes the Port, should be recognised within the Rules and provided for in a manner that promotes the maintenance and future proofing of infrastructure, subject to the appropriate regulatory controls and environmental outcomes. Officers recommend including two additional rules that provide a Restricted Discretionary pathway for maintenance, alteration and extension activities for the Port and for Network Utilities. These are new Rules 37A for network utility structures and 40A for Port structures. Officers note that Rules 35 and 37 already provide a Permitted and Controlled activity pathway for most maintenance, alteration and extension activities within the Port. Only in circumstances where the activity cannot comply with the standards, terms and conditions of these rules will a higher regulatory rule be required, i.e. Rule 40A.</i></p>	<p>Accept the s42A rec</p>
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		<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>replacement (21) (43) and any related occupation of the common marine and coastal area 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 the activity or structure does not come within or comply with any of Rules 35 to 41 or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). (21)</p>	
<p>by the Oil</p> <p>es</p> <p>: e use of vehicles achinery in the environment will ded where e, and ed/effects ed where ry (including he shortest and nsitive route) uirement for ction equipment g spoil, litter or ent to be d within 24 hours letion of any</p> <p>hibition of any ng or fuel storage ithin the coastal ment and that s should be ed to avoid any lage.</p>	<p>The Oil Companies oppose the submission. The proposed wording of standards addressing the matters raised has not been provided. In the absence of specific wording, the nature and effect of the standards is unclear and they are opposed. For instance, the submission seeks machinery takes the shortest and least sensitive route. There would seem to be potential that these two matters are contradictory, and it is not clear why there is a need to include a requirement beyond "least sensitive".</p>	<p>Officers recommend declining the relief sought.</p> <p>Similar type conditions have been considered as part of the Plan review process and were not deemed to be necessary. Most of the proposed conditions seem to relate to avoiding, remedying or mitigating adverse effects already addressed by the standard, terms and conditions, particularly Conditions (a) and (c). For example Condition (a) addresses disturbances to the foreshore and seabed which could be caused by vehicles. In relation to other matters raised by the submitter, officers are concerned that the specificity sought is unnecessarily restrictive and imposes operational constraints on those using it. For example, the requirement to remove spoil within 24 hours.</p>	<p>Accept the s42A rec</p>
	Retain Rule 45 of the Plan as notified.	<p>873</p> <p>ACCEPT Support noted. Rule retained subject to amendments</p>	Accept the s42A rec

Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki

		<p>(c) petroleum product or installations and pipelines;</p> <p>(d) occupation of space in the common marine and coastal area;</p> <p>(e) disturbance of the foreshore or seabed;</p> <p>(f) deposition in, on or under the foreshore or seabed; and</p> <p>(g) discharge of contaminants and the activity does not come within or comply with Rule 44⁽¹⁾ or 45⁽¹⁾ of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5);⁽²⁾</p> <p>Note: If the activity does not comply with the structure, form and conditions in this Rule refer to Rule 46.</p>	<p>(h) the activity is not is not located within any historic heritage site identified in Schedule 5A and 5B⁽¹⁾ (historic heritage) or any other archaeological site associated with historic activities identified in Schedule 4C; (Taranaki coast);⁽²⁾ and</p>																									
Policy and Planning Committee	Approval of Proposed Coastal Plan for Taranaki																											
	Retain Rule 46 of the Plan as notified.	<p>ACCEPT Support noted. Rule retained subject to amendments</p> <table><tr><td>Structure Removal and demolition of a structure and any associated:</td><td>46</td><td>Outstanding Value</td><td>Discretionary</td></tr><tr><td>(a) occupation of space in the common marine and coastal area;</td><td></td><td>Estuaries Unmodified</td><td></td></tr><tr><td>(b) disturbance of the foreshore or seabed;</td><td></td><td>Estuaries Modified</td><td></td></tr><tr><td>(c) deposition in, on or under the foreshore or seabed; and</td><td></td><td>Open Coast</td><td></td></tr><tr><td>(d) discharge of contaminants and the activity does not come within or comply with Rules 44- or 45 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5);⁽²⁾</td><td></td><td>Port</td><td></td></tr></table>	Structure Removal and demolition of a structure and any associated:	46	Outstanding Value	Discretionary	(a) occupation of space in the common marine and coastal area;		Estuaries Unmodified		(b) disturbance of the foreshore or seabed;		Estuaries Modified		(c) deposition in, on or under the foreshore or seabed; and		Open Coast		(d) discharge of contaminants and the activity does not come within or comply with Rules 44- or 45 of the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5); ⁽²⁾		Port		Accept the s42A rec					
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(a) occupation of space in the common marine and coastal area;		Estuaries Unmodified																										
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	Retain Rule 48 of the Plan as notified.	<p>ACCEPT Support noted. Rule retained subject to amendments</p> <table><tr><td>Controlled 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</td><td>48</td><td>Outstanding Value</td><td>Permitted</td><td>(a) The structure is being used for its originally permitted⁽¹⁾ purpose</td></tr><tr><td></td><td></td><td>Estuaries Unmodified</td><td></td><td></td></tr><tr><td></td><td></td><td>Estuaries Modified</td><td></td><td></td></tr><tr><td></td><td></td><td>Open Coast</td><td></td><td></td></tr><tr><td></td><td></td><td>Port</td><td></td><td></td></tr></table>	Controlled 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	Permitted	(a) The structure is being used for its originally permitted ⁽¹⁾ purpose			Estuaries Unmodified					Estuaries Modified					Open Coast					Port			Accept the s42A rec
Controlled 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	Permitted	(a) The structure is being used for its originally permitted ⁽¹⁾ purpose																								
		Estuaries Unmodified																										
		Estuaries Modified																										
		Open Coast																										
		Port																										
	Retain Rule 49 of the Plan as notified.	<p>ACCEPT Support noted. Rule retained subject to amendments to matters of discretion.</p>		Accept the s42A rec																								
	Retain Rule 50 of the Plan as notified.	<p>ACCEPT Support noted. Rule retained subject to amendments</p>		Accept the s42A rec																								

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SECTION 3.7 – DEFINITIONS

<p>s:</p> <p>ctical option”</p> <p>marine area”</p> <p>marine and</p> <p>reas”</p> <p>e”</p> <p>ment”</p> <p>g”</p> <p>l or trade</p>	<p>Retain the RMA definitions such as; “best practical option”, “coastal marine area”, “common marine and coastal areas”, “discharge”, “environment”, “structure”, “industrial or trade premises”.</p>	<p>ACCEPT</p> <p>Definitions retained as notified.</p>	<p>Accept the s42A rec</p>
<p>d, in part by the</p> <p>anies</p> <p>– “Adaptative</p> <p>ment”</p> <p>follows:</p> <p>management</p> <p>structured,</p> <p>process of robust</p> <p>the face of</p> <p>ty, <u>which</u></p> <p><u>llowing an</u></p> <p><u>commence</u></p> <p><u>l scale or for a</u></p> <p><u>od so that its</u></p> <p><u>n be assessed</u></p> <p><u>ision made about</u></p> <p><u>priateness of</u></p> <p><u>g the activity</u></p> <p><u>without</u></p> <p><u>ent) on the basis</u></p> <p><u>ffects with an</u></p> <p><u>ducing</u></p> <p><u>ty over</u></p> <p><u>ystem</u></p> <p><u>g. For the</u></p> <p><u>of this Plan, the</u></p> <p><u>underpinning</u></p>	<p><i>The Oil Companies support the submission, in part. The Oil Companies support the clarity provided by the amendments, and note that they are consistent with the concept as defined in other NZ legislation.</i></p>	<p>DECLINE</p> <p><i>Recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse. As a result, officers recommend removing reference to adaptive management from the Plan entirely, including the definition of adaptive management.</i></p>	<p>Accept the s42A rec</p>

<p>the consent s that require or effective g of ffects using te indicators; [...]</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p>		
<p>by the Oil s – “Alteration” follows: , in relation to means any o the fabric or istics of a involving, but not , the removal ent of walls, ceilings, floors or er internally or and includes ttached to the In relation to , means any o function, appearance of a without its physical s.</p>	<p>The Oil Companies oppose the submission. The narrow definition of alteration is opposed, particularly the exclusion of any changes to the physical dimensions of a structure.</p>	<p>ACCEPT IN PART Officers agree that the interpretation and application of the Plan, particularly in relation to rules addressing structures in the coastal marine area, would be improved by defining the term “alteration”. Officers note that alteration may apply to many types of structures and is not restricted to buildings, therefore, for the purpose of the Plan, reads as follows. <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions</u> Officers note that change to the external dimensions of a structure is defined through the term “extension” which officers suggest should also be included within the definitions section for consistency. <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u></p>	<p>Accept the s42A rec</p>
<p>s: environment”</p>	<p>Amend the definition of “coastal environment”, as follows: <u>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 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.</u></p>	<p>ACCEPT Officers recommend including an indicative coastal environment line into the coastal mapping layers to help establish the extent of the coastal environment and to amend the definition of “coastal environment”. However, officers note that this line is only an indicative line and the range of coastal processes captured in the original definition may still apply and may be relevant for determining on a case-by-case basis, whether or not an activity affects the coastal environment. The amended definition reads: Coastal environment means (a) <u>all of the coastal marine area;</u> (b) <u>areas landward of the coastal marine area and identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link), however described; and</u> (c) <u>any other areas landward of the coastal environment line where coastal processes, influences or qualities are significant.</u></p>	<p>Accept the s42A rec</p>

definition] – “Functional onal, al, practical or needs of an cluding ent and	definition, explicitly referencing the coastal environment, was sought by the Oil Companies, as follows: <u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u> <i>The Oil Companies accept that the ‘requirement’ could be further clarified with reference to “<u>locational, operational, practical or technical needs</u>”.</i>	Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	<i>Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i>
d definition] – “Functional	Include a new definition, as follows: <u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u>		
in part by the anies	<i>The Oil Companies oppose, in part the submission. The principle of a definition for functional need is supported but the Oil Companies prefer the definition proposed in its primary submissions which appropriately recognises that these assets don’t necessarily have to be in the CMA and which may avoid the need for the definition of operational requirement as also proposed by the submitter.</i> <i>The Oil Companies sought the following definition be included:</i> <u>Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.</u>		
l definition] – “Functional l need means the proposal or traverse, locate e in a particular ent because it occur in that ent.			
– “Hazardous s”	Retain the definition of “hazardous substances”.	ACCEPT Support noted. Definition of “hazardous substances” is retained as currently notified.	Accept the s42A rec
n part – ance”	Amend the definition of “maintenance”, as follows: Maintenance in relation to structures, includes <u>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</u> , and where the character, intensity and scale of the structure <u>or</u>	ACCEPT Officers note that the distinction between a maintenance activities and alteration activities may overlap in some instances, however, do not recommend including alteration within the definition of maintenance. Officers recommend that definitions differentiate between ‘maintenance’ and ‘alteration’. These definitions align with relevant rules, particularly Rules 35 to 43. ⁸⁷⁷ The following amendments to the definition of “maintenance” are recommended:	Accept the s42A rec

		<p>Policy and Planning Committee Approval proposed to leave the definition as is.</p> <p>order of equipment up to a new standard and there may be other reasons for altering a structure and may include other modifications for other purposes. Officers consider that it is appropriate to leave the definition broad so that it can be applied to other scenarios. For the purpose of the Plan officers recommend that the definition of alteration read as follows:</p> <p>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</p>	
<p>by the Oil Companies</p> <p>– “Maintenance”</p> <p>definition as</p> <p><u>Maintenance means the protective care of</u></p>	<p>The Oil Companies oppose the submission. In applying only to a place, the definition is particularly narrow and does not encompass the range of activities that may constitute maintenance. The definition of maintenance in the proposed plan, subject to amendments set out in the Oil Companies submission, is preferred.</p>	<p>Officers do not consider the relief suggested by the submitter to be sufficient for the Plan as it does not provide enough direction or clarification as to what activities can be considered “maintenance” due to the use of the term “protective care”. This term is broad and has potential to be misinterpreted or distorted to fit a user’s requirements irrespective of the intent of the Plan. Officers recommend amending the definition of maintenance to read as follows:</p> <p>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.</p>	<p>Accept the s42A recommendation</p>
<p>– “Network utility”</p>	<p>Retain the definition of “Network utility” as notified.</p>	<p>ACCEPT</p> <p>Definition of “network utility” is retained as notified, however, a minor and inconsequential amendment is recommended to include a footnote that references Section 166 of the RMA to assist Plan users.</p>	<p>Accept the s42A recommendation</p>
<p>in part by the Oil Companies</p> <p>[definition]</p> <p>– “Operational requirement”</p> <p><u>Operational requirement means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u></p>	<p>The Oil Companies oppose, in part the submission. The principle of a definition of operational need is supported if that term is used in or relevant to the Plan but the Oil Companies prefer the simplicity of a broader definition of functional need.</p>	<p>Submitter requests amendment to the Plan to include a definition for “operational requirement” as a consequential amendment as a result of amendments requested for Policy 5 [Appropriate use and development of the coastal environment] of the Plan. Officers recommend granting the relief sought by the submitter to include a definition of “operational requirement”, however, recommend aligning with the definition for “operational need” within the National Planning Standards 2019, which reads as follows:</p> <p>Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</p>	<p>Accept the s42A recommendation</p>
<p>– “Pipeline”</p>	<p>Retain the definition of “Pipeline” as notified.</p>	<p>DECLINE</p> <p>Officers recommend declining the relief sought to amend the Plan to refer to “regionally significant infrastructure” rather than “regionally important infrastructure” in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans).</p>	<p>Accept the s42A recommendation</p>
<p>in part by the Oil Companies</p> <p>– “Port”</p>	<p>The Oil Companies oppose, in part the submission. The Oil Companies are not necessarily opposed to the principle of a definition of Port but note that the plan includes a manned coastal management area for the</p>	<p>ACCEPT IN PART</p> <p>The submitter contends that the current definition does not make sense given the common meaning of port. The submitter suggests Policy 1 sets out that the “port” is Port Taranaki and states the definition would be clearer if it said it was the Port of Taranaki.</p>	<p>Accept the s42A recommendation</p>

<p>– “Regionally important infrastructure” definition, as</p> <p>es and arterial for the supply, or distribution of including oil and their derivatives;</p>	<p>The Oil Companies are neutral to the submission. The Oil Companies consider that storage is essential to supply and distribution so do not consider the addition is strictly necessary but are not opposed to it if it provides clarification of the Oil Companies understanding.</p>	<p>ACCEPT</p> <p>Officers agree to amend clause (c) of the definition of “regionally important infrastructure” to include the storage of minerals including oil and gas and their derivatives as requested by the submitter.</p> <p>Approval of Proposed Coastal Plan for Taranaki</p> <p>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</p> <p>[...]</p> <p>(b) facilities and arterial pipelines for the supply, <u>storage</u>, or distribution of minerals including oil and gas and their derivatives, [...]</p>	<p>Accept the s42A rec</p>
<p>n part</p> <p>– “Regionally important infrastructure”</p>	<p>Retain the definition of “Regionally important infrastructure” but adopt the term “regionally significant infrastructure” to ensure consistency between the Plan and other planning documents such as the Regional Policy Statement.</p>	<p>DECLINE</p> <p>Officers recommend declining the relief sought to amend the Plan to refer to “regionally significant infrastructure” rather than “regionally important infrastructure” in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans).</p>	<p>Accept the s42A rec</p>
<p>– “Repair”</p>	<p>Delete the definition of “Repair”, as follows:</p> <p><u>Repair means reconstruction.</u></p>	<p>ACCEPT</p> <p>The submitter suggests that repair is a type of maintenance activity and that the standalone definition should be deleted.</p> <p>Officers recommend granting the relief sought. Consequential amendments are also necessary to the definition of maintenance and associated rules.</p>	<p>Accept the s42A rec</p>
<p>n part</p> <p>– “Reverse sensitivity”</p>	<p>Amend the definition of “Reverse sensitivity”, as follows:</p> <p><u>Reverse sensitivity refers to the potential for the operation of an existing effect 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.</u></p>	<p>ACCEPT</p> <p>A range of activities may be susceptible to reverse sensitivity effects. As drafted, the submitter believes that the definition 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. The submitter has suggested amendments to the definition that retain its intent but provides added clarity and minimises potential for misinterpretation. Officers agree that the definition for “reverse sensitivity” is ambiguous and potentially confusing. Officers recommend amending the definition.</p> <p>Reverse sensitivity refers to <u>the potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the exiting activity-</u></p>	<p>Accept the s42A rec</p>
<p>– “Stormwater”</p>	<p>Retain the definition of “Stormwater”.</p>	<p>ACCEPT</p> <p>Officers recommend retaining the definition of stormwater but note consequential amendments to align with the definition of “stormwater” in the National Planning Standards 2019 to read:</p> <p>Stormwater means runoff that has been channelled, diverted, intensified or accelerated by human modification of a land surface or runoff from the surface of any structure, as a result of precipitation and includes any contaminants contained within.</p>	<p>Accept the s42A rec</p>

	<p>particularly the landward edge of Nga Motu and Tapuae areas of outstanding value</p> <ul style="list-style-type: none"> - amending the corresponding descriptions of the coastal management areas throughout the Plan to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate. 	<p>Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki</p> <p>The indicative nature of this line is to recognise that the coastal environment is a dynamic environment where process of can occur rapidly and induce change to the nature and character of the area and as such the coastal environment line may become redundant or inaccurate in the future due to these changes. The indicative line is useful for identifying whether a particular activity is likely to fall within the coastal environment, however, proper assessment of the location with regards to coastal features and processes will still be necessary to consider the nature of that location, including the relative significance of any coastal features and characteristics (such matters to be considered on a case-by-case basis through the consenting process).</p> <p>With regards to existing infrastructure, the location of infrastructure has been considered, however, the values associated with these locations are considered to be high enough to afford the protections provided for within the Plan despite any infrastructure that may exist in their vicinity. Further, officers consider it unnecessary and inappropriate to retrospectively amend the extent of any sensitive management areas or their descriptions to simply provide for existing infrastructure.</p> <p>Officers further note that areas of Outstanding Value are consistent with the extents of outstanding natural feature and landscapes identified by the New Plymouth District Council in the Draft District Plan and South Taranaki District Council. Officers seek, as far as is practicable, alignment and consistency with other Plans within the region.</p>	
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IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of the Proposed Coastal Plan for Taranaki

**STATEMENT OF PRIMARY EVIDENCE OF DEAN MICHAEL CHRYSTAL
FOR FONTERRA LIMITED**

PLANNING

12 JULY 2019

Fonterra Limited
Submission 47

Proposed Coastal Plan for Taranaki
Primary Evidence: Dean Chrystal

1. SUMMARY

- 1.1 Fonterra Limited ("**Fonterra**") made a number of submissions and further submissions (submission number 47) on the Proposed Coastal Plan for Taranaki ("**Proposed Plan**"). In particular, while generally supporting the Proposed Plan, Fonterra sought amendments to ensure that (among other things) Fonterra's activities are appropriately recognised and provided for and certain matters clarified in order to improve the certainty and usability of the Proposed Plan.
- 1.2 In my opinion some amendments are still necessary to Objective 3 and Policy 7 in relation to reverse sensitivity, and to Policies 5 and 34 to provide greater certainty and clarity.
- 1.3 In relation to the remainder of Fonterra's submission points I consider that the amendments to the Proposed Plan recommended in the section 42A report, while not always necessarily the specific amendments sought by Fonterra, either address Fonterra's concerns or have limited implications for Fonterra and/or will achieve the purpose of the RMA.

2. INTRODUCTION

- 2.1 My full name is Dean Michael Chrystal. I am a Director of Planz Consultants Limited, a planning consultancy based in Christchurch. I hold a Bachelor of Regional Planning degree and am an accredited Commissioner. I have been employed in the practice of Planning and Resource Management for over 30 years, both in New Zealand and the United Kingdom.
- 2.2 I have previously been involved in a number of major Fonterra manufacturing site development projects, and I have provided evidence for Fonterra on a number of district plans throughout the country. I am familiar with the various Fonterra Dairy Plants in Taranaki including in particular Whareroa.

Fonterra Limited
Submission 47

Proposed Coastal Plan for Taranaki
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- 2.3 While my firm advises Fonterra in respect of various district and regional plans around the country, it has not previously been involved in the Proposed Plan.

Code of Conduct

- 2.4 I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court updated Practice Note 2014, and agree to comply with it. I confirm that the matters addressed within my evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 2.5 Having reviewed the s42A report and tracked change version of the Proposed Plan in relation to the submissions and further submissions lodged by Fonterra, my statement of evidence specifically discusses outstanding issues from Fonterra's submission and further submission. In particular, my evidence will address submission points, in the context of the relevant section 42A Report recommendations, in relation to the following:
- (a) Objective 3;
 - (b) Policy 7;
 - (c) Policy 5; and
 - (d) Policy 34.
- 2.6 For completeness, except for the matters specifically referred to above and which are addressed in Section 4 of my evidence, I have not made any specific comment on any other submission or further submission points made by Fonterra. I consider that the amendments to the Proposed Plan recommended in the section 42A report, while at times not necessarily the specific amendments sought by Fonterra, either address Fonterra's concerns or have limited implications for Fonterra and/or will achieve the purpose of the RMA. As a result no further amendments are sought in respect of those matters.

2.7 I also note that Fonterra's submission included:

All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Proposed Plan maps, and including any cross references in other chapters.

3. REVERSE SENSITIVITY

3.1 As Objective 3 and Policy 7 relate to reverse sensitivity I have provided some context to this particular effect.

3.2 Reverse sensitivity is a planning effect which can arise where sensitive activities are introduced to an environment where existing intensive activities generating effects such as noise, dust and odour are taking place and subsequently compromise those existing activities. This generally begins with complaints against the existing activity but can also manifest itself in opposition to further development or intensification of an activity. This can place significant constraints on the existing activity, as well as cost.

3.3 District and Regional Plans now typically include objectives and policies specifically addressing reverse sensitivity along with associated rules. Councils have therefore recognised that the balance of costs/benefits falls in favour of some controls in order to preserve the efficient and effective operation of essential infrastructure, significant industry or other specific effects-generating activities.

3.4 The use of specific rules to manage reverse sensitivity can take a variety of forms to suit the particular situation. One method has been to direct sensitive activities away from incompatible activities often through buffer distances. In such circumstances the activity involved is the subject of significant capital investment and is not easily moved elsewhere. In addition, such activities can often be perceived to be "out of place" despite in many cases being long established.

Fonterra Limited
Submission 47

Proposed Coastal Plan for Taranaki
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- 3.5 While proposed Objective 3 and Policy 7 in the Proposed Plan address reverse sensitivity, which Fonterra generally supports, there appears to be no corresponding rules, either general or for specific activities, which implement these provisions.

4. SUBMISSION POINTS

A. Objective 3

- 4.1 Fonterra sought the retention of Objective 3 as notified.

Reporting Officers Recommendation

- 4.2 The s42A report has recommended the following amendments to the objective:

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

The use and ongoing operation of ~~nationally and regionally~~ important infrastructure and other existing lawfully established activities is protected from new or ~~inappropriate~~ **incompatible subdivision**, use and development **occurring under, over, adjacent or nearby to the infrastructure or activity** in the coastal environment.

Assessment

- 4.3 The s42A report states that Objective 3 has been "*retained subject to minor amendments as requested by...submitters*". However, the Council officers have provided no explanation regarding which submission(s) the amendments now proposed to the latter part of the objective (being the addition of "*occurring under, over, adjacent or nearby*") actually stem from. No submission sought that Policy 7 be amended in this way. The Council has also provided no evaluation as to why this change is the most appropriate way to give effect to the purpose of the RMA, as required under s32 of the RMA.
- 4.4 Notwithstanding the above, I am not entirely opposed to the overall amendments proposed. However, I do consider the words "**under, over,**

adjacent or nearby” to be too specific for the policy to be workable in practice. Those words signify or represent a distance which is effectively exact. For example, unless the new activity was on an “adjacent or nearby” site, then the objective in theory would not apply. Activities generating the potential for reverse sensitivity effects are not always adjacent or nearby, under or over the existing activity. A good example of this at a district level are new noise sensitive activities (such as dwellings) being located within an area affected by adverse noise levels from an existing activity. The location or area affected by such noise levels often extends well beyond adjacent or nearby properties.

- 4.5 In my opinion using the word “proximity” instead of “under, over, adjacent or nearby” would overcome my concerns and simplify this objective, as follows:

The use and ongoing operation, **maintenance, alteration and extension** of ~~nationally and regionally~~ important infrastructure and other existing lawfully established activities is protected from new or inappropriate **incompatible subdivision** use and development **occurring ~~under, over, adjacent or nearby to~~ in proximity to the infrastructure or activity ~~in the coastal environment~~**.

B. Policy 7

- 4.6 Policy 7 flows from Objective 2. Fonterra's submission on Policy 7 sought the following amendment:

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

- 4.7 The s42A report has recommended the following amendments to the policy:

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on~~ **Protect** existing lawfully established activities **from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of other existing activities by:**

(a) **avoiding significant adverse effects on regionally importance infrastructure;**

(b) **avoiding, remedying or mitigating other adverse effects on regionally important infrastructure and other activities.**

4.8 This policy provides the framework for any provisions associated with reverse sensitivity, however as referred to above no such provisions currently exist. Notwithstanding this, and on the basis that provisions maybe forthcoming in the future, I consider that a few amendments are necessary.

4.9 Firstly, it is not all new activities or intensification of existing activities that result in reverse sensitivity effects. Rather it is only those activities which are sensitive to effects stemming from the existing activity. I consider therefore that a qualifier such as “new **sensitive** activities” would be appropriate to add to the policy to provide greater clarity. This could consequently generate the need for a definition as to what new sensitive activities may be, and I consider this would be associated with the development of any rules. Within the context of Fonterra’s activity i.e. the Whareroa outfall, this might include for example marine farms. Sensitive activities is a term used and defined in many district and regional plans throughout the country.

4.10 Secondly, I am of the view that the use of the phases *avoid*, *remedy* and *mitigate* (which are used on a number of occasions within the objectives and policies) are superfluous and therefore unnecessary. Their use merely paraphrases one clause of s5(2) of the RMA. They provide no useful guidance whatsoever to reporting officers or decision-makers, and their use has previously been criticised by the Environment Court.¹

4.11 In my opinion the policy should be amended to read:

Protect existing lawfully established activities from reverse sensitivity effects that may arise from the establishment of new **sensitive** activities or the intensification of other existing **sensitive** activities. ~~by:~~

¹ Refer High Country Rosehip Orchards and Mackenzie Lifestyle Limited and Ors v Mackenzie District Council Decision No. [2011] NZEnvC 387, paragraphs 144 – 145.

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~~(a) avoiding significant adverse effects on regionally importance infrastructure;~~

~~(b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure and other activities.~~

C. Policy 5

4.12 As part of its submission on Policy 5, Fonterra sought the inclusion of “dairy manufacturing” within clause (b).

4.13 The s42A report has recommended declining Fonterra's submission, stating that:

Officers do not believe that specifically recognising individual industries within Policy 5 is necessary. Policy 5 addresses all activities not identified as regionally important infrastructure.

Officers note that to avoid policies becoming verbose, Council has endeavoured to bundle activities where practicable and avoid ‘cherry picking’ specific industries. Where policies do identify specific industries, it has done so as part of explicitly recognising and giving effect to national policy directions (such as the New Zealand Coastal Policy Statement or the National Policy Statement for Renewable Electricity Generation) or because a certain industry is relatively specific to this region (e.g. oil and gas). The requested amendment would introduce an unnecessary level of detail and other regional industries could quite rightly argue a similar case for the inclusion of their industry within the Policy also. Officers therefore recommend declining the relief sought.

4.14 Notwithstanding the above the s42A report has recommended the inclusion of “*the existing and potential contribution of petroleum and mineral resources*”, in clause (b) in response to a submissions from New Zealand Petroleum and Minerals and Trans-Tasman Resources Ltd. Further, the clause already includes “*the potential contribution of aquaculture, and renewable energy resources*”. In this context, where other individual industries are already referenced in the clause, I can see no reason for excluding dairy manufacturing, which also provides significant

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benefits to the regional economy. I note that dairy manufacturing, along with other rural based industries, is specifically recognised and provided for in the South Taranaki District Plan.

4.15 I therefore consider that clause (b) should be amended to read:

- (b) the benefits to be derived from **other** activities at a local, regional and national level, including **the existing and potential contribution of petroleum and mineral resources and dairy manufacturing**, and the potential contribution of aquaculture, and renewable energy resources;

D. Policy 34

4.16 Fonterra sought the inclusion of the word “industry” in Policy 34 as follows:

Hard protection structures will be discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important **industry and** infrastructure.

4.17 Based on Fonterra's submission the s42A report has recommended the following amendments to the policy:

Hard protection structures are discouraged and the use of alternatives promoted, ~~whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important infrastructure.~~

Appropriateness of hard protection structures must be assessed by the provision of evidence that demonstrates:

....

4.18 The s42A report states:

The submitter has highlighted an issue whereby the Policy reference to “regionally important infrastructure” is problematic in that it excludes some activities and arguably repeats consideration matters covered in Clause (e), (sic) which refer to the national and regional importance of existing infrastructure, use or value at threat.

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Officers propose an alternative relief whereby reference to regionally important infrastructure (and its limited scope) is deleted and instead the Policy will rely on Clause (c) which has a much broader application and would cover the hard protection structure that would encompass protecting the Whareroa discharge outfall.

4.19 In my opinion the change now proposed in the s42A report, being the deletion of the qualifier that recognises that some hard protection structures may need to be in the coastal environment from a practical perspective, goes beyond what Fonterra's submission sought. As currently drafted, Policy 34 discourages the location of *any* hard protection structure in the coastal environment, and comes close to creating an avoid policy.

4.20 A further problem exists with the supposed reliance on clause (c) which reads "*the national and regional importance of existing infrastructure, use or value at threat*". This clause could well be interpreted to only apply to **regionally important infrastructure**, which is specifically defined in the Proposed Plan's definitions. Fonterra's Whareroa Dairy Plant does not fall under that definition, and therefore the Whareroa discharge outfall would not be covered by that clause (as suggested by the s42A report).

4.21 In my view the relief sought in Fonterra's submission remains the more appropriate option and also aligns with amended Objective 2, which refers to "*activities that have a functional need or an operational need that depend on the use and development of these resources (being the natural and physical resources of the coastal environment), are provided for in appropriate locations*". I therefore consider the policy should be amended to read as follows:

Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only ~~practical~~**practicable** means to protect existing nationally and regionally important infrastructure **and industry**.

4.22 In the alternative, Policy 34 could be amended as follows:

Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures **may have**

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a functional need or an operational need to be located in the coastal environment ~~be the only practical means to protect existing nationally and regionally important infrastructure.~~

5. CONCLUSION

5.1 I support the majority of the recommendations proposed in the s42A report, however I have gone on to address points relating to Fonterra's submissions where I am in disagreement with the recommendations. In short I conclude that:

- (a) Objective 3 should be amended to refer to “proximity” to the infrastructure or activity, rather than “under, over, adjacent or nearby”.
- (b) Policy 7 should be amended to refer to new “sensitive” activities rather than just new activities and that reference to avoid, remedy and mitigate within clauses (a) and (b) should be removed as they are unnecessary.
- (c) Clause (b) of Policy 5 should include reference to “dairy manufacturing” alongside the other industries already referenced or proposed to be referenced in the clause.
- (d) The original wording of Policy 34 be reinstated with the inclusion of “industry” or in the alternative reference be made to “a functional need or an operational need” within the policy.



Dean Michael Chrystal

12 July 2019

IN THE MATTER OF: The Resource Management Act 1991

AND

IN THE MATTER OF: The Taranaki Regional Council Coastal Plan

STATEMENT OF EVIDENCE BY:

Archie Hurunui; I am Hapuu Leader for Ngāa Rauru

I am here to present evidence in support of Te Kaahui o Rauru the post treaty settlement entity

Let me begin with the Ngā Rauru proverbial saying, "He rua au, he awa au, he rauru au ai auē." It's English equivalent is, "I am of dual identity. I belong to Awanui-a-Rangi, I belong to Rauru." This aphorism espouses the Ngā Rauru genealogy links to the Whakatane area and the Ngāti Awa nation, descendants of the Mataatua canoe (the face of the gods)

So what does this mean "Our Ngā Rauru uniqueness lives in the hearts and minds of our uri/descendants. Our Ngā Rauru is our soul, our conscience. It carries us through our many life experiences and guides our behaviour. It allows us to think, speak and act in a particular way and (pause) can only survive via intergenerational transmission.

Our coastline Te Kiri o Rauru – the flesh or skin of our ancestor Rauru is our historical story board that connects us to Te Moana nui a Kupe – The Great Ocean of Kupe. It connects us to Tangaroa and Maru (pause) the dieties of saltwater and freshwater.

The coastline connects us to Papatūānuku (pasue) Mother Earth - not only the land we walk upon but the ocean bed too. The coastline connects us to Haha-te-whenua – the fish Maui-tikitiki-a-Taranga caught at the bottom of the sea and brought to the surface, thus becoming Te Ika-a-Maui – the great fish of Maui (pause) the land we walk and live on today. Tāne Mahuta the diety between low tide and high tide. Toi-te-huatahi, grandfather of Rauru and also one of the many guardians of the sea from Oakura to Te Kaihau-a-Kupe or the Whanganui River mouth. Kupe the great voyager who married Kuramarotini, and gave their daughter Kurareia to Taiehu. Taiehu the original paramount chief in the South Taranaki area, whose name Te Awa-nui-a-Taiehu reigned supreme over the Patea River.

These are merely a few stories that will be impacted on by the Regional Coastal Plan. And least we forget the wise words of our patriarch Uncle Potanga Neilson to me in 2014 (pasue), "The beach was not a playground. It was a where we collected kaimoana to live on"

Therefore if we do not work collaboratively on the Coastal Plan – ka mate taku iwi – my Ngā Rauru people will perish (pause) as I cannot feed my family, my grandchildren, or my visitors (pause) and my ability to "manaaki" (pause) a division of 2 words "mana (aura) and aki (enhance)", so I can no longer enhance the aura of another.

The Regional Plan measures or KPI's need not go further than our 5 senses:

Sight – water quality (pause) discoloration etc. (2) Smell – sea/water odour – discharging untreated effluent into the Patea River (3) Taste – can I drink from it, can I eat from it? (4) Touch – can my children/grandchildren swim in it? (5) Sound – we've forgotten how to listen to the sea, how to listen to the coastline for the betterment of our children/grandchildren

Therefore I'm going to leave the semantics of the plan to these ladies next to me, that's there forte. Hopefully ladies and gentlemen you've viewed the Coastal plan with a different set of lenses. And we as Ngā Rauru are always open to co-producing, co-sharing in the development of a plan. Ngā Rauru kī tahi, kotahi te kupu kua mana – The word of Rauru is an honourable word indeed.

The rohe of Ngā Rauru Kī tahi at 1840 began at Kaihau-a-Kupe (the mouth of the Whanganui River). The kaainga or occupied sites at Kaihau-a-Kupe included Kaihokahoka (ki tai), Kookoohua (the swampy area at Castlecliff), Te Whare Kaakaho (the Wordsworth Street area), Pungarehu/Te Ahi Tuatini (Cobham Bridge), Te Oneheke (between Karamu Stream and Churton Creek), Patupuhou, Nukuiro, and Kaieerau (St Johns Hill). The rohe then extended from Kaieerau along the watershed to Motuhou, Kaihokahoka (ki uta), Taurangapiopio, Taumatarata, Maataimoana, Taurangakawa and north into the Matemateaaonga Ranges and the area known as Tawhiwhi.

After the Matemateaaonga Ranges, is the Mangaehu Stream where the Mangaehu Paa was situated, near the source of Te Awanui-a-Taiehu (Paatea River). Between Te Awanui-a-Taiehu and Whenuakura Rivers (Te Arei o Rauru) were the paa of Maipu and Hawaiki. Many Ngā Rauru Kī tahi paa and kaainga were also situated along Te Awanui-a-Taiehu, such as Oowhio, Kaiwaka, Arakirikiri, Ngā-papa-tara-iwi, Tutumaahoe and Parikaaranga.

At the mouth of the river sat the kaainga and marae of Rangitaawhi and Wai-o-Turi which remain today. Along the shoreline between Rangitaawhi and Tuuaropaki lies Te Kiri o Rauru. Between Rangitaawhi and the mouth of the Whenuakura River stood Tihoi Paa (where Te Rauparaha rested).

From Tihoi the rohe extends to Waipipi, Tapuaarau, Waitootara River, Waiinu, Waikaramihi and Te Wai-o-Mahuki (near Te Ihonga). It continues past the Ototoka Stream to Poopoa (the marae of Aokehu at the mouth of the Okehu Stream), and then continues onwards to the mouth of the Kai Iwi Stream near the marae of Taipake Tuturu. From here the rohe stretches past Tutaramoana (he kaitiaki moana) back to Kaihau-aa-Kupe.

Our submission outlined in the Ngā Rauru Kī tahi Claims Settlement Act 2005, identifies the entire Coastal Marine Area within our rohe as a Statutory Acknowledgement Area.

The Ngā Rauru Kī tahi Claims Settlement Act was finalised in 2003. The rohe described above along with the entire marine coastal area was included in the Settlement Act 2005, therefore in the consideration and preparation of the Taranaki Regional Council Coastal Policy Statement the Council has to consider this Settlement Act is also relevant.

Statement of Evidence

I confirm that this evidence is the opinion which has been formed collectively by Ngā Rauru and I am representing that opinion. I also confirm that my evidence has been prepared in accordance with the Environment Court's Code of Practice 2014 for the preparation and presentation of evidence.

Acknowledgement of TKOR's submission points

At this point I would like to acknowledge the Taranaki Regional Council staff for the preparation of the track changes edition of the Proposed Taranaki Regional Coastal Plan. In particular Ngā Rauru Ki Taahi appreciates that quite a number of points that we made submissions on, have been accepted or accepted in a revised way. These include:

- a. 1.6 Mana whenua changes to wording on page 5,

- b. The insertion of section 2.4A and the recognition of the all the Iwi Settlement legislation,
- c. Policy 11 Indigenous Biodiversity
- d. Policy 35 Temporary protection structures,
- e. Policy 49 Noise and Vibration,
- f. 10.1 Monitoring
- g. Schedule 5B Sites of Significance to Maaori.

We recognise and support the inclusion of the guiding principles *Guiding principles for the management of the coast* on page V which gives life to those Tikanga Maaori principles of:

- Mai te maunga Taranaki ki te Tai a Kupe,
- Whakapapa,
- Kaitiakitanga,
- Manaakitanga,
- Whanaungatanga

We contend that while this is some of the principals it does not represent all of them. "Mai te Rangi ki te Whenua, mai uta ki Tai ngaa mea katoa e tapu ana is more favoured by Ngaa Rauru Kaitahi

General Comments

1. Reference to the coastal environment in its entirety

To set the legislative scene we acknowledge the role that the Resource Management Act 1991 plays in the development of this Regional Coastal Plan and the work conducted by DOC on the development of the National Coastal Plan 2010.

Our submission outlined the importance of the Ngaa Rauru Kaitahi Claims Settlement Act 2005, which identifies the **entire** Coastal Marine Area within our rohe as a Statutory Acknowledgement Area. This means that in addition to the matters listed in the Resource Management Act 1991 that Council must consider this Settlement Act also.

In more recent times Te Kaahui o Rauru Trust has made an application to the High Court under the Marine and Coastal Area (Takutai Moana) Act 2011 for an order that recognises:

- a. Customary Marine Title between Te Awanui-a-Taiehu (Patea River) in the north, through to the Whanganui River in the south (which I appreciate is under the purview of Horizons Regional Council), out to the 12 nautical mile limit; and
- b. The Protected Customary Right to the practice of Mahinga Kai between Te Awanui-a-Taiehu (Patea River) in the north, through to the Whanganui River in the south, out to the 12 nautical mile limit.

The application for this is to be considered in the near future.

Implementation of maatauranga maaori

In addition we note the insertion of the Iwi Management Plans that have been lodged with Council (page 11). The acknowledgement is appreciated, however the Coastal Plan should go further towards implementing maatauranga maaori in several areas of importance to us.

*Please note: As Council has received **three** Management Plan the paragraph before the list should be amended to state "three" not "two".*

Legislative references and Puutaiao Management Plan

In relation to the preparation of a regional plan we want to remind TRC of the statutory requirements of the RMA and in particular Section 66(2A)(a) to have regard to any relevant planning document recognised by an iwi authority as stated below:

The RMA requires that:

- | | |
|-----------------------|---|
| <i>Section 66(2A)</i> | <i>When a regional council is preparing or changing a regional plan, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region:</i> |
| <i>(a)</i> | <i>the council must take into account <u>any relevant planning document recognised by an iwi authority</u>; and</i> |
| <i>(b)</i> | <i>in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,—</i> |
| <i>(i)</i> | <i>recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and</i> |
| <i>(ii)</i> | <i>take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.</i> |

Whilst the Taranaki Regional Council officers have, in a considerable way, taken the iwi recognised documents and submissions into account in the track change version of the proposed coastal plan, there are still a few matters that we seek to have addressed. These are detailed in "*Further matters to be included in the Taranaki Regional Council Proposed Coastal Plan*"

For the panels reference we have outlined the parts of the Puutaiao Management Plan which we used to guide our thinking.

The purpose of the Puutaiao Management Plan is to:

- Provide focus and direction to TKOR to fulfil their kaitiaki responsibilities;
- Improve public awareness of Ngaa Rauru Kaitahi values, aspirations and concerns regarding natural and physical resource values;
- Ensure Ngaa Rauru Kaitahi environmental values, aspirations and concerns are incorporated into local and national decision-making processes;
- Demonstrate our commitment to work alongside resource users, policy makers and decision makers.
- Guide resource users, policy makers and decision makers on how to engage and include Ngaa Rauru Kaitahi in their environmental activities; and

- Increase participation of TKOR in policy, consenting and compliance processes, as well as decision making, monitoring, research, reviews, and other environmental activities.

The coastal environment (CE) is extremely precious to Ngaa Rauru Kaitahi and it has significant spiritual, cultural and historical importance to us. Our relationship with the CE is of utmost importance to us especially in terms of maintaining our customs and traditions associated with the CE.

As kaitiaki we have responsibilities to look after the CE, including the protection of Tauranga waka, waahi tapu/waahi tupuna and other taonga located in the CE.

In our rohe the CE is coming under increased pressure through:

- Increased commercial and residential coastal development,
- Discharges of sewage, stormwater and other contaminants,
- Increased recreational use,
- Structures in the seabed and foreshore such as wharfs, jetties and marinas,
- Run-off from farms,
- Sediment runoff,
- Sand extraction,
- Seabed exploration and seabed mining, and
- Poor local and central government policy, legislation and regulations.

Our objective in respect of the tangaroa is (from our Puutaioa Management Plan):

Objective 4.1 To ensure that the realms of Papatuaanuku, Maru and Tangaroa are managed appropriately in accordance with Ngaa Raurutanga.

This objective is supported by the following policies:

Policy 4.1 To preserve the CE through the protection of coastal landscape features, waahi tapu/waahi tuupuna, mahinga kai, water quality and the protection of valued flora and fauna and their habitats.

Policy 4.2 To participate in developing consistent and effective assessment processes for coastal landscapes values and management.

Policy 4.3 Raise the understanding and awareness of local and central government agencies and the wider community of Ngaa Rauru Kaitahi's special relationship to the CE.

Policy 4.4 Advocate for appropriate levels of support which facilitate Ngaa Rauru Kaitahi participation in CE planning and decision-making processes.

Policy 4.5 Promote better integration between activities happening on land and those happening in the CE to ensure consistent and compatible management.

Further matters to be included in the Taranaki Regional Council Proposed Coastal Plan

1. Policy 8: Areas of outstanding value.

The protection of the visual quality of the seascape would include a definition of the visual quality of the underwater seascape. Whilst the plan goes some way towards addressing the protection of the visual quality of the seascape it does not include the underwater visual quality. We propose "Protect the visual quality, which includes the

underwater visual quality, as well as the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 2. Included in this is the water quality affected by inappropriate land use which impacts on the awa in the rivers and in turn affects the visual quality of the water in the seascape. Addressing both ensures that the mauri of the ocean is respected and protected from inappropriate subdivision, use or development

2. Policy 13: Relationship with tangata whenua

(g) should include the right of local iwi/hapuu to choose said person of expertise, as long as there has been no illustrated conflict of interest. We assert that "providing for the opportunity of hapuu or iwi to recommend the appointment of person(s)". The importance of recognising the hapuu/or iwi in the appointment of persons gives mana and self-determination over matters important to Maaori interests and maatauranga.

3. Policy 22: Discharges of water and contaminants to coastal waters.

Our submission seeks the inclusion of Maaori Values in the list of matters to be considered. As may be well known the discharge of water and contaminants into water is an abhorrence to Maaori. Any such discharge is pollution and can seriously adversely affect the mauri (life force) of that water body. As Kaitiaki (stewards) we lwi (collectively) have a responsibility to ensure no harm comes to tangaroa (the sea).

We, lwi of Taranaki, hold mana moana (authority) over tangaroa. To not strenuously pursue this responsibility at each opportunity would be considered negligent and would bring disgrace. For these reasons it is imperative that there is equity and balance in the wording of Policy 22 that reflects lwi and Hapuu roles and responsibilities in terms of any discharge, irrespective of the wording of Policy 16. Consequently, we seek the consideration of Maaori Values to Policy 22.

4. Rule 26 Drilling of a petroleum exploration or appraisal well.

Presently this activity is listed as being a controlled activity. We are deeply concerned that our submission seeking that this activity become a Discretionary Activity has not been accepted. As said in evidence above lwi have a responsibility to tangaroa and drilling for exploration will cause discharges of a range of substances into the environment including ecotoxic substances arising from drilling activity.

A Controlled Activity status cannot be declined. the RMA provides:

Section 87A If an activity is described in this Act, regulations (including any national environmental standard), a plan, or a proposed plan as a controlled activity, a resource consent is required for the activity and—

- (a) the consent authority must grant a resource consent except if—*
 - (i) section 106 applies; or*
 - (ii) section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies; and*
- (b) the consent authority's power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environmental standard, or otherwise); and*
- (c) the activity must comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.*

Council should retain its ability to apply its discretion, and it is essential for council to enable interested parties including Ngaa Rauru and Taranki Iwi and Hapuu to make submissions on drilling activities. It cannot do so unless the activity were more appropriately listed as a discretionary activity.

5. Rule 54: Burial of dead animals;

The plan change has gone some way to ensuring that iwi/hapuu are notified when there are burial of animals required (except for seals which are too numerous for active involvement in every circumstance); however it is expected that iwi/hapuu will have an active, as opposed to notification of, involvement in the burial of all other marine animals including but not limited to whales, turtles, and leopard seals. This approach allows for appropriate tikanga and ceremonies to be performed such as karakia to return the animal's wairua to its resting place. We seek an amendment to read "iwi/hapuu will participate in the burial of dead animals on the beach"

6. Rule 85 Taking or use of water, heat or energy (page 109).

Excluding the taking in an Estuary, this take is listed as a permitted activity. As noted above we iwi and hapuu have significant responsibility for the effects of activities on the environment. For too long the tangaroa has been considered a resource that can be exploited without proper consideration of the effect on that water body's mauri. As with the drilling activity we considered that council should retain its discretion and enable interested parties including iwi and hapuu to express our concerns in accordance with our tikanga and kaitiakitanga practices, in the hope that culturally appropriate conditions of consent that involve the application of maatauranga maaori can be required of applicants.

7. Rule 8.6.2 Light;

We accept the position of TRC that the use of appropriate navigational tools are important and note that opportunities to affect decisions via the resource consent process are available.

8. Section 9 Financial Contributions

Policies 9.1.3, 9.1.5 & 9.1.6. Our submission seeks to enable Tangata whenua to exercise their kaitiaki (guardianship) in instances of environment degradation, be it biodiversity, protection of historic heritage or protection, restoration or enhancement of seabed and foreshore. We seek this for the reason that within our rohe we are the guardians of the environment. Where any sort of restoration is to be achieved through financial contributions we, as Tangata whenua, need to be there to ensure that whatever is proposed to occur meets with our tikanga.

Such "rights" are enshrined in the statute Ngaa Rauru Kaitahi Claims Settlement Act 2005, and Te Tioriti o Waitangi. Such "rights" are provided for: under Part 2 of the RMA, the NZ Coastal Policy Statement, Ngaa Rauru's Puutaioa Management Plan, and so too should it be enabled in the Taranaki Coastal Plan to comply with these documents. This fact may have been misunderstood by officers.

9. Our submission made the observation that this rule contains a relatively narrow set of offset options. Indeed, the whole Financial Contributions Section makes no reference to or inclusion of reparation mechanisms for the protection, maintenance or restoration of sites of cultural significance to Maaori. Such an omission is considered to be

contrary to sections 6(e) and 7(a) of the RMA which has elevated such taonga to a matter of national importance.

By way of further example, the NZ Coastal Policy Statement includes:

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

10. Accordingly, it is considered imperative that the restoration of damaged or destroyed sites of cultural significance to Māori be included in the provision to adequately reflect that Matter of National Importance (s 6(e)) and Other Matters (s 7(a)) of the Act and the provisions of the NZCPS 2010.

11. In terms of Provision 9.2 Determining a Financial Contribution our submission seeks clarity about the extent to which and the quantum of mitigation: is it full mitigation or partial? How is that determined? Does the term "community" effects include or exclude cultural effects? It is considered that this provision is all too vague and without certainty. It is noted that no track changes have been recommended. We consider that it is necessary to have engagement and consultation about the nature of this provision to ensure that adequate provisions are contained in the coastal plan that are:

- Meaningful,
- Able to be given effect to
- Will actually achieve the outcome
- Ensure that there is sufficient adequacy in terms of effects on cultural values, and
- Are reasonable necessary (the Newbury Test).

In conclusion we thank council officers for their consideration of our submissions. We leave the decision on these submissions in the hands of the Hearing Panel and look forward to your decisions in due course.

Ngaa Mihi

Date: _____

Proposed Coastal Plan for Taranaki

Submission by Ngati Rahiri Hapu

Mihi

Whaikororia ki te Atua i runga rawa

He maungarongo i runga i te whenua

He whakaaro pai ki nga tangata katoa – ahakoa, ko wai.

Kia koutou nga kaiwhakarongo, tenei te mihi atu kia koutou katoa i hui tahi nei i runga i tenei kaupapa e pa ana ki te tiakina o to matou moana, ara, to matou mahinga kaimoana. Na matou matua tupuna i whakatakoto te ara mo matou hei hikoinga tika i runga i te mata o te whenua. No reira i roto i tera whakaaro o te kaitiakitanga o to matou rohe, o to matou tikanga, tena koutou, tena koutou, tena huihui tatou katoa.

Introduction

1. Thank you for the opportunity to summarise our concerns to this coastal plan today.
2. My name is Keith Holswich and I am Ngati Rahiri. I am a land surveyor and live in New Plymouth. Beside me is Kristine Marsh, also Ngati Rahiri. Kris is our hapu whenua and moana manager and seems to spend all her time fighting for the protection of our lands, waterways and coastline.
3. Unfortunately, we are here because despite extensive discussions with Council officers, and here we must thank Chris, and his team (nga mihi), we have been unable to reach agreement on all our concerns. Some were accepted, the majority were not, but that is just part of the process. Of the ones that were not accepted, we have made our point and we shall proceed no further. However, there is one matter that we cannot accept and we must pursue this.

Our Reefs

4. Map 45 of the proposed plan shows the extent of our reef system offshore from Nikorima Road in the west, then Motunui, Epiha Road, Turangi Road and the Waiau Stream in the east. The extent of this extremely large reef system was accurately defined by hydrographic survey prior to the construction of the Pohokura onshore production facility, so it's accuracy cannot be questioned.
5. The importance and significance of this reef system to us cannot be underestimated. Since our arrival to this land some 800 years ago, it has provided us with sustenance, indeed, our very life. But most of all, it provides our hapu with the mana to provide for our guests whenever they visit us.

6. We have fought for the protection of this reef system ever since and no bigger fight can be mentioned than the epic work carried out on our behalf by Aila Taylor who took our concerns to the Waitangi Tribunal in 19xx. The final Waitangi Report (Wai 6 – Motunui xxx) has since provided a case study on the relationship between iwi/hapu and our reefs, and the significance of those reefs to us. The report also clearly sets out the framework for the protection of the reefs. If you have not yet done so, I urge you to review the Wai 6 report.
7. There is no need for us to go into further details regarding our relationship to our reefs. They are so well articulated in the WAI 6 report.
8. Both Kristine and I represented our hapu at the Environment Court in 20xx in an attempt to stop an oil company cutting through our clifftop waahi taonga sites and laying a pipeline over our reef. Thankfully, common sense prevailed, and the development proposal was withdrawn.
9. I mention these matters to show that even today, we are prepared to fight for the protection of our reefs.

The Proposed Coastal Plan

10. This brings us to the subject of our meeting here today – the Proposed Coastal Plan for Taranaki and in particular Councils insistence that the following should be PERMITTED activities over our reefs including
 - a. Rule 18 - Placement or erection of an outfall structure – page 64
 - b. Rule 20- Placement or erection of a mooring structure – page 66
 - c. Rule 21 - Placement or erection of a navigational aid – page 67
 - d. Rule 22 - Placement or erection of a network utility structure – page 68

And as a CONTROLLED activity

- e. Rule 26 - Drilling of an exploration or appraisal well – page 73
11. All I can say is Permitted activities? Have we learnt nothing from the previous 40 years or so?
12. We cannot accept that anything other than a DISCRETIONARY activity designation should be placed on any activity that has the potential to damage, desecrate or destroy our reefs.
13. We are not convinced by TRC officers assurances that even though the above activities are permitted, no damage to our reef system will be allowed, because here is the catch. As a permitted activity, there will be no need to consult with us prior to any works commencing so we will be unable to express our concerns, there will be no monitoring from Council to ensure that any matter that needs to be considered has indeed been considered.
14. In this instance, we cannot agree with the officers Sec 42 report (page 294) that

“.. the activity is considered fairly standard and routine with any adverse effects generally being temporary and less than minor”

We can never accept that any commercial activity on our reef is “fairly standard and routine” and can never accept that the effects on us as a hapu are “less than minor”

15. And we are deathly afraid that we will have another situation on our hands such as the condensation spill in 19xx where it was necessary to place a rahui on the collection of seafood off our reefs. Oh, we were told that no such spill could occur but when it did, it was our hapu members who found the polluted beach and reef system the day after the unreported spill had actually occurred. But luckily, we did have an agreement in place that the oil company would compensate us if our reefs were ever damaged. And what did they do after the spill? NOTHING!

16. We can never accept having a similar situation again.

Relief Sought

17. The relief we seek is very simple. Rule 29 on page 76 makes it a DISCRETIONARY activity for the placement or erection of a petroleum production installation in the open Coast area. And this is good.

18. We are simply asking that Rules 18, 20, 21, 22 and 26 become DISCRETIONARY activities as well with all the protection that such a designation will give to our reefs.

Summary

19. I am reminded of a recent RMA Association meeting in New Plymouth, that was attended by several TRC officers, when Dr xxx, the renowned whatever, commented that

“A permitted activity has the greatest potential to damage etc”

And that is one reason why we wish to stop any permitted activity occurring on our reefs.

20. So, if you do not intend to listen to, or abide by the Waitangi Tribunal (WAI 6) recommendations, then you may leave the plan as it stands.

If you do not believe that we as a hapu, have via the Treaty of Waitangi, the rights to undisturbed possession and use of our reefs, then you will leave the plan as it is.

If you do not believe that the very mana of our hapu is at stake here, you may leave the plan as it is

21. However, if in your wisdom, you recognise that the three matters I have just mentioned are not only in our interests, but in the interests of the wider community and indeed the country as a whole, then you must give us the relief sought and recommend changing the plan

22. Once again, thank you for the opportunity to present our concerns here today. We are in your hands

23. Tena kotou, tena kotou, tena kotou katoa

24. I am happy to take any questions on this brief submission.

Motunui Waitara Report

Title

Title

TITLE

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CLAIM (WAI 6)

WAITANGI TRIBUNAL WELLINGTON NEW ZEALAND

March 1983

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WAI 6

The Minister of Maori Affairs Parliament House WELLINGTON

REPORT FINDINGS AND RECOMMENDATIONS

OF THE WAITANGI TRIBUNAL

ON AN APPLICATION BY AILA TAYLOR FOR AND ON BEHALF OF TE
ATIWA TRIBE IN RELATION TO FISHING GROUNDS IN THE WAITARA
DISTRICT

Edward Taihakurei Durie
Chief Judge of the Maori Land Court
Chairman

Walter Max Willis
District Court Judge
Member

Sir Graham Stanley Latimer, J.P.
Member

March 1983

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

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Motunui Waitara Report

1 Introduction

1 Introduction

1. INTRODUCTION

1.1 Summary of findings

We have made inquiry into a claim by and on behalf of the Te Atiawa people of Taranaki that they are prejudicially affected by the discharge of sewage and industrial waste onto or near certain traditional fishing grounds and reefs and that the pollution of the fishing grounds is inconsistent with the principles of the Treaty of Waitangi. Evidence has been given as to the extent and use of the fishing grounds, their historical and cultural significance, the extent of pollution, the existing controls and the steps taken to minimise pollution, and certain related matters that were brought into issue during the hearing, including the extent to which any Maori interest in the fishing grounds is either recognised or provided for.

We find

- (a) That the reefs and river referred to in this claim constitute significant and traditional fishing grounds of specific hapu of the Te Atiawa people.
- (b) That the hapu are prejudicially affected in that the reefs and associated marine life suffer from various degrees of pollution and that those near to the mouth of the Waitara River in particular are badly polluted and stand to be polluted further.
- (c) That certain reefs near Motunui are likely to be deleteriously affected by the construction of the proposed ocean outfall associated with the synthetic fuels plant.
- (d) That there are insufficient planning requirements to provide an adequate assurance that the river and reefs will not be further polluted as a result of further development and growth in the area and that in any event insufficient recognition is given to the Maori interest in the coastal and inland waters to ensure the protection of that interest in existing mechanisms for planning and control and in legislation governing the use of the seafood resource.
- (e) That the Treaty of Waitangi obliges the Crown to protect Maori people in the use of their fishing grounds and to protect them from the consequences of the settlement and development of the land.
- (f) That the Treaty of Waitangi obliges the Crown to ensure that priority is given to the Maori interest in fishing grounds but an appropriate priority is not given, or is not able to be given by Departments of State and other bodies whose duties are prescribed by statute.
- (g) That the Treaty of Waitangi obliges the Crown to provide for legislative recognition of Maori fishing grounds and to confer upon the hapu most closely associated therewith certain rights of control.
- (h) That it is not inconsistent with the spirit and intention of the Treaty of Waitangi that the Crown and the Maori people affected should confer on matters arising thereunder and agree to alter the incidence of the strict terms of the treaty in order to seek acceptable practical solutions for any particular case. The Te Atiawa people have

stated a desire to establish a workable compromise in this case and our recommendations are a reflection of that.

1.2 Summary of recommendations

We recommend

- (a) That the proposal for an ocean outfall at Motunui be discontinued and
- (b) That the Crown seek an interim arrangement with the Waitara Borough Council for the discharge of the Synthetic Fuels Plant effluent through the Waitara Borough Council's outfall.
- (c) The establishment of a Regional Planning and Co-ordinating Task Force to propose medium term plans for development in the region and the provision of infrastructures and ancillary services commensurate with projected growth. In the first instance the Task Force should direct its attention to the replacement of the defective Waitara Borough outfall, and in the long term to the provision of land based treatment plants.
- (d) The establishment of an interdepartmental committee to promote legislation for the reservation and control of significant Maori fishing grounds, the recognition of Maori fishing grounds in general regulatory and planning legislation, to improve existing provisions for the assessment and control of particular work projects that may impinge on Maori fishing grounds, and to effect certain miscellaneous amendments. Our findings and recommendations and our reasons therefore are more particularly set out in the succeeding paragraphs.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

2 The Claim

2 The Claim

2. THE CLAIM

2.1 Particulars of the claim

The original claim was filed on 4 June 1981 and was made by Aila Taylor "for and on behalf of Te Atiawa tribe". A copy of the claim is annexed as Appendix 1.

In response to a request from the Tribunal for further particulars a more specific claim was filed 25 March 1982. A copy of the more specific claim is annexed as Appendix II.

2.2 A claim in a representative capacity

It was recognised that Mr Taylor made this claim in a representative capacity and that he spoke for the Te Atiawa people of the Taranaki area, and for those of the Manukorihi, Otaraua and Ngatirahiri hapu in particular. He gave evidence himself but he was supported by many others who had ample knowledge of the concerns of the Te Atiawa tribe.

2.3 Notification of the claim

Public notice of the claim and of the Tribunal's sittings was given in the Dominion, the New Zealand Herald and the Taranaki Daily News. Specific notice was given to those named in Appendix III.

In addition the claim and the Tribunal's hearings attracted considerable provincial and national media attention.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

3 Hearing Of The Claim

3 Hearing Of The Claim

3. HEARING OF THE CLAIM

3.1 Sittings, submissions and evidence

The tribunal sat

(a) during the week commencing 5 July for the purpose of hearing the Te Atiawa claimants,

(b) during the week commencing 18 October for the purpose of hearing other interested persons and bodies, and

(c) during the week commencing 22 November for the purpose of hearing final submissions and replies.

Those who made submissions to us are named in Appendix IV. No evidence or submissions were given in private but as shown in the appendix six written submissions were received without an appearance by or on behalf of the authors. The tribunal visited the reefs said to be affected, the synthetic fuels and methanol plant sites, Borthwicks Freezing Works, and the Waitara Borough outfall, all of which are in the vicinity of Waitara.

The tribunal also conducted its own researches into existing literature touching upon the areas of concern.

3.2 Prior proceedings

The tribunal did not commence its inquiries until after certain proceedings before the Planning Tribunal and the Court of Appeal had been concluded in the hope that certain areas of concern might be resolved before our inquiries opened and to the intent that the areas of concern might be made more certain. We were also conscious of the provisions of section 7 (1) (c) of the Treaty of Waitangi Act whereby we may decline to inquire into a claim where there is an adequate remedy or right of appeal that might be pursued in another forum, and we wondered whether the claimants might find satisfactory relief in other proceedings.

3.3 Matters of omission and rectification

During the course of the first week's hearings it became apparent that the claim and further particulars as filed were deficient in that

- they were not specific,
- they failed to make specific reference to the proposed Motunui ocean outfall associated with the synthetic fuels plant, and
- they did not adequately state the total concerns of the Te Atiawa people in relation to the fishing grounds.

It is our view that claims to the Waitangi Tribunal ought not to be overly constrained

by the adequacy of pleadings provided that the various claims can be adequately identified at the hearing, and other parties can be given a sufficient opportunity to respond to them. This approach seems to us to be important in order to facilitate Maori claims to the Tribunal without undue legalism, and to be particularly important where, as in this case, the claim is made on behalf of a tribal group in respect of whom it cannot be presumed that the individual members are all of one mind. Accordingly it was our approach in this case to accept that the full nature and extent of the claim might not be apparent until the Te Atiawa claimants as a whole had been heard, to use the first week of the proceedings to enable the various Te Atiawa claims and concerns to be identified and stated, and then to adjourn proceedings for a sufficient period to enable other interested parties to consider the claims and to respond to them.

In the result certain matters not specifically stated in the formal claim were brought within our purview and in particular

- the extent of pollution in the Waitara River and its effect on Te Atiawa River fishing practices,
- the existing provisions affecting the use, enjoyment and control of Maori fishing grounds, and
- the Motunui outfall

(The Motunui outfall was only obliquely referred to. The claim referred principally to the discharge of sewage and industrial waste into the sea between New Plymouth and Waitara but para. 7 of the claim went on to state -

"Petro Chemical Industries being established near Waitara have obtained approval for the discharge of industrial waste and sewage into the same area of the sea as is already polluted by the Waitara Outfall and the position in the absence of proper supervision is therefore likely to deteriorate.")

3.4 Marae hearings

It is useful to record that each hearing was held on the Manukorihi Marae. The Treaty of Waitangi Act enables the Tribunal to receive evidence in any form and it should be mentioned that none of the evidence in this case was sworn evidence. The proceedings were held on the Marae because the Tribunal was of the firm opinion that on their home territory the Maori people would be better able to express their feelings and make their concerns known. The Tribunal is completely satisfied that by adopting this procedure it was able to reach the real heart of the matter. This would not have been possible had the proceedings been held in a building such as a Courthouse or in proceedings conducted in the same manner as a court hearing.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

4 Background To The Reefs - Te Atiawa Perspective

4 Background To The Reefs - Te Atiawa Perspective

4. BACKGROUND TO THE REEFS - TE ATIAWA PERSPECTIVE

4.1 History and legend

The Te Atiawa fishing reefs (or kaawa) extend for some 30 to 35 miles along the coast of the north Taranaki bight and provide an abundant source of seafood. Collectively they constitute one of the most extensive traditional fishing reefs of the Maori people. They are referred to in the songs and legends of the Te Atiawa people and were a source, not only of food, but of tribal pride and prestige. Sir Peter Buck ("The Coming of the Maori" page 378) has recorded one such legend as follows: "A curious story is connected with the visit of a Ngati Tama ohu to clear some land for a Taranaki tribe south of the present New Plymouth. The ohu speedily completed its task with a large stone adze named Poutamawhiria, to which a certain amount of magic power was ascribed. The working party had been fed with choice mussels from a local reef. They were so good that the Ngati Tama priest with the ohu decided to steal a portion of the reef. He waded out secretly to the reef, cut off its northern end with the adze, Poutamawhiria, and by means of magic incantations, floated it back to his own territory, where it is now fixed in the sea as the mussel-bearing reef named Paroa. However, Poutamawhiria marked its disapproval of the theft by allowing a chip to break off from one corner of its cutting edge. Generations later the adze disappeared, but a description of it was handed down orally. It was of very black polished stone about 16 inches in length, and it had a chip off one corner of its cutting edge. One night a young girl of the Ngati Tama dreamt that Poutamawhiria had been found at the neighbouring village of Pukearuhe by a European farmer named Black. The girl was so insistent that her father, Te Kapinga, visited Mr Black's home, where, to his intense surprise, Mrs Black produced a large stone adze which her husband had found recently. It was of polished black basalt, the right length, and it had a chip off one corner of the cutting edge. Mr Black arrived and, after hearing the story, very generously gave it to Te Kapinga as the representative of the rightful heirs. The Ngati Tama and Ngati Mutunga tribes held a meeting at which Poutamawhiria was laid in state on a flaxen robe on the marae, and the people greeted its return with a welcome of tears. The finder was publicly thanked and given a suitable present. Later, on a visit, I was shown Poutamawhiria. I looked doubtingly, perhaps, at Te Kapinga, as I felt the chipped corner. "Well," he replied, "If you examine the Taranaki reef, you will see that its northern end is cut off clean and if you examine the Paroa reef you will find that its southern end is cut off clean. Now if you were to bring the two reefs together you would find that the two cut ends would fit perfectly." Who am I to gainsay such proof?"

Evidence of the role which the reefs and sea-bed play as a means of recording and transmitting cultural values is also contained in statements made to us. The first concerns the events which give rise to the full name of the locality as Owae Waitara,

also borne by the portal of the Manukorihi marae. Wharematangi, a young man brought up by his mother's people north of Taranaki, expressed (circa 1420) the wish to meet with his father Rahue and paternal kinsfolk of Te Atiawa. Following the tara (dart) given to him by his mother Wharematangi's journey led him to the reefs off the river mouth of the river now known as Waitara, hence the Owae Waitara which other dialects would pronounce as Owae Whaitara.

(See also S P Smith - "Maori History of the Taranaki Coast.")

This episode demonstrates the richness of the history associated with the reefs and the way in which their names can act as signposts for further accounts of the history of the people.

Another person appearing before us referred to an event recorded in the oral history of the area by which the neighbouring reef of Waiongona was named. The name refers to Ngona, daughter of the well known voyager Kupe, who called in at that point so that Ngona could drink and refresh herself - hence the name Wai o Ngona (literally water of Ngona).

4.2 Hapu divisions of the reefs

Possession of the reefs was seen by Te Atiawa as important as the occupation and possession of the land. It is significant to note that just as the adjoining land is divided amongst the various hapu of Te Atiawa, so also are the reefs so that particular reefs are regarded as the property of particular hapu.

We were advised that the following reefs are associated with the following hapu:

Waiwakaiho }

Mangati } Ngati Te Whiti

Kunene }

Waiongona }

Tauranga }

Orapa } Otaraua, Manukorihi

Te Puna }

Tokataratara }

Titirangi Ngati Rahiri

Urenui Ngati Mutunga

Paraninihi Ngati Tama

The custom in this respect continues to this day. Aila Taylor for example stated that he would not take kaimoana (seafood) from a reef other than that belonging to his own hapu. We have been singularly impressed with the quiet honesty and integrity of Aila Taylor and accept his evidence entirely.

In regarding the extensive nature of the Taranaki reefs therefore it is not an adequate answer to the Maori claims to consider the pollution of the reefs in one locality not to be prejudicial for as long as other reefs remain untainted. The important question here is whether the whole or an undue proportion of the reefs of any particular hapu are prejudicially affected.

4.3 The seafood resource

In this particular inquiry we have not been concerned with the Taranaki reefs as a whole. Our inquiry has focused upon the Tauranga, Orapa, Te Puna and Titirangi

reefs off Waitara and Motunui, and which are regarded as belonging to the Manukorihi, Otaraua and Ngati Rahiri hapu.

Nonetheless, it is apparent that many of the claims made in respect of the particular reefs referred to hold true for the reefs as a whole. There can be no doubt that in the Taranaki area the various reefs along the coastline were and still are a valuable source of seafood. They are used today for the harvesting of kuku, kina, kotoretore, four genera of pupu (karikawa, mitimiti, korama and ngaruru or makiritai), rore, karengo, paua, wheke (octopus), starfish, the waiwakaiho crab, limpets, crayfish, starfish and fish generally.

4.4 The cultural value of the seafood resource

The harvesting of seafood from the reefs was and is not only for the purposes of survival. Kaimoana also has an intrinsic cultural value manifested in manaaki (token of the esteem) for manuhiri (visitors).

That attitude is expressed in the statement before this Tribunal -

" . . . mataitai [seafood] is very valuable, more valuable than meat - without that our table is nothing . . . "

It is a matter of tribal prestige and honour, not only that guests should never leave hungry, but that guests should be suitably impressed by an abundance of traditional foods prepared for them. The hakari (feast) associated with the numerous Maori tangi and hui is an important part of Maori culture, and as we were to witness for ourselves, it is important that the supply should exceed the guest's needs. (The residue is not wasted but is divided amongst the host hapu). The cultural value of kaimoana is therefore important, not only because it satisfies the traditional palate and sustains the way of life of the individual, but because it maintains tribal mana and standing. In Maori terms it would not be valid to contemplate the destruction of some reefs by assessing the individual needs of the local people and the resource necessary to meet that need. It is necessary to assess the tribal need.

4.5 Customs attaching to the reefs

There was ample evidence to show that from very early times the Te Atiawa people have not only looked upon the reefs as a source of supply but have tended, harvested and conserved them. Our attention was drawn to the particular cultural preferences that govern the Te Atiawa stewardship of their reef and river resources. In its outward manifestation it includes -

- the harvesting of seafood rotationally and in appropriate seasons;
- the preservation of the beds in their original state to the extent that even a dislodged rock is returned to its original position;
- the avoidance of all forms of despoliation from rubbish and waste to human and animal excreta in proximity to the sea or to the rivers that run into it;
- the placing of a rahui (prohibition) on the gathering of seafood following the loss of a body at sea or to guard against over exploitation (in this district the rahui was sometimes indicated by a sprig of rimu on a floating log);
- the avoidance of gutting fish or shelling shellfish below the high water mark; and
- a prohibition on the gathering of shellfish by women during menstruation.

Other customary practices of earlier years, not so commonly observed today were explained to us by one witness referring to the collection of seafood over a three day

period at a time of the month when the tide is most favourable. She described how on those occasions the women (and then only selected women) used only newly plaited and clean baskets. None of the seafood was cooked or prepared for eating until after the third day "so that the sea be calm", and bathing or washing in nearby rivers was prohibited. In referring to fishing generally she described how the fish had to be hooked and secured before it bled so that it did not bleed on the rocks ("or no more will go into the cupboard"). She described how the fish caught were not for the individual, but for the marae people as a whole and how the first fish caught had to be given away. She noted with some sorrow that the Orapa reef was once reserved for supplying the marae, but that because of the pollution it could no longer be used. The deterioration was such that the mussels had become soft to the extent that the shells would crumble in the hand.

Other customs were only obliquely referred to by the many elderly women who spoke to us at the hearing. We accepted that this had to be so. As Aila Taylor explained "It has been quite an exercise to get the elders to participate in an exercise such as this. We are a proud people. There are certain things that we don't wish to advertise, and neither do we seek to make a spectacle of ourselves." For our part it has been necessary to record those things tending to establish a traditional and continued user of the reefs, and which indicate cultural preferences that define the nature of that use. In its simplest form such customs are an outward manifestation of the respect paid by Maori people to the sea and its food resource. It is probably more important to note however that such customs are a manifestation of a far more complex Maori spiritual conception of life and life forces which compels them to insist upon a much higher standard in the maintenance of clean water and the preservation of natural states than that to which we are accustomed.

4.6 Spiritual and cultural factors

Many of those who appeared before us spoke therefore not only of the physical contamination of water by which a degree of pollution might be entertained as not injurious to health, but of the "spiritual pollution of water which affects the life force of all living things and eventually man" (Moke Couch) and according to which no degree of contamination can be contemplated. The tapu (sacred) nature of water in the Maori scheme of things was stressed by many (in particular Joe Tukapua, Milton Hohaia, and Hikaia Amohia) while a more pragmatic approach was adopted by another witness (Titi Tihu) who was within two months of his 100th year. He quite dramatically pointed out that if, for example, corn was thrown into the water it would rot because the water would reject it. The proper place for corn was on the land where it properly belonged. The water will react against what it does not like but will nurture what it does. Moke Couch pointed out "that which we dispose of from the body goes back to the earth and the earth can cope with it." He considered that no remnants from the human body, from washing or excreta, should pass into waters associated with food - "if we eat food that has particles of mortuary waste of possibly people we know - we are presenting a kind of insult." So strong is this feeling that others considered the eating of fish following the placing of a rahui was in some cases tantamount to cannibalism.

Accordingly, in the traditional Maori conception of life, it is irrelevant to consider whether effluent and human waste can be so treated as to be virtually pure before it is discharged into the river or sea. The position was succinctly stated by the Commissioner for the Environment as follows:

"It is the Commission's experience that the environmental impact of a given level of pollution depends in part on the subjective reaction of individuals to that particular form of pollution. For certain forms of pollution the reaction of individuals will be determined by cultural or religious factors. Submissions made during the opening stages of this Tribunal made it clear that this applies to the composition of the effluent discharged to the coastal waters off Waitara and that there is a strong philosophical and moral objection from Maori people to the discharge of sewage effluent into a food source and waters used for washing, bathing, fishing."

After a great deal of evidence on this subject from a number of Maori people we were convinced that there is a need for a much greater awareness of the spiritual and mental concepts of the Maori in relation to seafood and water by non Maori who share the seafood resource and by those who are charged with its protection. It would be particularly wrong if the administration of Maori fishing grounds was entrusted only to those whose judgements are founded upon cultural values that are entirely irrelevant to Maori people. For this Tribunal the question is not only whether the Treaty of Waitangi envisages a measure of protection for the Te Atiawa reefs, but whether any such protection should properly accord Te Atiawa cultural preferences.

4.7 Early legislative recognition - Maori Affairs Act - Fisheries Act

With the change and increase in the Taranaki population the danger arose that the Maori interest in the fishing grounds would not be recognised. With the failure of the European to appreciate fully Maori methods of conservation and harvesting the added danger arose of the seafood resources being reduced or extinguished.

In 1909 Section 232 of the Native Land Act was enacted to enable Maori land to be set apart as Maori reservations for the common use and benefit of the owners, for the purposes, amongst other things, of fishing grounds and bathing places. The provision continues to this day in Section 439 of the Maori Affairs Act 1953. It is a provision that is well known to Maori people being used regularly to secure to them the ownership and control of sites of particular importance and significance by application to the Maori Land Court.

Although the current Section 439 continues to refer to fishing grounds, the Section is not in fact capable of being used to secure most Maori fishing grounds. Maori reservations under section 439 can be created only in respect of land above the high water mark and then generally only in respect of Maori land. The Maori Land Court is unable to contemplate the reservation of fishing grounds except to the extent that they exist in rivers or lakes the beds of which are clearly Maori land, or except that Maori land adjoining a fishing ground may be reserved.

We consider that this has not been understood by the Te Atiawa people. Evidence was given of various areas along the Taranaki coastline set apart as Maori reservations in the 1920s, 1930s and 1970s. It was considered that by reserving the land for the purpose of providing fishing grounds the adjoining coastal fishing reefs had also been reserved. That is not in fact the case. The Maori reservation status applies only to the coastal land.

(We wonder also about the extent to which Maori reservations are in fact inviolate. Evidence was also given that part of one reservation had been taken in 1948 as waste land. Another, which contained a Tauranga waka (traditional boat race) and mauri (rock or other symbol representing the life force) was said to have been "taken over" by a local boat club and the race had been concreted.)

The Maori Councils Act 1900 created District Maori Councils and empowered them

to make Regulations and bylaws for the control and regulation of fishing grounds used by Maoris. By an amendment in 1903 provision was made for the gazetting of Maori fishing grounds "exclusively for the use of the Maoris of the locality or of such hapus or tribes as may be recommended" and by a consolidation of these provisions in Section 33 of the Maori Social and Economic Advancement Act 1945 provision was made for the control of such fishing grounds by tribal executives or committees. These provisions were repealed on the enactment of the Maori Welfare Act 1962. As far as we have been able to ascertain the Te Atiawa people did not take advantage of these provisions and no Maori fishing ground reserves were in fact created. Various reasons were given. One was that reliance had been (wrongly) placed upon the Maori reservation provisions in the Maori Affairs Act. Another was that the people were generally unaware of the provisions until it was proposed that they be repealed. Yet another was that approaches made to reserve areas had been met with a rejoinder that it could not be done as the areas sought were too large and there would be opposition from the European sector. Thus C. Bailey stated to us "Quite a number of years ago we marked out all the kaawa from Mokau to Patea. We had them all named too. We sent it to the Minister of Fisheries and his reply back was that no way could he see that the Maoris were going to claim the whole Taranaki coast." (The lack of legislative recognition in the past contrasts markedly with the recognition in fact given to Maori fishing practices in other policy areas. We were informed for example that during the depression of the early 1930's, unemployed Maoris received a smaller benefit than their European counterparts on the basis that they had access to natural food resources.)

4.8 Present Legislative recognition

The present position is that there are now no statutory provisions to secure to the Atiawa hapu the exclusive use, ownership or control of any of the Te Atiawa fishing reefs, and it appears that none have been reserved under earlier enabling legislation. Legislative provision for the harvesting and the control of harvesting seafood from the Te Atiawa reefs is now that which applies generally to all fisheries, and (save for one exception) to Maori and European alike. These provisions are generally contained in the Fisheries Act 1908 and its various amendments and the Regulations made thereunder.

Section 77 (2) of that Act, which exempts from Part I thereof "any existing Maori fishing rights" has no application to the Te Atiawa reefs as no existing Maori fishing rights have been established in respect of them. While for other tribal areas certain specific statutory provisions exist to acknowledge certain Maori fishing or other rights (in respect, for example, to Lakes Rotorua, Rotokakahi, Taupo, Rotoaira, Horowhenua and Forsyth and with regard to Oyster fisheries, the Fisheries Amendment Act 1965) there are no specific statutory provisions for the Te Atiawa reefs.

(The Rock Oyster provisions relate to designated Maori oyster fisheries along certain parts of the Northland foreshore. Harvesting is authorised for non-commercial purposes under the supervision of a committee of Maoris appointed by the Minister from residents in the neighbourhood. If necessary, for conservation purposes, closed seasons can be declared by the Minister on recommendation from the Committee. These fisheries were designated principally within the period 1913 to 1933.)

Special provisions are included in the Fisheries Regulations however to enable Maoris, on behalf of a Maori Committee or a District Maori Council, to be authorised

by a Maori Community Officer after consultation with an Inspector of Sea Fisheries to harvest certain kaimoana in excess of daily and personal quotas for use at specific hui or tangi. (Regulation 106K (5A) of the Fisheries (General) Regulations 1950). However, it is clear from the evidence that from time to time difficulties are created. It was pointed out that deaths do not always occur at a time which allows use to be made of the exemption provided in the Regulation. It is not always easy to find a Maori Community Officer or a Fisheries Officer, particularly at weekends. In addition, licences are issued for particular days but weather or tide conditions may make those days unsuitable.

Other Regulations are regarded as inappropriate for the Te Atiawa reefs. The Regulations require for example that paua under 125 mm or about 5 inches be not taken. While paua exceeding 125 mm may be common in other districts, there was clear evidence from the Te Atiawa people that their paua rarely grow in excess of three inches. In the Te Atiawa circumstance the Regulation serves not as a regulation but as a total prohibition.

While we were concerned only with a specific area it was abundantly clear that there is a general concern amongst Maori people throughout New Zealand that Maori fishing rights have been affected by the Fisheries Act and its Regulations. We note in this respect the evidence of T. E. Kirkwood before this Tribunal in a claim relating to a proposed power station at Waioa Pa, and submissions made, from time to time, by the New Zealand Maori Council.

4.9 Te Atiawa concern - ownership - control - user

The Te Atiawa concern with the application of particular regulations is however merely an outward manifestation of a more deep rooted concern. The reefs, in their view, are their reefs just as they were the reefs of their forefathers, but they have not the ownership of them nor the control. The control is in fact vested in others who may or may not be aware of their customs and preferences or who may be constrained by an empowering statute that does not enable them to give to the Maori interest any greater weight than that which must be given to the general public interest.

The Te Atiawa must apply to others to do that which in their view they ought to be able to do as of right. The question before this tribunal therefore is not merely whether the regulations ought to be amended in one way or another to enable the harvesting of smaller paua or to expedite licences to harvest kaimoana for tangi or hui, but whether the current presumption as to who may control or regulate the use of the reefs and the manner in which that is done, is consistent with the principles of the Treaty of Waitangi.

Some of those who appeared before us would seek the reservation of reefs and Maori fishing ground in a manner similar to that contemplated by the earlier legislation. It is significant to note however that although it might be argued that the Treaty intended that the Maori people should have an exclusive user of their fishing grounds, an exclusive user was not urged by those who sought this course. The overall impression gained was that that which was principally sought was the control of the reefs so that the "mana Maori" or authority in respect of them might be seen to vest in the local hapu. This was urged by many people and we refer in particular to the recorded statements of Sally Karena, Vera Bezems and Milton Hohaia. The way in which Fisheries Regulations for the control of the harvesting of sea food was seen as inimical to the mana Maori was graphically expressed by the Chairman of the Taranaki Maori Trust Board who stated "the legislation has made thieves of us Maori,

of our own food." It would not have assisted the restrained and dignified presentation of the Te Atiawa case to have asked him whether he saw that result as intended by the Treaty of Waitangi.

Some referred to past pleas to Government agencies. Milton Hohaia referred to a report of the Seminar on Fisheries for Maori Leaders with special regard to Taranaki Tikanga (customary practices) of 1976 which recommended "that legislation be formulated to ensure tribal council control of reefs adjacent to, and traditionally associated with, papakainga (Maori fishing reserves)." Sally Karena referred to a meeting at Tawhitianui with representatives from the Department of Agriculture and Fisheries in 1981 to consider a proposed new Fisheries Bill and at which, she said, a resolution had been passed "supporting the clause relating to fisher's rights set out in the Treaty of Waitangi." Charles Bailey referred to similar resolutions over several years from the Aotea District Maori Council (which includes Taranaki) and the New Zealand Maori Council.

It was pointed out that several large tracts of Maori land have been set apart as Maori reservations for scenic and other purposes, but save to the extent that it has become necessary to control an abuse, the general public has not been denied access by the Maori persons appointed as trustees for the control of them.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

5 The Reefs - A General Public Perspective

5 The Reefs - A General Public Perspective

5. THE REEFS - A GENERAL PUBLIC PERSPECTIVE

5.1 Public Use and Concern

Today the reefs and coastal waters are used not only by Te Atiawa of course, but by the general public. They are used by commercial and non-commercial fishermen, skin-divers, surf-riders, bathers, and for rock scrambling and fossicking. The reefs are also used by non-Maoris for the gathering of seafood. A witness for the Taranaki Catchment Commission counted more non-Maori than Maori gathering shellfish from the Waitara reefs over a given period.

There was evidence of considerable public agitation for greater controls for the protection of the reefs and their associated marine life, of public concern with the alleged polluted state of the Waitara waters and with the prospect of further pollution from existing and proposed major industries. Submissions were made to us on behalf of the Taranaki Clean Sea Action Group Inc., the Taranaki Branch of the Soil Association of New Zealand, the Taranaki Branch of the Values Party, the Waitara Surf Riders Club and by individual members of the general public many of whom had also appeared before the Planning Tribunal in earlier hearings. Generally they urged greater protection of the reefs and coastal waters in the interests of the general public of the area.

A number of bodies having some responsibility for the protection and enhancement of the coastal and inland waters were also represented before us. Nearly all those who addressed us from this sector were either of the view that the Maori interest in the reefs could be held to be no greater than that of other special interest groups within the general public, or considered that they were constrained to adopt that view in terms of their empowering statutes.

5.2 Taranaki Catchment Commission and Regional Water Board

The Taranaki Catchment Commission and Regional Water Board administers the Water and Soil Conservation Act 1967 in its application to the Taranaki area and has responsibility for the overall management of Taranaki's water resources. It handles applications to take water and to discharge water and/or wastewater to natural water, conducts its own researches into water standards, marine ecology, water use and management plans and waste disposal options, investigates water rights applications and monitors and supervises granted water rights. In the performance of its functions the Regional Water Board is required to balance a number of public uses and, amongst other things, is required to have "due regard to recreational needs and the safeguarding of scenic and natural features, fisheries and wildlife habitats" (Section 20 (c) Water and Soil Conservation Act 1967).

The Commission is very conscious of the value that Maori people place upon the

Taranaki reefs. In a report on the "Recreational Use of Water in North Taranaki" it recommended "that the value placed on traditional fishery resources by the Maori people be recognised and that measures be undertaken to ensure the protection of these resources." Nevertheless, as was stated by many of the witnesses from the Commission, the Maori interest is but one of many public interests that must be brought into account and weighed in the balance. In the performance of its functions and in its consideration of water rights applications the Commission has no particular mandate to consider Maori values in relation to water and Maori fishing grounds, and has no authority to accord priority to the Maori interest. Indeed in its report on "Recreation water resource investigations. Synthetic petrol plant - Motunui" food gathering, (not Maori food gathering) is placed alongside such uses as rock scrambling and fossicking, surfing and skindiving. While the Water and Soil Conservation Act focuses upon a need to protect fisheries and wildlife habitats, there is no focus upon the Maori interest in them. The Maori interest is accorded no greater weight than the general public interest even although in many respects the Maori and the general public interest diverge.

The Maori people, along with the general public do however have (and have exercised) rights to object to water right applications. Section 23 of the Act enables persons "detrimentally affected" to object to the grant of a water right to the Crown, and, in reference to water right applications by bodies other than the Crown, Section 24 (4) of the Act provides

"Any person may lodge an objection to the application on the ground that the grant of the application would prejudice his interests or the interests of the public generally." It was urged upon us by counsel for the Ministry of Agriculture and Fisheries that there is nothing to prevent any Maori from objecting to an application on the ground that his or her people would be prejudiced by the grant that the applicant is seeking and that loss of fisheries as a food resource is a valid ground. In our view however there is a distinction to be made between the inchoate right of Maori people to present a case that may or may not be upheld upon a balance of factors, and defined rights stemming from a statutory recognition of Maori fishing grounds. As was stated to us by one witness " . . the Maoris' right is implicit and inherent and they should not forever have to be on their guard to fight for it."

It also appears that the current right of objection may be limited. "Detrimentially affected" means affected to a degree greater than or in a manner different from the degree or manner in which the general public will be affected (*Keam v Minister of Works and Development* (CA) 8 NZTPA 241) and it could be said that without legislative recognition for Maori fishing grounds, the Maori interest is no greater than the general public interest. Maori cultural and spiritual factors transcending the physical environment are also not recognised under the Act (*Minhinnick v Auckland Regional Water Board*. Planning Tribunal Decision No.A116/81 of 16.12.81). The Te Atiawa people related to us other difficulties confronting them in their endeavours to be heard before various bodies on planning related matters. Along with others of the general public they have experienced difficulties in funding the costs of expert witnesses and counsel and in taking time off work to prepare for and attend various hearings. On occasions their right to be heard has been challenged.

We note here that the Te Atiawa people were not represented when the Waitara Borough Council obtained its water right in 1973. We were advised that the Aotea District Maori Council voiced a concern but due to ignorance of planning procedures and financial constraints, did not pursue its concern at the hearing. Not only were the

Maori people unaware of procedures but also the general public. It is significant that the conservation movement was in its infancy at that time.

5.3 Ministry of Works and Development

The Water and Soil Conservation Act 1967 is administered in the Ministry of Works and Development.

In addition the Ministry provides engineering advice to other government departments and local authorities on matters of water supply, sewerage, sewage and solid waste disposal. The majority of these works are financed from loan money which must be sanctioned by the Local Authorities Loans Board and government subsidy available through the Department of Health. The Ministry acts as technical adviser to the Local Authorities Loans Board and the Department of Health, reporting on the capability of the works to meet the conditions of the water right and whether the selected works are the best and most economic option for any particular situation. It has no fixed policy as to sewage disposal systems applicable to any situation and considers that each case must be considered on its own. It checks however to ensure that the alternatives have been considered.

In processing proposals the Ministry seeks an appreciation of local support or opposition but it has no direct responsibility to ensure that the concerns and attitudes of the general public are considered. Rather it ensures that the various processes by which the general public can make their input to any proposal are completed before it reports to the Local Authorities Loans Board or the Department of Health.

Accordingly the Ministry of Works and Development is not in a position to seek or insist that public health works be created or designed to accord Maori cultural preferences in the disposal of waste in proximity to Maori fishing grounds.

5.4 Department of Health

The Department of Health advises and assists local authorities in the promotion and conservation of public health, conducts researches and investigations into such matters as the risk of infectious diseases from pollution, and undertakes surveillance of local sanitary conditions. One significant measure of assistance is provided to local authorities through the Department of Health, by Government subsidies for sewerage works and water supplies. There may from time to time be paid, out of money appropriated by Parliament, towards the actual capital cost of the construction of sewerage works and works for disposal of sewage such sums as the Minister of Health considers appropriate having regard to such considerations as appear to him to be material. The rates of subsidy and the conditions under which subsidies may be given are decided by Cabinet from time to time.

As was stated by one witness for the Department "The public health needs of all are considered without discrimination . . . it is the health of the public that is the concern of the Department" and its role "is to adequately promote and conserve the public health so as to achieve the greater good for the greatest number." Accordingly while it is pertinent for the Department to note the Maori predilection for the gathering of shellfish, (and the Department is involved in a joint committee concerned with health safety factors from shellfish harvesting) in the performance of its functions and in its review of subsidy applications for sewerage and water works, the Department has no particular duty or mandate to require or enable it to seek the protection of specific Maori fishing grounds.

It follows that in its concern for public sanitation and health, it is as legitimate for the Department of Health to prevent the use of polluted reefs as it is to seek the protection of the reefs from pollution. Thus in referring to the pollution of reefs off the Waitara River mouth from the Waitara Borough Council's ocean outfall, a witness from the Department of Health was able to state:

"However I am of the opinion that providing shellfish affected by water of inadequate purity are not eaten, the risk to public health is very small indeed from the present discharge albeit that it falls short of expectations in other respects."

5.5 Ministry of Agriculture and Fisheries

Amongst other things the Ministry of Agriculture and Fisheries promotes and carries out fisheries research and investigations and is concerned with fisheries conservation. In its concern to conserve the fishing resource it exercises an objector's role at hearings of water right applications under the Water & Soil Conservation Act. It also administers the Fisheries Act. As was put to us by one witness for the Ministry " . . . the general thrust of the Fisheries Act is to ensure an equitable distribution of fisheries resources within lakes, rivers, estuaries or the marine environment for all persons which includes balancing the need to conserve and protect the resources and the harvesting of the resources by non-commercial or commercial interests." While the Ministry is aware of particular Maori interests in specific fishing areas, it has no specific instruction to pay particular attention to the Maori interest and no authority to give it any priority over the general public interest.

Indeed the Ministry's witness went on to state "The New Zealand Maori Council made representations to the Fishing Industry Committee in 1970/72 on (proposals to recognise Maori fishing grounds) but the Committee did not accept that areas should be withdrawn from the commercial fisheries except on the same principles as govern other divisions between non-commercial and commercial fishing. The same for both Pakeha and Maori."

5.6 Taranaki United Council

The Taranaki United Council was gazetted in 1979 and as required by the Town and Country Planning Act 1977, is preparing a regional planning scheme. Although there is no maritime planning scheme in force pursuant to Part V of the Town and Country Planning Act 1977 the Taranaki United Council has also applied to the Minister of Works and Development to have the territorial sea off Taranaki brought within its planning region pursuant to a gazette notice (section 19 (2) of the Act). In the preparation, implementation and administration of regional and maritime schemes the relationship of the Maori people and their culture and traditions with their ancestral land must in particular be recognised and provided for (Section 3 (1) (g) Town and Country Planning 1977). It must be noted however -

- (1) that the provision for Maori people is but one of many "public interest" provisions that are required to be recognised and provided for under the section and there is no provision for any priority to the Maori interest in the event of a conflict;
- (2) there must be doubts whether the reference to ancestral lands can be taken to encompass ancestral fishing grounds for the purpose of regional and maritime plans; and
- (3) recent decisions of the Planning Tribunal suggest that ancestral land may mean land that was and remains Maori land.

Accordingly we doubt that section 3(1)(g) provides any assurance that in any maritime plan Maori fishing grounds will be recognised as such or will be provided for except to the extent that as a matter of public interest such plans are to deal with the preservation or conservation of "stretches of coastline of scientific, fisheries or wildlife importance . . ." Similarly in regional planning we do not see section 3(1)(g) as assuring an adequate protection for the Maori interest when important policy questions fall to be determined, such as whether new major industries should be spread across the region with individual waste discharge points along the coast, or whether they should be aggregated to minimise the spread of pollution and so that they might contribute to joint use treatment plants.

The Town and Country Planning Act is administered in the Ministry of Works and Development. A witness from the Ministry stressed to us the extent to which district and regional plans (and Planning Tribunal decisions) have moved to accommodate the Maori interest and the opportunities given to Maori people (along with the general public) to be involved in the planning processes. In the final analysis however while accepting that certain authorities may well in fact make provision for the Maori interest in fishing grounds, there appears to be no clear statutory assurance that the Maori interest in fishing grounds is to be protected or is to have a priority over the general public interest. Indeed, Counsel for the Ministry of Works and Development stated to us "Planning statutes apply to all - Maori and pakeha - as has been said, 'we are one people'." Perhaps it is that presumption that is the cause of a substantial problem.

5.7 Commission for the Environment

The Commission for the Environment was established by Cabinet in 1973 to advise and assist on environmental matters and on project proposals, to administer the Government's Environmental Protection and Enhancement Procedures, to identify areas of significant environmental concern and to initiate appropriate action and review. The Commission considers that environmental values are a reflection of cultural as well as scientific factors. In its audits it has not only given special emphasis to the enjoyment by Maori people of those features of the New Zealand environment which are of special importance to them but it has sought to relate that enjoyment to the particular spiritual, cultural and philosophical mores of the user. The Commission however is not a control agency. It issues no licences and administers no regulations. While it is an advocate and seeks to influence decisions, the decisions must be made by others and then within the parameters of their perception of the legal framework. Thus in its review of environmental considerations in the context of sections 20(5)(c) and 20(6) of the Water and Soil Conservation Act 1967 the Planning Tribunal felt unable to take into account Maori cultural and spiritual factors that transcend the mere physical environment. (*Minhinnick v The Auckland Regional Water Board and Waikato Valley Authority*, 16.12.81 Planning Tribunal No. 1 Division). To that extent the Maori interest in the environment is equated with the general public interest.

5.8 Maori Interest c.f. Public Interest

We have therefore had to ask ourselves whether the view (and apparent policy) that the Te Atiawa interest in the reefs is no greater than that of the general public is consistent with the spirit and intention of the Treaty of Waitangi.

Motunui Waitara Report

6 The Waitara River

6 The Waitara River

6. THE WAITARA RIVER

We have referred in this report to the Taranaki or Te Atiawa reefs and in particular to those near Waitara and Motunui. The hapu of Te Atiawa, and the general public, are also users of the Waitara River. We were given extensive photographic and other visual evidence of the large quantities of inanga, tuna, piarau, kahawai, kaupapa and yellow eyed mullet harvested from the Waitara River by the Te Atiawa people and used for both individual purposes and for feeding guests at tangi, hui and meetings. We consider that the Waitara River also contains traditional fishing grounds of the Te Atiawa people and as was noted in the report of the Planning Tribunal on the Synthetic Fuels Plant, ". . . is of prime importance to the Maori people as a source of food." Our earlier comments concerning the significance of the reef to the Te Atiawa people apply also to the river.

In similar vein, many of the things that we will hereafter refer to in this report in reference to the reefs, apply also to the river. In particular, we will refer to the Te Atiawa cultural preference for land based disposal systems as distinct from the discharge of effluent into either fresh or salt waters and will note that land based plants have been urged in recent years by the district branch of the Maori Women's Welfare League, the Taranaki Maori Trust Board, a meeting of the Te Atiawa people in 1976, and a meeting of tribal representatives with Waitara Borough Councillors during the course of our sittings. The physical pollution of the river affects of course the marine life of that river. Its additional affect upon Te Atiawa was explained to us by Hikaia Amohia in these words "My people personify the river as an entity allied to our ancestor Maruwaranui, with the spirit or taniwha of the river a personification of the spirit of the river. Those who cast pollution onto the spirit of the river are casting it onto the spirit of my people."

In another respect the river is in a singular position. Several people reiterated the Te Atiawa concern that the draw-off of large quantities of fresh water from the river for industrial needs must also affect the freshwater biota. We noted that the Taranaki Catchment Commission and the Planning Tribunal had given much thought to this matter and had proposed or recommended appropriate restrictions.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

7 Pollution Of The River And Reefs

7 Pollution Of The River And Reefs

7. POLLUTION OF THE RIVER AND REEFS

7.1 Borthwicks and the Borough of Waitara

The Borough of Waitara is situated on the banks and mouth of the Waitara River. There is also situated on the banks of the river, within the Borough and near to the coast, a meat export freezing works operated by Borthwicks - CWS Limited. It has been associated with the town for over 100 years and was and still is, its biggest single employer (over 1000 persons per annum), although the Borough includes a number of other industries both primary and secondary.

Certain reports held by the Department of Health describe the development and present state of sanitary conditions in the area. In 1937 Waitara had a population of 1971. (The Borough population in the 1982 census is given as 6012). None of the homes was sewered and the locality received a night soil collection. In 1947 it was reported that all stages of development in excreta disposal were evident at Waitara ranging from homes with only the crudest form of disposal or with bucket latrines serviced by a night soil collection, to homes with individual septic tanks and homes linked to the borough water-borne sewerage installation which discharged domestic sewage into the Waitara River via several septic tanks. By 1950 a sewerage installation scheme for the discharge of sewage from 5 septic tanks into the Waitara River was completed.

During this period the vast bulk of the freezing works discharge wastes received only minimal screening and were then discharged direct into the river, only a short distance from the coast. Primary treatment of the works' discharge was first introduced in 1956 and "a minimal amount" of the discharge was made via the Borough's septic tanks into the Waitara River (it appears that at that time the Borough's tanks were already over-committed by its own domestic effluent.)

An outbreak of bacillary dysentery in 1965-66 mainly centred in Stratford, became an epidemic with 224 notified cases, and with some in Waitara. Although it was concluded at the time that the spread was due to lack of personal hygiene, and lack of knowledge in several respects, the outbreak was a salutary reminder of the risks also present from inadequate sewerage and sewage disposal. As a further reminder in 1967 there were nine cases of typhoid, all in Maoris, with a strong possibility that polluted shellfish were implicated at Waitara and Patea.

Recognition by the Waitara Borough Council of the need to improve sewage disposal was given in 1970 when consultants were engaged to upgrade the system. The Medical Officer of Health in his 1970 annual report referred to badly malfunctioning septic tanks and the discharge to the Waitara River. He was of the opinion that pollution of the river by the freezing works could not be dealt with satisfactorily until the discharge of semi-raw sewage from the Borough Council's septic tanks was overcome.

By 1972 the Borough Council and the freezing works had a joint scheme in mind, for the discharge of effluent by an ocean outfall. By 1973 a water right No. 136 was obtained by the council from the Taranaki Catchment Commission and Regional Water Board for the discharge of 5.7 million gallons at a point approximately 1200 metres off shore.

The water right grant was subject, inter alia, to the following conditions:

(a) The discharge is to conform to class SE standards and any portion of the discharge that should reach the beaches must meet the classification SB or such higher classifications when the coastal waters are classified by the Water Resources Council in due course.

(b) In the event of the discharge or any portion of it not meeting the above classification then steps must be taken to give primary treatment to the discharge to ensure the classification is met and the Commission requires land to be reserved for a future Waste Water Treatment Plant site.

(c) Monitoring of the discharge from the outlet to and including the beaches as required from time to time by the Commission shall be carried out by the Waitara Borough Council and the result supplied to the Commission as and when requested, the full cost to be carried by the Council.

An application for subsidy was made in October 1974 by the Waitara Borough Council to the Department of Health. The Environmental Impact Assessment with the application concludes that the aim of the proposal was to remove the wastes presently fouling the Waitara River within the Borough, and discharge them far enough out to sea to minimise the effect on the environment.

The Department of Health supported the sanctioning of the loan by the Local Authorities Loans Board, noting that the water right contained a condition relating to primary treatment if the classifications of the sea water were not met in the future.

The Department of Health also recommended to the Ministers of Health and Finance the approval of subsidy amounting to \$205,076 and this was approved in April 1975. The approved scheme was to collect the wastes discharged to the Waitara River and pump them out to sea, after comminution. The flow of waste was estimated to be 70 percent industrial and 30 percent domestic, and the subsidy was towards the domestic element only. On an organic pollution basis, the Ministry of Works and Development reported to the Department of Health that industry was equivalent to a population of 200,000 whilst the Borough had then a population of 5,460 and a design population of 8,000.

Borthwicks reported to us that none of its other works have joined with a local authority in building a municipal project such as the Waitara outfall pipe. Borthwicks' contribution is 72.8% (in excess of \$1.8 million) to the outfall costs. Its wastes, after receiving primary treatment, continue to be discharged through the ocean outfall and the company contributes 72.8% to ongoing running costs. It was put to us that this commitment together with the company's time payments to clear its portion of the capital cost must be seen in the context of the difficult trading conditions facing West Coast North Island Freezing Works and the high re-development cost thrust upon them by the American Meat Market and the EEC Hygiene Regulations.

The company does not have a separate water right. The water right was applied for and is held by the Borough. Similarly, while the company shared the capital and maintenance costs for the outfall it has had no role in its physical construction or maintenance.

There were delays in the commissioning and construction of the works and it was not until 1978 that a pipeline was fully operational. Initially there were delays due to

exchanges between the Borough's consultants and the Ministry of Works and Development concerning the materials and methods of installing the outfall pipe, the Ministry being required to be satisfied on the adequacy of the marine outfall before construction commenced. Then, extensive damage occurred at sea during the launching of the pipe in 1977 and repairs were needed. In July 1977 an additional subsidy of \$207,226 was approved by the Department of Health and in 1978 the works were completed.

By 1979 it was clear that the pipe leaked and that the diffuser on the end of it did not work well. A further application for additional subsidy made by the Waitara Borough in November 1979 has not been recommended for approval to the Ministers of Health and Finance because the Department of Health "cannot assure the Ministers that the outfall can operate as intended."

That is where the matter lies at present. Gross pollution of the river with wastes has been removed but a satisfactory conclusion of the intended scheme has not as yet been achieved by the Waitara Borough Council, and gross pollution of the river mouth area and the surrounding coastal reefs exists.

Although other industries discharge their effluent through the Waitara outfall, we were advised that some 70% to 80% of the waste discharge is meatworks waste. We were advised that the Borthwicks quantity of effluent is equal to a population of 40,000.

In addition to the problems arising from breakages in the outfall pipeline and the consequential leak of effluent close to the shore, concern was expressed by many that the Waitara outfall was overloaded and could not cope with the quantity of effluent that passed to it. We were advised that that was one factor that encouraged the Crown to opt for an independent outfall for the "Syngas" project at Motunui. One witness considered that the Waitara outfall is designed to produce 450 cubic metres per hour but that Borthwicks alone produced three times that figure, or 1350 cubic metres per hour.

Complaints were directed also to the low level of effluent treatment prior to discharge. The effluent in fact passes only through a comminuter, which, to use Aila Taylor's words, means that "it is minced up and then discharged."

Borthwicks has however effected some improvements within its own works. Sheep pellets that formerly passed through the bar screen and were not broken down in the comminuter are now, at least for the greater part, separately removed and buried. A bar screen for the removal of larger solids has been supplemented by an aquaguard screen which removes wool particles from fellmongery waste and a contrasher screen currently planned for installation in March 1983 will enable greater solids removal. Despite these improvements, it is raw effluent that is discharged to the ocean. There are no secondary or tertiary treatment processes the presumption apparently being that this is not necessary for a sea outfall. We were advised for example that other freezing works, not discharging to the ocean, used at least trickle filters.

There are no programmes for the conversion of waste to fertiliser.

The Waitara outfall is also badly located. It is adjacent to the Waitara River, the Waitara township, and runs between two major reefs.

We received unrefuted evidence of extensive pollution in this area. We were given photographic evidence of ocean "plumes" or "boils" indicating the rapid discharge of waste from fractures along the length of the outfall pipe, and evidence of how the predominating north-westerly winds, high wave action and on shore currents had the effect of returning the effluent along the shallow coastal shelf to the shellfish beds and to the shore.

Despite comminution, evidence was given of the deposit of solids and fat on the beach. A tallow spillage of 24.4.81 was due to a human error during loadout when the stopcocks on a railway tanker were left open as the tallow was loaded in, allowing the tallow to drain into the river through the stormwater drainage system. There was evidence however of the deposit of fat and other solids on the beach on other occasions, one witness claiming that he had observed such deposits at least three times a month. Reference was made to the murky bronze colouring of the water (although this is no doubt contributed to by the Waitara River) and to sludge on the water's edge.

The evidence is that the pollution of the area is in excess of that permitted by the water right. We received expert evidence on the extent of pollution as established by coliform counts, but the position was graphically illustrated for us by evidence of bathers contracting boils and other skin diseases after swimming in the area, of divers emerging from the water with toilet paper and other wastes on their bodies, and of the closing of the surf riding club.

Needless to say, the evidence is also that shellfish are now rarely, if ever, taken from the reefs at the mouth of the Waitara River. The elders referred to "sick mussels" on the reefs. On the Orapa reef, once "reserved" to service the Manukorihi marae, the mussel shells are said to be fragile, disintegrating underfoot and even crumbling in the hand. It was considered that the badly affected reefs, Orapa and Te Puna "receive pollution nearly every day."

It must be accepted that prior to the outfall becoming operative in 1978-79, there was some pollution at the mouth of the river, and in the lower parts of the river itself. One witness claimed that the pollution of the reefs was not apparent until after 1978 but others stated that they were deterred from taking shellfish from the adjoining reefs prior to 1978 because of the pollution of the shellfish beds.

It seems to have been well established that subsequent to the outfall being brought into operation the reefs became further polluted. There is a fear that the continued discharge of effluent from the Borough and Borthwicks will extend to pollute further reefs, and deny a source of seafood not only to the Maori people but to the rest of the population.

The Waitara Borough water right for the discharge of effluent expires in December 1983. We understand that an application for the renewal of that right is to be heard in about April-May 1983.

7.2 "Petralgas" and the Methanol Plant

In July 1980 Petralgas Chemicals (NZ) Limited (hereinafter called Petralgas) applied for a water right to discharge treated sewage and industrial waste into the Waitara River from its proposed methanol plant for the Waitara Valley situated near to the Waitara Borough. During the course of the hearing before the Planning Tribunal (the matter being under the National Development Act), and following submissions from the Department of Agriculture and Fisheries and a report from the Taranaki Catchment Commission, (and it seems, opposition from a number of other sources as well,) the Planning Tribunal indicated its disfavour of a river discharge. It followed that the Company sought and secured an arrangement with the Waitara Borough Council for the discharge of its effluent through the Borough's system under the Borough's existing water right and then withdrew its application to discharge to the Waitara River. The Planning Tribunal noted this fact in its report and commented: "In the light of the evidence that withdrawal was in our opinion properly made."

The consequences are both that the treated sewage and industrial waste from the Methanol plant are now added to the matters discharged through the Waitara outfall, and, that the marine discharge of industrial wastes from this major project has not, at this stage, been the subject of review and determination by a Regional Water Board or the Planning Tribunal. This was a matter of much comment to us and it is undoubtedly the cause of considerable concern to the local people that they were unable to comment on the alternative proposal for the oceanic discharge of the Methanol plant's industrial waste. The change in the proceeding highlights the constraints facing the Planning Tribunal. It must consider the specific proposals as they are laid before it, and has no authority to conduct a global review of other options.

We have some difficulties in assessing the extent of any pollution that may be occasioned by the Methanol Plant discharge through what is clearly a defective ocean pipeline. Evidence was adduced as to the possible long term sub-lethal effects on marine organisms of the toxic wastes from large industries and especially, as here, where chromates are used, for example, as rust inhibitors in cooling towers. It was submitted that the accumulation of chromium and other heavy metals in the marine environment is likely to be harmful to the biota and eventually to man. Evidence was produced of corrosion inhibitors which are not toxic to marine life and it was urged that these alternatives should be used.

Petralgas of course pays a trade wastes charge fixed by reference to the flow contributed by it as a proportion of the total. The terms of the agreement with the Borough entitle Petralgas to discharge trade wastes into the Borough system for a term of 25 years.

The water right for the Waitara outfall expires in December 1983 and the Borough has applied to the Regional Water Board for a new water right. We were advised that although Petralgas hopes to use alternatives to chromates in its plant, it is not yet able to give an assurance that that can be done, and as a "fallback position" it will seek to include the right to discharge chromates in any new water right that may be given.

The Government is a financial supporter of the Methanol project. Through the Secretary for Energy the Government is represented on the Board of Directors of Petralgas Chemicals Limited and through the Ministry of Energy and the Ministry of Works and Development the Government is undertaking the provision of the infrastructures associated with the works, including effluent disposal.

7.3 "Syngas" and the Synthetic Fuels Plant

In February 1981 New Zealand Synthetic Fuels Corporation (hereinafter called Syngas) applied for a water right to discharge sewage and industrial waste into the sea through an independent outfall adjacent to its synthetic fuels plant at Motunui, a short distance north of the Waitara Borough. This hearing also was before the Planning Tribunal under the National Development Act.

The application was opposed by the claimant who was disturbed that the proposal would endanger the Motunui reef a kilometre or so north of the mouth of the Waitara River.

After a full consideration the Planning Tribunal recommended to the Minister that the water right sought be granted upon certain terms and conditions and a grant was made subject to those terms and conditions, in the National Development (New Zealand Synthetic Fuels Corporation Limited) Order 1982 (SR 1982/37).

It would not be proper for us to comment upon an order having its genesis in a

decision of the Planning Tribunal but it is probably not unreasonable to record here the view of several witnesses that the Tribunal's approach was "cautious" and to note that its decision was made after hearing the local Maori people and following a review of the Te Atiawa interest in the reefs. It commented -

"The general Motunui reef system to which we are referring is unusual on the west coast because it is the only system of any consequence facing north. These areas contain an abundance of sea life which is an important food source for both the Maori and the European races. The Te Atiawa Tribe and its hapus have historic associations with the coast line in this area and depend upon the sea resources to provide them with the diet to which they have been accustomed for many centuries. Each hapu has its own particular reef or area and tribal custom discourages members of the one hapu from gathering food from the reef of another hapu. Thus the contamination of one reef would deprive the hapu which customarily was entitled to the sea food from that reef. Although the law does not prevent the gathering of sea food from anywhere along the coast, the evidence indicated that Maori custom, which is very strong amongst the members of the Te Atiawa Tribe, would act as an effective social prohibition."

"The Maori people treat the reefs with the greatest of respect in so far as cleanliness is concerned: there are stringent tribal rules concerning the personal hygiene of the sea food gatherers which are incompatible with any discharge of sewage effluent into the ocean, no matter how well such effluent is treated. However, the Water and Soil Conservation Act 1967 does not absolutely prohibit the discharge of effluent into the sea but, in respect of classified waters, sets a series of criteria and, in respect of unclassified waters, has some general guidelines. Although the waters off Motunui are not classified all parties appear to have accepted that the SA classification would be a minimum, this classification pertaining to areas where shellfish may be gathered for human consumption."

"All the reefs in the area of the proposed outfall share the plentiful supply of edible sea life we have referred to previously. The following is a list of the major reef inhabitants; all are edible although some species do not suit the European palate: Paua; Kina; Mussels; Limpets; Cooks Turban; Yellow Foot Paua; Papu; Octopus; Chiton; Crabs; Starfish; Anemone; Sea Lettuce."

"We have recorded the extensive use made of these reefs for two reasons:

- (a) To show that the danger of contamination does not relate to an area where occasional harvesting of shellfish may occur, but to an area where harvesting is a continuous process; and
- (b) To highlight the importance of the area should contamination result in sub-lethal effects on marine life, with particular reference to reproductive ability.

We are dealing with a valuable resource which, in the absence of disaster, is perpetually renewable. Nothing artificial should therefore be discharged into that system if the possibility exists of long-term damage which may not be detectable until too late."

It was further submitted to us that the scientific "uncertainties" as to potential risks to seafood led to recommendations endorsing the "extremely strict" standards and conditions proposed by the Taranaki Catchment Commission. The view that these standards and conditions were perhaps the most "stringent" to have been applied, at least in this country, was not challenged.

It is to be noted

- (1) that in recommending a marine outfall some 900 metres from the shoreline the Tribunal added a further 300 metres to the outfall as originally proposed to place the discharge well outside any possible near shore circulation zone;

(2) the terms of the work's right is 10 years and it therefore expires in March 1992 when application must be made for its renewal. In practical terms this authorises discharge for a period of some 5 years of the plant's operation. The term of the grant sought was 27 years;

(3) the water quality standard and conditions imposed appear to be considerably stricter than applicable national standards for seawater from which shellfish may be regularly taken (i.e., waters to which an 'SA' classification would be applicable under the Water and Soils Conservation Act 1967);

(4) Syngas originally proposed the use of chromium based compounds as corrosion inhibitors in the plant. In response to concerns expressed by local Maori and environmental groups that such compounds posed unacceptable risks to the environment, a decision to use zinc compounds was made and was publicly notified. Although research is still continuing in this area it was submitted to us, principally by the Commission for the Environment, that zinc and other heavy metal compounds may also have deleterious effects and that recent pollution control laws overseas and locally discourage the use of such chemicals. We were advised that a range of phosphate based cooling tower chemicals are now available and that these may be more environmentally acceptable. Syngas submitted to us that these have yet to be fully tested in a plant of the size and complexity of the Synthetic Petrol Plant. Syngas is investigating replacement of zinc based compounds with phosphate based chemicals that do not contain heavy metals such as zinc.

It was stated to us -

"It must be emphasised (that Syngas) is not undertaking to replace the zinc compounds at this stage. It remains firmly of the view that the low concentrations of zinc and biocide which will enter the sea as a result of this discharge pose no threat to the maintenance of healthy populations of seafood along the Motunui coast. If this does not prove to be the case the Catchment Commission has powers to order the Corporation to modify or cease the discharge. Further, the right must be reviewed after five years of operation. However providing the Corporation is satisfied that non-heavy metal treatment chemicals can provide an efficient, reliable and totally effective treatment then discussions will be held with the Taranaki Catchment Commission with a view to seeking any necessary changes to the water right."

Syngas also stated to us -

"One component of the treated effluent to be discharged by (Syngas) is sewage. During the construction phase of the plant sewage is treated on site and disposed of to the Waitara Borough system. For the operating phase of the plant, when some 230 employees will be present, the current plan is to provide in-plant treatment followed by disposal through the Corporation's outfall. In the course of the Planning Tribunal hearings last year, and again at this hearing, it has been made clear that the discharge of human sewage, no matter how well treated, is of particular concern to the Maori community. Subject to discussions with the Waitara Borough and the Catchment Commission, (Syngas) is willing to convey the small volume of treated sewage arising from plant operation (approximately 0.5 litres/sec) to the Borough system."

The legality of the Tribunal's decision in extending the outfall was subsequently challenged by the claimant (Aila Taylor) representing the Ngatirahiri hapu and others in review proceedings before the Court of Appeal. The Court concluded that the Tribunal had not acted unlawfully in ordering the outfall extension and that the allegations concerning the absence of a "fair hearing" on this point were not sustainable.

Before us the Te Atiawa claimants reiterated their concerns. The question that Aila Taylor had consistently posed to expert witnesses before the Planning Tribunal was whether they could guarantee that there would be no pollution of the reefs. It appears that before that Tribunal, as before us, that guarantee could not be given. (It may not have been only coincidence that in seeking a "guarantee" Aila Taylor chose to employ a word that is also employed in the Treaty of Waitangi.)

The local hapu are by no means convinced that even the stringent conditions attaching to the Motunui water right will not result in a measure of pollution. Nor are we.

Evidence adduced by the Commission for the Environment through Professor M. W. Loutit suggests that much further study is needed on the marine discharge of chemical wastes, and although this evidence did not pass unchallenged, it appears to us that further research is necessary to remove present uncertainties.

Additionally the Maori people hold strongly to the view that serious consequences will result from the physical destruction of parts of a reef. To them every stone must be left unturned, and if that is not done, the mobile marine inhabitants of the reefs will move away.

In our view it is not entirely relevant to consider whether the Te Atiawa contention is corroborated by scientific evidence. Indeed we question the extent to which scientific evidence should be preferred. The Maori lore on the conservation and preservation of natural resources, as inherited by word of mouth, represents the collective wisdom of generations of people whose existence depended upon their perception and observation of nature. We do not consider that the weight given to scientific evidence should be such as to denigrate the worth of customary lore, or to inhibit Maori people from relying upon it. In the final analysis it is the test of experience (and the generations of the future) that will determine the worth of scientific postulates.

The local hapu consider further that they will suffer a cultural pollution of the reefs with the discharge of human and other waste in proximity to them. This would be substantially but nonetheless only partly alleviated by the proposal to re-route the sewage effluent to the Waitara Borough outfall.

There remains the prospect of pollution from accidental spillages at the plant, which is situated on the coast, and from breakages in the pipeline. There was evidence that accidental spillages have occurred from major industries in the region in the recent past including the 1981 tallow spillage at Borthwicks and in 1982 the spillage at the Ammonia Urea plant to the south at Kapuni, and the intentional discharge of ammonia waste at Manaia. We note that since our hearings there has been a seepage of chemical waste from a pit to the foreshore at New Plymouth.

As will be seen later in this report, a specific proposal was presented to us for the redirection of the Syngas effluent to the Waitara Borough outfall. Counsel for Syngas stated to us "Until (Syngas) is presented with an operationally and technically viable proposal for disposal of plant effluent through an alternative system it is not in a position to seek any delay by the Crown in the planning and construction of a separate outfall. At this stage any delay on the basis of possibilities or suppositions which may, or may not, be realised sometime in the future would involve totally unacceptable uncertainties in relation to plant operation."

As with the Methanol plant the Government is a participant as a financial supporter in the synthetic gasoline venture. The Secretary for Energy is the Government's representative as a director on the New Zealand Synthetic Fuels Corporation and through the Ministry of Energy, the Ministry of Works and Development is undertaking the provision of the infra-structure works associated with the

development, including effluent disposal. In terms of its agreement with Syngas, the Crown will need to have a fully operational effluent disposal system in situ in 1984.

7.4 Other sources of pollution

We were advised that from Urenui to New Plymouth there are some 16 discharges to the ocean. Many are natural rivers and streams such as the Urenui, Onaero, Waiongona, Waiwhakaiho, Hiroto and Te Henui but these serve substantial farm catchment areas and towns. Although several controls have been instituted on the discharge of farm effluent and farmers are now required to install settling ponds, it is inevitable that the rivers are affected from animal excreta and carcasses, fertiliser and chemical sprays and the like, as well as from some town residential and industrial wastes.

Other sources of pollution include the Urenui Domain and Motor Camp (with seepage from septic tanks), the Bell Block Brixton Dairy Factory and Bell Block oxidation ponds (both discharging onto the beach), the Clifton-Moa dairy factory, Port Taranaki and the New Plymouth Power Station. In New Plymouth the Elliott Street outfall discharging untreated wastes is to be closed down. It should be noted that after obtaining a water right in 1979 for the discharge of comminuted sewage 1600 metres offshore from the Waiwakaiho River mouth to replace the Elliott Street outfall, and following pressure from the public, the New Plymouth City Council subsequently applied for and obtained a new water right. The new water right is to enable it to discharge into deep sea about 400 m from the high tide water mark, but only after treatment in a carousel system. The construction of a substantial carousel plant is now under way.

It is to be noted that the proposal to change from a long marine outfall with comminution, to a short outfall with secondary treatment, drew no objections from the public. The Te Atiawa people were involved in the 1979 hearings.

7.5 Summation

There can be no doubt that there is extensive pollution of the reefs in the area, and in particular around the Elliott Street outfall, the Waiongona reef, Airedale reef and Epiha reef. The evidence suggests that from strong northerly and westerly winds there is a drift of pollution along the coast in the northern and easterly directions, and there is evidence that the reefs and beaches at Motunui and further north to Onaero have suffered from pollutants emanating from Waitara.

The evidence is that the pollution comes from a combination of the various man-made outfalls along the coast and the various natural rivers and streams running into the coastal waters, and in particular the Waitara River. It is difficult to assess which source produces the greater contamination of the filter feeding shellfish. On the one hand the pollution as assessed by coliform counts is particularly marked just after heavy rainfall along the coastal region. On the other hand the more visible and, to most witnesses, the most offensive pollution results from the discharge of sewage and industrial waste.

The problem is clearly compounded by the damaged state of the Waitara Borough outfall, the very basic treatment of that effluent in a comminuter, the apparent overloading of the outfall, and the action of onshore winds and currents in returning solids and other effluent to the shore without adequate dilution or dispersal.

It is clear that the greater part of the reefs of the hapu involved in this claim have been

so affected as to be no longer usable as a source of kaimoana, and that all the reefs of one hapu have been spoilt. Their attention now focuses on the Ngati Rahiri reef at Motunui, which is still used, and which must replace the extensive food supplies that the others once provided. As one witness stated "We are now having to poach into the Ngati Rahiri reefs".

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

8 Maori Fishing Grounds - The Extent Of Legislative Recognition And Protection

8 Maori Fishing Grounds - The Extent Of Legislative Recognition And Protection

8. MAORI FISHING GROUNDS - THE EXTENT OF LEGISLATIVE RECOGNITION AND PROTECTION

8.1 Early provisions in Fisheries legislation

It is not true to say that prior to the 1970's the legislature had never acknowledged that certain fishing rights might accrue to Maori people by virtue of the Treaty of Waitangi. Section 8 of the Fish Protection Act 1877 provided -

"Nothing in this Act contained, shall be deemed to repeal, alter, or affect any of the provisions of the Treaty of Waitangi, or to take away, annul, or abridge any of the rights of the aboriginal natives to any fishery secured to them thereunder."

The significance of that provision has now been lost. It is continued only in substantially modified form in Section 77 (2) of the Fisheries Act 1908 which merely provides

"Nothing in this Part of this Act shall affect any existing Maori fishing rights."

We referred to S77 (2) at 4.8 and noted that it afforded no advantage to the Te Atiawa people.

The present position appears to be that "existing Maori fishing rights" are only those rights that can be enforced because they are specifically provided for in special statutory provisions or have been reserved under earlier legislation. The view that customary fishing rights have been extinguished does not appear to have been seriously challenged in any decision of the Courts, since it was affirmed in *Waipapakura v Hempton* (194) 33 NZLR 1065.

We noted at 4.7 that other provisions in the Fisheries Act for the recognition, reservation and control of Maori fishing grounds were repealed in 1962.

8.2 Maori Affairs Act

At 4.7 also we referred to Section 439 of the Maori Affairs Act 1953 which enables Maori Reservation to be proposed by the Maori Land Court for the purpose, amongst other things, of reserving "fishing grounds." We pointed out that that provision is of very limited application.

Generally it applies only to Maori Land and it was determined in *In re the Ninety Mile Beach* (1963) NZLR 461 that areas of foreshore and seabed are not Maori Customary land but are vested in the Crown. S. 150 of the Harbours Act 1950 and S7 of the Territorial Sea and Exclusive Economic Zone Act 1977 put the title issue beyond all doubt.

8.3 Fisheries Act

At 4.8 we referred to the Fisheries Act 1908 which regulates the control and harvesting of seafood. It has no provisions to recognise Maori fishing grounds but regulations made pursuant thereto give to Maori people a right to apply for special licences for tangi and hui.

8.4 Health Act

At 5.4 we noted that the Health Act 1956 makes no special provisions for the protection of Maori fishing grounds or customary practices in its concern to promote and protect general public health and sanitary conditions and in its consideration of loans for the provision of sewage and water works.

8.5 Marine Reserves and Marine Farming Acts

The Marine Reserves Act 1971 provides for coastal areas to be reserved and maintained in a natural state, with limitations on commercial and non-commercial fishing. The Marine Farming Act 1971 enables leases and licences to be issued for the commercial sea farming of particular parts of the coastal waters and the seabed and an amendment to the Fisheries Act in 1977 permits areas to be designated as controlled fisheries to limit the number of fishing vessels that may use the area and to permit of non-commercial fishing only in accordance with strict management regimes. These provisions are not directed to the protection, management or control of Maori fishing grounds but they provide a precedent for the delineation of specific coastal areas for specific purposes and with specific restrictions on public uses. Conversely it is to be noted that there are no exemptions to exclude Maori fishing grounds in the application of the provisions referred to.

8.6 Water and Soil Conservation Act

The Water and Soil Conservation Act 1967 is an Act to promote a national policy in respect of natural water and to provide for its conservation, allocation, use and quality. Although its concern is also with Fisheries and Wildlife habitats, as we noted at 5.2 and 5.3, there are no special provisions for Maori fishing grounds and the Maori interest is merely an aspect of the general public interest.

It is consistent with that view that in *Minhinnick v The Auckland Regional Water Board and Waikato Valley Authority* (16 December 1981) the Planning Tribunal determined that under the Water and Soil Conservation Act 1967 the Tribunal could not take account of those concerns of the Maori people in relation to water that were merely cultural, spiritual or metaphysical.

We note too that while Regional Water Boards must (amongst many other things) "have regard to recreational needs and the safeguarding of . . . fisheries and wildlife habitats" (S20 Water and Soil Conservation Act 1967) they must also consider the multiple use of the natural water resource and then in the context that in terms of S21 (3) of the empowering Act and as noted by the Planning Tribunal (*Henderson v Water Allocation Council* (1970) 3 NZTCPA 327, 328) the disposal of waste is one of the functions of natural water. In its provisions for the grant of water rights the Act does not clearly spell out the broad principles to be applied in the fine balancing act that Regional Water Boards must perform or the extent to which any special interests should be protected.

What the Act instead provides for is the classification of regional waters to provide a

broad blueprint against which the Regional Water Boards are required to discharge their responsibilities in granting water rights. It is this provision which provides the essential planning and control mechanisms against which Regional Water Boards (and the Planning Tribunal) are able to measure individual applications. It provides the minimum standards of quality at which classified areas of natural water shall be maintained.

The classification of natural waters falls within the purview of the Water Resources Council. It was submitted to us that the Council should be urged to classify the water surrounding the Taranaki reefs to a minimum standard of SA, which, in accordance with the Fifth Schedule to the Act would hopefully ensure that there would be " . . . no destruction of natural aquatic life by reason of a concentration of toxic substances . . . " It was pointed out that the Taranaki Catchment Commission had already carried out a considerable amount of the necessary investigatory work.

The SA classification of waters could be used to provide a measure of recognition for the de facto existence of Maori fishing grounds, and a measure of protection for them. It would also seem to be a natural corollary to any official recognition of particular Maori fishing grounds, but, as the law stands, no official recognition is given, and the de facto existence of Maori fishing grounds is only one of the factors that the Water Resources Council would need to consider in any proposal for the classification of local waters.

It is also of considerable concern to us that the classification system, the application of which appears to us to be essential if the provisions of the Water and Soil Conservation Act are to be applied in accordance with the sound planning principles envisaged by the Act, is in fact rarely applied. We were advised that the system whereby the Water Resources Council classifies water has been "fraught with difficulties and at the moment is seldom used" and that it is not the current policy of the Water Resources Council to invoke the powers of classification that it has. The difficulties faced by the Planning Tribunal through the lack of classification was noted by the Tribunal in *Pikarere Farm Ltd v Porirua City Council* (1979) 6 NZTPA 545, 573. We consider that the lack of a classification system that also adequately recognises Maori fishing grounds, or, the failure of the legislature to provide a more workable alternative that would achieve the same end, has and will continue to disadvantage the Maori hapu of Waitara in the consideration of individual water discharge applications in proximity to the reefs.

8.7 Town and Country Planning Act

At 5.6 we referred to the Town and Country Planning Act 1977. We noted that while the relationship of the Maori people and their culture and traditions with their ancestral land must be recognised and provided for in district and regional plans, that provision is accorded no priority over other and possibly competing "public interest" provisions, and it was doubtful that the provision could be interpreted as encompassing the Maori interest in the sea for the purposes of regional and maritime planning. We noted also that while the preservation or conservation of stretches of coastline of scientific, fisheries or wildlife importance was to be considered in maritime planning, there were no particular provisions for Maori fishing grounds and in planning for major industries and ocean outfalls, the Maori interest could only be considered as an aspect of the general public interest.

Here again certain unfortunate lacunae appear in the application of the prescribed planning laws governing the discharge of waste by ocean outfalls. The appropriate

planning control mechanism is provided for in Part V of the Act relating to Maritime Planning.

Once an area has been constituted a Maritime Planning area s. 102A of the Act applies pending the preparation of a scheme. This Section prevents any work being commenced without consent if the use detracts or is likely to detract from the amenities of the area. It is possible that a pipeline would come within this definition. An application must be made and the Authority must have regard to the public interest and, more importantly -

"The likely effect of the proposed use on the existing and foreseeable future amenities of the area, and on the health, safety, convenience and economic, cultural, social and general welfare, of the people of the area and of any region or district affected by the application."

The Section furthermore makes those considerations subject to s. 3 of the Act which request that regard be had to

"The conservation, protection and enhancement of the physical, cultural and social environment, and

The preservation of the natural character of the coastal environment"

Again however, the evidence before us indicated that either little has been done in the way of maritime planning or that the plans are or are likely to be restricted to limited coastal areas. The consequence is not only a lack of co-ordinated policy with regard to ocean outfalls but that, without such planning, the Planning Tribunal is itself severely limited in its consideration of discharge rights. It is merely concerned with the standard of effluent at the point of discharge. The route of the pipeline, its proximity to sensitive marine areas and the potential for accidental discharge at a point other than the authorised point are not relevant considerations. As was put to us "there is no reason why the mere gazetting of an area should place it, for practical purposes, in a more protected situation than areas of perhaps greater sensitivity that have not been so gazetted," and "Thus machinery exists (for the Planning Tribunal) to investigate matters which appear to be of concern to the Waitangi Tribunal but the machinery is restricted to maritime planning areas."

The result appears to be also that in the application of the National Development Act to important works involving outfall pipes the application merely needs the consent of the Minister to construct the pipe and the Minister is under no obligation to take into account the protection of Maori fishing grounds or other fishing resources.

It would appear in particular that there is no co-ordinated overall planning to effectively regulate ocean outfalls in the Taranaki area and there have been constraints upon the Planning Tribunal in its consideration of the Motunui outfall.

We feel that it needs to be stressed here that the adequate consideration of individual applications depends largely upon a co-ordinated planning scheme being first proposed, tested and accepted in manner prescribed by the Act, in order that individual proposals may be tested against the broad plan. Indeed, as was stated by the Planning Tribunal in its report and recommendations on the Petralgas plant "The Tribunal is a judicial body which acts by weighing the evidence which it hears. It does not, indeed it cannot "plan". The initial identification and evaluation required in the course of the planning process must be done by others."

The hearing of an individual application is not then an opportunity for proposals to be made for the aggregation or dispersal of petrochemical industries, or, except to the extent that it may provide insights into the desirability of the chosen site, to promote the use of alternative sites. The Planning Tribunal is concerned with a particular proposal for a prescribed site. The absence therefore of firm regional and maritime

plans that can be tested and objected to, places real constraints not only upon the Planning Tribunal, but upon those who put objections to it, including in this case, the Te Atiawa people.

We have had to ask ourselves whether there is adequate legislative recognition of Maori fishing grounds and adequate legislative provisions for their protection.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

9 Special Problem Areas And Proposals

9 Special Problem Areas And Proposals

9. SPECIAL PROBLEM AREAS AND PROPOSALS

9.1 Coastal Character, Waste Streams, Spillages, and disposal options

9.1.1 The Character of the Coast

The OECD review of Environmental Policies in New Zealand recognised the problem of the Maori people when it stated at p 62 of its review that:

"... in localised areas (for instance in Wellington and New Plymouth) there is evidence of contamination of shellfish from near-shore outfalls. This represents a potential health hazard, and affected areas are rendered extremely unattractive to bathers. The situation here is especially unacceptable to local Maoris who retain certain rights over shellfish gathering and for whom this comprises an important cultural and recreational pursuit. Notwithstanding New Zealand's otherwise good record in sewage management, it appears urgent that in certain localised areas the environmental threats posed by shallow-water discharge be countered either by the construction of land-based treatment plants in the affected areas or by the replacement of near-shore outfalls by deep sea discharge points."

While some of the witnesses who appeared before us argued that pollution problems would be overcome or satisfactorily ameliorated by long ocean outfalls with discharge points beyond the zone of wave generated currents, others doubted that deep sea discharge points could ever provide a satisfactory solution for the district. They considered that the action of the Taranaki winds, coastal currents and strong tides would always operate to return effluent to the shore without adequate dispersal or dilution.

Certainly from the evidence before us it is obviously far too simplistic to consider the vastness of the ocean to be such that it can be relied upon to safely dilute and disperse effluent in all cases. In Taranaki the high wave energy, the wind induced north westerly and along-shore coastal currents and the shallow waters of the continental shelf result in the movement of material to the shore and the carriage of effluent and contaminated sediment to the shellfish beds.

Nor do we think that it can be presumed or conclusively argued that the saline ocean will in all cases destroy the bacteria in effluent, or sufficiently dilute, remove or disperse chemicals discharged into it. There is evidence that chromium for example, and also bacteria, will remain in sediment on the ocean floor to pass later into the food chain, and the sediment may be washed in-shore to the shellfish beds.

The question therefore of whether or not deep sea discharge points are a satisfactory option cannot be argued in the general but only in the context of the particular character of the particular coast. While the evidence before us was conflicting and inconclusive, we at least felt able to determine that in the Waitara district even deep sea discharges are not a preferable option when they are in proximity to shellfish beds.

9.1.2 Engineering Capabilities

Other witnesses considered that even were a deep sea outfall to be effective, the turbulent nature of the coast would expose such outfalls to the likelihood of damage or destruction. K. M. Wood, a pipeline engineer, outlined the difficulties of constructing a marine outfall on this coast having regard to its turbulent nature and rapidly changing weather conditions, cross currents, and extensive reefs with large and mobile boulders. (We noted of course that the Waitara pipeline had been damaged. We were told that it had been damaged during launching. We note that its repair has not been effective.) Mr Wood referred also to certain construction difficulties and concluded "under these conditions an outfall should not be considered unless a careful costing - based on a thorough sea bed survey and firm proposals for construction - shows that the outfall is much cheaper than any other alternative".

It seemed to us essential that any body charged with the function of approving ocean outfalls for the Taranaki coast should need to be satisfied that the state of the art in engineering is sufficiently advanced to provide an adequate assurance that the constructional work is capable of reaching the required standards. It appears to us that Regional Water Boards and the Planning Tribunal are limited in the extent to which they can consider these matters.

The Ministry of Works and Development has a responsibility for the matter in advising the Local Authorities Loans Board or the Department of Health where local authority loans or subsidies are involved, or the Ministry of Transport where consent is required in terms of section 178 (b) of the Harbours Act, but where the Ministry of Works and Development has a commitment to providing outfalls itself, for Crown projects or private projects with Crown involvement, it becomes a judge in its own cause in assessing the engineering capabilities.

9.1.3 Chemical Wastes and waste streams

As has been referred to at 7.2 and 7.3 considerable debate revolves around the use of zinc, chromate and other toxic materials in water treatment for cooling tower use, resulting in the consideration of non-toxic poly-phosphate alternatives. Certain researches indicate that such chemicals, and in particular the soluble hexavalent chromium, may not be diluted and dispersed even if discharged alone into the ocean, but may be discharged to the ocean floor and become attached to other matter consumed by marine animals. The likelihood of absorption with other matter is high if the chemical waste is discharged with other effluent or is able to mix with it. There is also concern with the synergistic effect that might operate from the mixing of chemical discharges.

The researches indicate that two measures are desirable. The first is that industries must actively search for alternatives to heavy metals. The second is that adequate effluent disposal schemes must have regard to the variety of waste streams, the separate of waste streams at source, and the application of different forms of treatment for each. It follows further that an assessment of the treatment and disposal needs of each waste stream in the current energy projects should be undertaken whenever there are proposed changes in the use of chemicals.

9.1.4 Accidental spillages

Evidence of accidental spillages in the recent past highlighted for us the importance of ensuring that at any industrial site the effluent treatment systems are able to cope with accidental spills of chemicals and any possible operational upsets. This requires an adequate engineering design and contingency planning procedures to operate the effluent treatment systems under adverse conditions. In our view it needs to be made clear that Regional Water Boards and the Planning Tribunal have a responsibility in

this area.

The prospect of an accidental spillage is, in our view, a further reason for considering that ocean outfalls should not be sited in proximity to fishing grounds.

9.1.5 Investigation of alternatives

Dr Patrick for the Taranaki Catchment Commission, and later Dr Stevenson of the Department of Scientific and Industrial Research at Petone, referred to a number of options for the treatment and disposal of the effluents in the Waitara area and highlighted many of the advantages and disadvantages of land disposal options as compared with ocean discharges. Dr Stevenson outlined irrigation treatments and rapid infiltration systems, considered the various types of discharges ranging from sewage and meatworks effluent to the chemical discharges of the Petralgas and Syngas plants, and stressed the desirability of separating the various types of waste streams for separate treatment according to the most optimum form of disposal for each. He reviewed comparative costings (based on very general cost guesstimates) and considered that if only the repair of the Waitara outfall were required, a land disposal option would be much more expensive but if milliscreening and chlorination were also required to achieve acceptable receiving water conditions, the cost of the land disposal option would be of the same order.

He concluded:

"Commitment of substantial expenditure to upgrading the outfall, or to treating the effluents before discharge would divert finance which might be used to develop land disposal systems, thereby possibly precluding the very high levels of receiving water protection which they offer. If there is any prospect of land disposal being a viable or attractive option, there is an urgent need for more detailed studies to determine definitely whether practical and acceptable economic systems can be developed within a reasonable time, so that a well-informed choice between land disposal and sea discharge approaches can be made before further expenditure is committed.

"One sea discharge option which would greatly decrease pollutant loads on the receiving water, and improve aesthetic conditions is based on the preliminary indications that the returns from sale of recovered protein may approximately cover the costs of physio-chemical treatment of slaughterhouse effluents. The consequent improvement in effluent quality could then be considered to be achieved at no cost. Construction of a new separate sewer from the freezing works to the outfall would then make it possible to consider separate treatment of the Waitara Borough sewage, perhaps in an oxidation pond, with ultimate disposal either by land application or discharge via the outfall. This might be achieved at a cost less than milliscreening and chlorination . . . but would provide much higher standards of effluent treatment and receiving water protection."

It is important to appreciate that Dr Stevenson did not pretend to having provided an exhaustive analysis on which he could proffer solutions. He was concerned to establish that although there were a number of problems associated with each there were a number of alternative possibilities and that they had not been adequately researched.

We too are concerned to note the lack of research, costing and planning in this area, and the extent to which alternative possibilities present themselves but have not been adequately researched.

9.1.6 Summation

from the evidence we conclude -

- that while the marine environment has an assimilative capacity to cope with wastes, the threshold of that capacity is not known, and that the dilution of a pollutant in the

sea does not equal its removal;

- that no proposal for a marine outfall in this district can be adequately considered without a detailed understanding of the coastal structure and the combined effect of winds, currents and erosion;
- that there is a need for greater certainty concerning engineering capabilities in the construction of long outfalls on this turbulent coast, and it should be clear that matters relating to the construction of outfalls, and the provision of emergency contingency plans and facilities, should be within the purview of Regional Water Boards and the Planning Tribunal;
- that there is a need to consider separate treatment for separate waste streams, and for a review of the position on any change in the nature of a wastestream; and
- that there is a need for a greater study of waste disposal options by an interdisciplinary team.

On the evidence before us there was insufficient data to enable any concrete conclusions to be drawn on whether deep sea discharge, land disposal or oceanic discharge after primary secondary or tertiary treatment should be sought, and then whether on an individual or regional basis.

What we do challenge however is the view that because the use of the coastal waters for the discharge of effluent is at law a legitimate use of that water, then ocean discharges should continue unless and until it can be shown that some other means of disposal can be proven to be better and economically comparable. Having regard to the known pollution of the coast and the uncertainties surrounding the effect of winds and tides, the lack of engineering evidence that adequate pipelines for this coast can be constructed, and having regard in particular to the pollution of the Te Atiawa reefs and the clear cultural preference of the Maori (and also many non-Maori) inhabitants for the disposal of the waste on land, we consider the presumption should be the other way. We consider in particular that land disposal systems, or at least the separation of wastes and the discharge of certain wastes to the ocean only after secondary or tertiary treatment, should be the presumed option, unless and until it can be clearly established that the other alternative is a sufficient guarantee against the further pollution of the coast.

9.2 Better planning and co-ordination

During the course of our hearings we made it clear that we did not consider it our function to blame, apportion fault or to judge others, be it the Crown, an agency of the Crown, or any person. We were concerned to identify problems but only for the purpose of seeking solutions.

We also made it clear that it was not our role to do that which the Planning Tribunal is able to do.

It was soon apparent however that the Te Atiawa hapu were prejudiced by the pollution of their reefs and that any proposals that we might envisage for the removal of the prejudice or to prevent other hapu from being similarly affected in the future, needed to be seen in the context of the total situation in the locality, and of the measures provided for, and the steps taken or not taken to provide relief for the district as a whole.

We noted that the Crown, through legislation, had made extensive provisions for the rationalisation and facilitation of both economic growth, and environmental protection. Although there were no specific provisions for the protection of Maori fishing grounds, Maori fishing grounds were not without some benefit from the

general provisions.

We noted also that the Crown, through its executive and various statutory agencies had undertaken considerable measures of implementation. We were impressed by the extensive research and other work undertaken by each of the Departments of State that were represented before us, and we were particularly impressed by the work that had been carried out by the Taranaki Catchment Commission and the Commission for the Environment.

We noted further that the major pollution problems were not primarily the result of recent economic growth in the petro-chemical area but rather that those developments threatened to compound an already existing problem. It appeared to us that the major cause of pollution arose from the damaged state of the Waitara Borough ocean outfall. Our Tribunal sitting afforded a unique opportunity for the various government, local authority and private enterprises involved, to meet in a relatively informal way to discuss common problems from the perspective of their own responsibilities, and to review future options. It was unique in that the parties were able to review, not an individual development proposal, but the developments as a whole, and thus to seek a broad overview of developments in the district.

It is from the perspective of that overview that we consider the major pollution and other problems arising from the past and present growth in the Waitara area, to result from a lack of adequate regional and maritime planning to facilitate and regulate that growth, and the lack of an adequate and co-ordinated plan for the provision and equitable funding of the necessary infrastructure to service it.

We consider that present conditions call for urgent measures, and measures that will bring together the various agencies and parties to fast track the procedures whereby ancillary works are proposed, built and funded, and to co-ordinate their efforts.

We see an important need for a medium term growth strategy with appropriate planning controls to provide for both industrial growth and coastal protection.

Without such planning and co-ordination, we envisage that growth in the region will be spasmodic and disparate, and environmental interest groups will be forced to a confrontation stance at a time when there is a need for the practical reconciliation of conflicting interests.

We were amazed that no regional policy for waste treatment and disposal had been formulated for North Taranaki and that there appears to have been no formal or informal forum where treatment and disposal options could be discussed by all interested parties before individual water right applications for waste disposal were proceeded with. Our attention was drawn to a joint study currently being undertaken by Government, the Taranaki and Wanganui United Councils and the Taranaki Catchment Commission to consider petro-chemical industrial location options and the opportunities for the community and developer to share such infrastructures as water supply and effluent disposal systems.

In our view however the Crown needs to go further. Above all we consider that having regard to existing local constraints and the existing and projected proposals for industries of national importance, the Crown ought reasonably to intervene to assist both the formulation and practical application of appropriate strategies.

At 8.6 and 8.7 we identified the lack of water classification and maritime planning as a major constraint in ensuring adequate protection of the coastal resource while yet providing for industrial growth. We noted that the lack of distinct policies for ocean outfalls and waste disposal and for the location and servicing of future petro-chemical industries was a major constraint in the consideration of individual project proposals as there was no broad blueprint or planning base on which to measure them.

It seemed to us that the new industrial growth in the region was proceeding faster than the planners could plan for it. We noted with some sorrow that although major new industries have already been established, and there is evidence that others are pending, the body most responsible for the production of an appropriate regional and maritime plan had only recently been established. We refer to the Taranaki United Council which was not gazetted until January 1979 and which has a staff of three persons, headed by a regional planner who, at the time when he appeared before us, had been in the employ of the Council for three weeks. We were concerned also that in response to our questions we were advised that the Taranaki United Council favoured the dispersal of major industries across the region. We were concerned because it opens the prospect of a proliferation of outfalls along the Taranaki coast with possible deleterious effects on a substantial number of reefs. We noted that the aggregation of petro-chemical industries had been urged by a number of those who appeared before us and that it had been urged before the Planning Tribunal. It had been put to us that the aggregation of industries enabled the establishment of pipeline corridors for the supply of natural gas and the transport of end products to the local port. It would facilitate the development of substantial joint use and jointly funded waste disposal plants, localise the spread of pollution and reduce roading and other servicing costs. We wondered at the extent to which the United Council's preference reflected independent planning advice, and the extent to which it reflected the nature of its constitution. While the Crown is represented on the United Council's regional planning committee, the committee is mainly comprised of representatives of local authorities in the region.

While certain parties stressed to us the rights of Maori and other members of the public to be heard in objection and appeal on planning matters, we note that with regional plans, there is an opportunity for public input, but no rights of objection or appeal.

We consider too that the replacement or repair of the pipeline for the Waitara Borough outfall is a matter of extreme urgency. We note that the water right in respect of that outfall expires this year and a new water right has been sought. If it is not granted a state of uncertainty will exist, and if it is granted subject to certain repair or replacement conditions or the provision of additional land based treatment plants, there are still doubts whether the requisite approvals for loan finance will be given through the Ministry of Works and Development and the Department of Health, (the latter expressing to us reservations about the effectiveness of the pipeline disposal) or whether the necessary works could be funded at all by local interests. We consider too that a number of other practical difficulties will arise over the extent to which the joint users of the pipeline ought to contribute to any repair or replacement proposals, and, having regard to existing commitments, the extent to which the Borough, Borthwicks, and other users will be able to meet the cost or furnish the loans.

In chapters 5, 6 and 7 we noted that lack of statutory recognition of Maori fishing grounds and the lack of a specific recognition of Maori fishing grounds in planning legislation. We consider that without such recognition in the relevant legislation, water classification and district, regional and maritime planning will not afford a sufficient guarantee that the Maori interest in Maori fishing grounds will be protected. The existing laws provide for the multiple use of water and as things stand, the Maori interest is but one of several interests to be weighed in the balance, and little or no weight attaches to the Maori cultural approach to the water as a source of food.

9.3 Amending existing plans

In considering the practical application of the Treaty of Waitangi to the particular case, we report that the Waitara hapu consider the reefs off the mouth of the Waitara River to be both physically and culturally polluted and that their concern is now to protect the Motunui reef and to minimise the spread of pollution to ensure that the remaining reefs remain open to them. Following a meeting with the Waitara Borough the local people urged us to propose that the Motunui outfall be not proceeded with, and that the Motunui discharge be re-routed through the Waitara outfall. This seemed to us to show not only a degree of planning sense, but a very commonsense and accommodating approach by Maori people to the application of Treaty of Waitangi. From the standpoint of their own culture, the local hapu would join with certain planners in urging the aggregation of industries and industrial waste, and the pooling of resources to localise and minimise pollution. It seems to us that Maori culture would join with European culture in urging the planned protection of seafood areas and the planned control of effluent disposal so as to localise the extent of water pollution in physically and culturally acceptable terms.

The Crown has agreed to provide the infrastructure for the Motunui works and this includes the location and construction of the Motunui ocean outfall pipe. This agreement has been made through the Ministry of Energy, and the necessary construction work will be undertaken through the Ministry of Works and Development. At this stage the necessary construction work has not been started. The Deputy Secretary for Energy outlined for us the Government's reasons for choosing an independent outfall at Motunui. There were doubts that the Waitara outfall was sufficient to handle the Syngas effluent and existing uses especially when the freezing works was operating at peak throughput. It was felt that the Syngas project should not be jeopardised by the possibility of technical difficulties, breakdown or other problems in an effluent disposal system in which the plant is only one of several users and over which it has no control, and it is obviously easier to monitor the effluent of the synthetic petrol plant through an independent outfall rather than through a joint facility. A principal drawback was also that the Borough's water right is due to expire this year (1983) and in view of the obvious defects in the outfall, it is by no means certain that this right will be renewed, except perhaps on conditions as to its repair, upgrading or complete replacement. There are other problems associated with any joint use or regional facility in assessing the total cost and apportioning costs, and in completing the extensive engineering and marine research that would be required before the technical and environmental feasibility of the proposal can be fully assessed. It appeared further that the provision of a regional facility at Waitara capable of handling present and future needs would require consideration of the construction of a completely new outfall.

Given the technical uncertainties and the corresponding uncertainties of whether water rights would be given for a regional facility and of the time it might take to determine those matters in the event of appeals, and given further that delays in the completion of an outfall facility would cause serious losses to private concerns and the country (as was put to us by Counsel for New Zealand Synthetic Fuels Corporation) it is understandable why an independent outfall was preferred.

The Deputy Secretary for Energy went on to state -

"Obviously, the Government would be able to contribute towards a regional facility only if it were clearly satisfactory from an engineering and environmental point of view, and the costs reasonable, and the Government's contribution to them fair.

Before the Government could make any financial commitment to the options under consideration, they would have to be properly costed, and agreement would have to

be reached between the Government and the other parties as to their relative contributions. It will be apparent from these remarks that the possibility does not exist of the Government meeting the totality of the costs of any new facility, or of it contributing to the costs of facilities which cannot be justified on technical grounds.

"The Government has always taken the view that the initiative for facilities such as a regional outfall should rest with the local authorities in the region. Similarly the initiative for developing and costing such facilities should be pursued by regional interests. At this point however, we are no closer to having answers on the points on which the Government would need to be satisfied before it could make a decision on the matter than we were eighteen months ago. In the interests of expedition therefore, the Minister of Energy has indicated to the Waitara Borough Council that the Ministry would be prepared, in consultation with the Council and the Taranaki Catchment Commission to commission studies of the technical feasibility and economics of a new regional outfall, through which the wastes of the existing users of the Waitara facility, NZSFC and any future petrochemical plants that may be constructed in the region might be discharged."

"The Minister has emphasised that this offer should not be construed as a commitment from the Government to fund the construction of a new outfall or the upgrading of the existing Waitara outfall. It has been made in the hope that this further work will serve to bring the various issues to a head, and facilitate a decision by the various parties on whether there would be merit in seeking a water right for any regional option that appeared to commend itself, on a joint funding basis."

"It will be appreciated that in view of the timing, and other potential technical constraints facing the New Zealand Synthetic Fuels Corporation, investigations of alternative disposal options must be undertaken in parallel with the Government's planning for the construction of the outfall at Motunui. It has been the concern of the Government throughout however, to work with the people of North Taranaki to find a mutually satisfactory solution to the several effluent disposal problems with which they are faced. It is also the Government's hope that with goodwill on all sides, and a spirit of compromise rather than confrontation, this solution can be developed in the rapidly diminishing time available."

We welcome the Government's moves to pursue the prospect of a regional facility. We consider that Government must go further to consider whether special measures are necessary to facilitate that goal. Just as it became necessary to make special provisions to facilitate the approval of major works of national importance in the district, so also it seems necessary now to consider special measures for the orderly development of the necessary infrastructures to minimise the harmful consequences of those works.

The question that we must ask ourselves too is whether the Crown has a particular obligation to seek better protection for the Te Atiawa fishing reefs. In particular, we must ask ourselves whether in terms of the Treaty the Crown has an obligation to protect the Te Atiawa people in the use and enjoyment of their fishing grounds, and if so, and if the provision of a regional facility will help achieve that end, whether it is appropriate that the Crown should consider that the provision of a regional facility must rest with the local authorities in the region, or whether the Crown has a responsibility to aid and assist local authorities to achieve that end.

It is in this context, and with regard to the background that we have reported on, that we consider the proper interpretation to be given to the Treaty of Waitangi in its application to this particular case.

Motunui Waitara Report

10 Interpretation Of The Treaty Of Waitangi

10 Interpretation Of The Treaty Of Waitangi

10. INTERPRETATION OF THE TREATY OF WAITANGI

10.1 Background and Approach

The Treaty of Waitangi has been referred to as "The Maori Magna Carta" (refer thesis of T. J. Lanigan of 1939 "The Treaty of Waitangi: Its Intention and Interpretation") and as "The great charter of Maori rights" (T. L. Buick "The Treaty of Waitangi"). It has also been described as a "fraud" and a "sham" (Edward G. Wakefield in writing to Gladstone in 1846). It is however a fact, and whatever our personal perception of it, it seems also to be a fact that for over a century the Maori people have placed a significance on the Treaty far in excess of that given by the general public.

For over a century the Treaty of Waitangi has been a regular subject in marae debates throughout the country and in recent years, the focus of some Maori activism. With certain notable exceptions, as for example in a seminar at Victoria University of Wellington in 1972, it has not been the subject of concerted debate within the public at large. We were impressed by those Maori who appeared before us to recite incidents surrounding the execution of the Treaty as passed down to them from their forefathers and we know that the perpetuation of the Treaty in the oral history of the Maori is not peculiar to Te Atiawa.

We note too that over the last century the Treaty has been, and continues to be behind a number of Maori petitions to Parliament and to the Queen. It has also been the subject of pleas before the Courts in both New Zealand and the United Kingdom, and the Treaty continues to be pleaded in both inferior and appellate Courts in this country, despite the fact that our Courts have generally considered the Treaty to have no force or effect at domestic law.

It is not necessary for us to enter the current debate in which some writers argue that the Treaty could or should have judicial recognition, but merely to note that fact and to refer to -

A. P. Malloy "The Non-Treaty of Waitangi" (1971) N.Z.L. 193

B. Carter "The Incorporation of the Treaty of Waitangi into Municipal Law" (1980) 4 A.U.L.R. 1

P. G. McHugh "The Treaty of Waitangi : A judicial Myth revisited" (1981)

J. C. Clad "Politics, Law and Indigenous Peoples" (1981) and

J. D. Sutton "The Treaty of Waitangi Today" (1981) V.U.W.L.R. 17

In similar vein we need only note that the Maori people have persistently pleaded the Treaty in the Courts but without success, and refer to -

R. v. Symonds (1847) N.Z.P.C.C. 387

Wi Parata v. Bishop of Wellington (1877) 3 N.Z. Jur (N.S.) S.C. 72

Mangakahia v. New Zealand Timber Company (1881-82) 2 N.Z.L.R. 345

Nireaha Tamaki v. Baker (1901) N.Z.P.C.C. 371 (1902) A.C. 561

Hohepa Wi Neera v. Bishop of Wellington (1902) 21 N.Z.L.R. 655 (C.A.)

Baldick v. Jackson (1911) 13 G.L.R. 398

Tamihana Korokai v. Solicitor-General (1912) 32 N.Z.L.R. 321

Waipapakura v. Hempton (1914) 33 N.Z.L.R. 1065

Hoani Te Heuheu Tukino v. Aotea District Maori Land Court (1941) A.C. 308

Inspector of Fisheries v. Ihaia Weepu and anor (1956) N.Z.L.R. 920

In re the Bed of the Wanganui River (1962) N.Z.L.R. 600

In re the Ninety Mile Beach (1963) N.Z.L.R. 46

Keepa v. Inspector of Fisheries (1965) N.Z.L.R. 322

R. Hita v. H. D. Chisholm, Inspector of Fisheries (Supreme Court 8 February 1977)

While the Treaty may have a dubious status in international and municipal law it is interesting to note that in the cases in which the Treaty of Waitangi has been referred to, no argument has been adduced to question the existence of the Treaty as such or to deny the moral obligation it imposed.

Nonetheless the approach of the New Zealand Courts, and of successive Governments, does not compare favourably with that taken by other Courts and Governments in their consideration of indigenous minorities. In North America for example treaties with the original Indian populations have been recognised by the governments and enforced by the Courts, and in areas not covered by treaties, common law rights are regarded as vesting in the native peoples by virtue of their prior occupation (refer for example, *Calder v Attorney-General of British Columbia* (1973) 34 D.L.R. 145).

The overseas experience must cause us to re-think our perception of the Treaty of Waitangi and of its significance. In its consideration of a major oil pipeline running the length of Canada for example, and in proposing a moratorium on the continuation of the works, the Royal Commission in The McKenzie Valley Pipeline Inquiry (Justice Thomas R. Berger) considered it necessary that Native Land Claims be first settled, and that "native hunting, trapping and fishing rights . . . be guaranteed". We consider that it will be increasingly unrealistic for New Zealanders to assess the Treaty of Waitangi in the context only of their own history.

While in this particular case we have not found it necessary to stray beyond the wording of the Treaty, we are not unmindful of overseas developments that suggest that "native or aboriginal rights" may extend beyond the wording of a treaty itself. On this argument, certain customary rights exist and continue to exist unless by treaty they are voluntarily surrendered or modified. On this approach the question is not whether a treaty makes any guarantee in respect of native hunting or fishing rights for example, but whether any body of native customary law relating to hunting or fishing was expressly modified, taken away or added to.

In a consideration of the specific terms of the Treaty it is important to appreciate that the Maori text is not a translation of the English text and conversely, nor is the English version a translation of the Maori.

An historical explanation is given by Ruth N. Ross in an article "Te Tiriti of Waitangi - texts and translations" 1972 6 N.Z. Journal of History 129. Initially a number of drafts were prepared in English and one (only) of those drafts was given to the missionary Henry Williams to translate. It was his translation of that text (with one subsequent amendment) that came to constitute the Treaty of Waitangi as executed at Waitangi by Governor Hobson and various Maori on 6 February 1840. Unfortunately however, the English text given to Williams to translate does not appear to have survived.

Ross then records that in all Hobson forwarded five English versions of the draft Treaty to his superiors in Sydney or London, each with certain differences between them. However, Ross writes "If the differences were noticed in the Colonial Office, it

was perhaps supposed that Hobson's despatch of 15 October 1840 set the record straight with its enclosure of a certified copy of the Treaty both in English and the Native Language, with the names inserted of the chiefs and witnesses who signed it." The English text was not a translation of the Maori.

History records how, after Waitangi copies of the Maori text were taken about the country and executed at divers times and places by various Maori. (Reports vary as to the number of Maori who signed in all, but it is clear that the number was in excess of 500). At the Waikato Heads however, 33 Maori signed an English version (for reasons that are not clear) and to this six more names were subsequently added at Manukau. This English version contained slight differences from that sent to the Colonial Office on 15 October 1840, but it was the "Waikato Heads" version that came to bear Hobson's signature and seal, and it was the "Waikato Heads" version that has come to be regarded as the official version and which is now printed in the First Schedule to the Treaty of Waitangi Act. Again, it is not an accurate translation of the Maori text and there are significant differences.

It was because it was the Maori text that was executed (with the exception noted) that Ross considered "It has always appeared to me that one must accept the Maori text as the Treaty of Waitangi." An alternative view is that both texts must apply, as the signatory for the Crown, Lt Governor Hobson, would have relied upon an English text. In terms of the Treaty of Waitangi Act however we are "to determine the meaning and effect of the Treaty as embodied in the two texts".

The Treaty of Waitangi Act also recognises that there are differences between the two texts and we are required "to decide issues raised by the differences between them". It seems to us remarkable that the sad history of error, confusion, and inefficiency in the preparation, printing and preservation of the Treaty of Waitangi last century has continued into this. We are required to "have regard to the two texts of the Treaty set out in the First Schedule (to the Treaty of Waitangi Act)" but the text in Maori as printed in the First Schedule contains in Article the Second glaring errors and omissions.

We wondered whether the Maori wairua (spirit) was not in operation to ensure that the true and precise wording of the Treaty should forever be confused.

A Maori approach to the Treaty would imply that its wairua or spirit is something more than a literal construction of the actual words used can provide. The spirit of the Treaty transcends the sum total of its component written words and puts narrow or literal interpretations out of place.

Adopting for the moment however the English legal approach, we accept the submission of the Department of Maori Affairs with regard to the errors in the Maori text as follows:

"the Tribunal may have regard to a text of the Treaty acknowledged as being a correct reproduction to supply corrections of the numerous errors and the omission of certain words from Article 2 as reproduced - Maxwell on the Interpretation of Statutes, 12 ed. p. 228 and authorities there cited."

We find also that there are several similarities between the Maori approach to the meaning of things, and the "European" legal approach to the interpretation of treaties. The latter approach was described for us by the Department of Maori Affairs as follows:

"It is submitted that the principles of treaty interpretation should be applied to the Treaty of Waitangi rather than those relating to construction of a statute.

"The body of law which exists on the construction of treaties stands quite separate from its legislative counterpart. Furthermore the very nature of treaties, the circumstances in which they are drawn and their legal consequences dictate that the principles relating to treaty interpretation differ significantly from the traditional tenets of statutory interpretation.

"If the Treaty of Waitangi Act 1975 merely enacted the Treaty of Waitangi in identical or substantially similar wording a different view may be offered. However the manner in which the Treaty of Waitangi has been incorporated into the legislation indicates Parliament's intention that independent effect should be given to the terms of the Treaty for the purposes of interpretation, section 5 (h) of the Acts Interpretation Act 1924 notwithstanding.

"Furthermore the House of Lords has stated that:

'The correct approach in construing a United Kingdom statute which incorporates and gives effect to a European convention is to interpret the English text as set out in the statute in the normal manner appropriate for the interpretation of an international convention, unconstrained by technical rules of English law or by legal precedent but on broad principles of general acceptance.'

James Buchanan & Co. Ltd v Babco Forwarding and Shipping (U.K.) Ltd [1977] 3 All ER 1048.

"That opinion has immediate application to the documents before this Tribunal.

"Accordingly the Department adopts the principles set out by I M Sinclair in his work on Treaty Interpretation in the English Courts found in ICLQ (1963) Vol. 12 p. 508: a Treaties are to be interpreted primarily as they stand and on the basis of their actual text.

b Subject to paragraph (f) below, particular words and phrases are to be given their normal natural and unrestrained meaning in the context in which they occur. However, if the language used is obscure or ambiguous recourse may be had to extraneous means of interpretation such as consideration of surrounding circumstances.

c Treaties are to be interpreted as a whole.

d Treaties are to be interpreted with reference to their declared or apparent objects and purposes, and particular provisions are to be interpreted in such a way that a reason and a meaning can be attributed to every part of the text.

e Recourse to the subsequent conduct and practice of the parties in relation to the treaty is admissible.

f The terms of a treaty must be interpreted according to the meaning which they possessed, or which would have been attributed to them, and in the light of current linguistic usage at the time when the treaty was originally concluded.

"There is also recent judicial authority affirming the principle that treaties and other constitutional documents should be interpreted in the spirit in which they are drawn and taking into account the surrounding circumstances. *Fothergill v. Monarch Airlines Ltd* [1980] 2 All ER 696 (H.L.), *Minister of Home Affairs v. Fisher* [1980] A.C. 319 (P.C.)."

Referring then to bilingual treaties the Department submitted

"In relation to bilingual treaties McNair (*The Law of Treaties*) states that in the absence of a provision to the contrary neither text is superior to the other. Further, that there is ample authority for the view that the two or more texts should help one another so that it is permissible to interpret one text by reference to another.

"However, it is submitted that should any question arise of which text should prevail the Maori text should be treated as the prime reference. This view is based on the

predominant role the Maori text played in securing the signatures of the various Chiefs.

"In this regard the Department refers to Articles 33 (2) of the Vienna Convention on the Law of Treaties of 1969. The text of that convention is reproduced in Brownlie J. Basic Documents in International Law 2 ed. at p. 233. New Zealand became a party to the Convention on 4 August 1971 and it came into force on 27 January 1980.

"Finally, the rule of contra proferentem states that in the event of ambiguity a provision should be construed against the party which drafted or proposed that provision."

The Department made then a comparison with North American Treaties -

"The Supreme Court of the United States had laid down an indulgent rule which requires treaties made with Indian tribes to be construed "in the sense which they would naturally be understood by the Indians" - Jones v Meehan (1899) 175 U.S.1.

"The United States rule is in fact founded on Article VI of the Constitution of the United States which provides that treaties made under proper authority shall be the supreme law of the land and which has been held to apply to the treaties made with the Indians.

"In the light of the constitutional position of treaties in the United States we merely draw the rule to the Tribunal's attention. Discussion by the Courts and commentators on the rule indicate that it may be regarded as an extension of the contra proferentem rule."

From the standpoint of European legal concepts we incline to the broad approach urged by the Department of Maori Affairs. We consider that approach is also envisaged by the Treaty of Waitangi Act which requires us to determine "whether certain matters are inconsistent with the principles of the Treaty" (rather than "with the provisions of the Treaty") and we refer to the long title, preamble and Section 6 (1) (c) of the Act.

10.2 Particular Aspects of the Treaty

(a) "Fishing Grounds"

In the consideration of this particular claim differences in the Maori and English texts become important. In the English text specific reference is made to "fisheries" as follows:

"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession . . . "

In the Maori text there is no specific reference to forests (ngaherehere) or fisheries (taunga ika) but rather to "o ratou wenua" (their lands), "o ratou kainga" (their habitations), "me o ratou taonga katoa" (and all their treasured things).

The Te Atiawa people gave us examples of their use of the word "taonga" and illustrated for us that to them, the general word "taonga" embraces all things treasured by their ancestors, and includes specifically the treasures of the forests and fisheries. We accept that approach. We note that tribal fishing grounds, like specific areas that were renowned as sources of food, were regarded as part and parcel of tribal treasure troves, and were often the cause of tribal conflict. Tamaki isthmus for example, which was renowned for its rich fowl and fish resources, was referred to as "Tamaki, sought as a bride by a thousand lovers".

A remarkable feature of the English language is its facility to use words of precision so as to define arguments and delineate the differences that may exist. The Maori language is generally metaphorical and idiomatic. It is remarkable for the tendency to use words capable of more than one meaning in order to establish the areas of common ground, and for its use of words to avoid an emphasis on differences in order to achieve a degree of consensus or at least a continuing dialogue and debate. The use of the word "taonga" in a metaphorical sense to cover a variety of possibilities rather than itemised specifics is consistent with the Maori use of language. It would be entirely inappropriate to apply English canons of construction to the translation of a Maori text and so to argue that the failure to make specific reference to "fishing grounds" in the Maori text indicated that fishing grounds were not within the purview of the Treaty. Applying also the canons of construction in the interpretation of bilingual treaties as submitted by the Department of Maori Affairs, we conclude that in this respect the difference between the English and Maori texts is not as substantial as may at first be thought. We consider that the Treaty envisaged protection for Maori fishing grounds because the English text specifically provided for that while the Maori text implied it.

(b) "Rangatiratanga"

The essence of the second article in the Maori text of the Treaty of Waitangi is in the use of the word "rangatiratanga".

The English text states "Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess . . ."

The Maori text goes further. It confirms to the Chiefs and the hapu, "te tino rangatiratanga" of their lands etc. This could be taken to mean "the highest chieftainship" or indeed, "the sovereignty of their lands."

Sir William Martin, New Zealand's first Chief Justice, wrote "To themselves they retained what they understood full well, the tino Rangatiratanga, full Chiefship (sic) in respect of all their lands." Williams, translating the Maori text back into English translated this part as "their full rights as chiefs, their rights of possession of their lands and all their other property of every kind and degree". In addressing us during our hearings Hikaia Amohia stated "(the Maori) accepted the Treaty relying on the honesty and honour of the Queen and her representative, believing that Chieftanship of their properties was guaranteed to them unreservedly and with no hidden conditions or reservations."

By 1840 the Maori people had had more than a fleeting acquaintance with the missionaries. The spread of Christianity amongst them was rapid. This is sometimes attributed to the thought that Maori spiritual and religious concepts, and many aspects of Maori communal life, were not far removed from concepts expressed in the Bible and that no major ideological shift was involved. It has been noted that many Maori were able to recite large passages from Scripture and the Book of Common Prayer by rote. It is also to be remembered that the missionaries played a major role in presenting and explaining the Treaty to Maori people, at Waitangi and throughout New Zealand. It must also have been readily apparent to the Maori that the Treaty was written in what could best be described as "Missionary Maori".

It appears to us that the Maori signatories to the Treaty would have been in no doubt that they and the missionaries were agreed on what "rangatiratanga" meant. It was well known to both parties for its use in scripture and prayer, as in "kia tae mai tou

rangatiranga" or, "thy kingdom come", as appearing in the Lord's Prayer.

"Rangatiratanga" and "mana" are inextricably related words. Rangatiratanga denotes the mana not only to possess what is yours, but to control and manage it in accordance with your own preferences.

We consider that the Maori text of the Treaty would have conveyed to Maori people that amongst other things they were to be protected not only in the possession of their fishing grounds, but in the mana to control them and then in accordance with their own customs and having regard to their own cultural preferences.

We consider that that is the proper interpretation to be given to the Treaty, because the Maori text is clearly persuasive in advancing that view, and because the English text, referring to a "full exclusive and undisturbed possession" also permits of it.

The promise to protect the Maori interest as so defined is apparent in the second article of the English text, ("Her Majesty the Queen of England confirms and guarantees . . . ") and in the preamble of both the English and Maori texts:

"Her Majesty . . . regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property . . . " and
"Ko Wikitoria te Kuini o Ingarangi i tana mahara atawai ki nga Rangatiratanga me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga . . . "

That then was the exchange of gifts that the Treaty represented. The gift of the right to make laws, and the promise to do so so as to accord the Maori interest an appropriate priority.

10.3 Broad Aspects of the Treaty

As we have said the Treaty of Waitangi has been referred to as "The Maori Magna Carta" and as "the great Charter of Maori rights". It may well be so described but we consider that that is but one aspect of the Treaty's significance and that it has broader implications.

Governor Hobson's view of the broad implications is illustrated in his statement to each Maori signing the Treaty of Waitangi when he said "He iwi kotahi tatou" which has been translated as "We are now one people". At Waitangi on 6 February 1841 however the present Governor-General, Sir David Beattie was to say -

"I am of the view that we are not one people, despite Hobson's oft-quoted words, nor should we try to be. We do not need to be."

The Treaty was an acknowledgement of Maori existence, of their prior occupation of the land and of an intent that the Maori presence would remain and be respected. It made us one country, but acknowledged that we were two people. It established the regime not for uni-culturalism, but for bi-culturalism. We do not consider that we need feel threatened by that, but rather that we should be proud of it, and learn to capitalise on this diversity as a positive way of improving our individual and collective performance.

The Treaty was also more than an affirmation of existing rights. It was not intended to merely fossilise a status quo, but to provide a direction for future growth and development. The broad and general nature of its words indicates that it was not intended as a finite contract but as the foundation for a developing social contract.

We consider then that the Treaty is capable of a measure of adaptation to meet new and changing circumstances provided there is a measure of consent and an adherence to its broad principles.

We do not therefore consider that both the Maori and the Crown should be so bound that both sides must regard all Maori fishing grounds as inviolate. In our view it is not inconsistent with the Treaty of Waitangi that the Crown and Maori people should agree upon a measure of compromise and change.

In particular, it is not inconsistent with the Treaty that the Te Atiawa hapu should accept a degree of pollution in respect of certain of their fishing grounds, on the basis that other grounds will not be spoilt.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

11 Findings:

11 Findings:

11. FINDINGS:

11.1 Findings of Fact

There can be no doubt from the evidence adduced before us, nor was it challenged, that the river and reefs referred to in this claim constitute significant and traditional fishing grounds of the Manukorihi, Otaraua and Ngati Rahiri Hapu of Te Atiawa, and that the traditional user of them has continued unbroken into modern times (refer paras 4.1-4.9).

It is also clearly established that the river, reefs and associated marine life suffer from various degrees of pollution, that those near to the mouth of the Waitara River in particular are badly polluted and stand to be polluted further, and that the local Maori people are prejudiced as a result (refer paras. 7.1-7.5).

It is also apparent that the Crown intends to construct an ocean outfall at Motunui, that this will result in the physical destruction of a part of a further reef, and that either further pollution will follow, or that there can be no guarantee that there will not be further pollution. The local hapu are particularly prejudiced by the fact that this is the last remaining reef of those hapu not seriously affected by pollution (refer para. 7.3).

11.2 Findings of Interpretation

We are of the opinion that the Treaty of Waitangi obliges the Crown to protect Maori people in the use of their fishing grounds to the fullest extent practicable, and to protect them especially from the consequences of the settlement and development of the land (refer para. 10.2).

As noted at 10.2 the promise to "protect" is provided for in the second article of the English text, and in the preamble to both the English and Maori texts. That any legal or moral responsibility of the Queen by virtue of a treaty with native peoples, is a responsibility of the Queen in right of the territorial government, and thus in this case, the New Zealand Government, is established in *Indian Association of Alberta v. Secretary of State for Commonwealth* (1982) 2 All ER 118.

The protection envisaged by the Treaty involves at one level the physical protection of the fishing grounds from abuse and deterioration as a result of pollution or destruction. At another level the protection envisaged by the Treaty involves recognising the rangatiratanga of the Maori people to both the use and the control of their fishing grounds in accordance with their own traditional culture and customs and any necessary modern extensions of them (refer para. 10.2).

We do not find that the 'exclusive' use envisaged by the second article of the English text of the Treaty, necessarily means that an exclusive user of Maori fishing grounds by the hapu most closely associated with them must in all cases be upheld. The position was seen this way by the Commissioner for the Environment, K W

Piddington:

"We have the reference to 'rangatiratanga' in the Maori version, as opposed to the concept of 'full exclusive and undisturbed possession' in the English. The latter carries with it the implied right to buy and sell, whereas the Maori cultural context requires a different reading. As far as the Maori text is concerned, I would relate the idea of "rangatiratanga" to the mores of a society which treated resources as collective rather than individual assets. There is a parallel here with much environmental thinking about the use of natural resources, thinking which is reflected in the earlier English concept of 'stewardship'. If the Maori version is to prevail, it is clear that the emphasis of the English version on 'possession' is misleading."

We interpret this part of the Treaty to mean that the mana of the Maori people to be able to control their own fishing grounds ought to be upheld. This includes a power to regulate and restrict both the use and the class of persons who may use. It does not follow however, that there must in all cases be an exclusive user but rather that that is a matter to be determined in consultation and negotiation with the hapu concerned. We noted (at 4.9) that in this case the Te Atiawa people do not seek an exclusive user. We consider that this approach would be followed by other tribal groups as well in circumstances where extensive reefs adjoin areas of major public habitation and that this approach is consistent with Maori customs and values.

11.3 Findings on jurisdiction

We find that the Manukorihi, Otaraua and Ngati Rahiri people are or are likely to be prejudicially affected by the pollution and threatened pollution of the river and their traditional reefs. We consider them to be "prejudicially affected" within the meaning to be given to those words in the Treaty of Waitangi Act in that they are restricted in the exercise or enjoyment of a customary practice envisaged by the Treaty in accordance with their own culture.

We find that the hapu are prejudicially affected -

(a) by the Acts and Regulations for the time being in force as referred to in Chapter 8 in that while the Crown has enacted a number of commendable measures for the protection of the fish resource and coastal environs, they give insufficient recognition and protection for Maori fishing grounds and the Maori interest therein;

(b) (i) by the policies or practices adopted by the Departments of State and other statutory bodies created by the Crown as referred to in Chapter 5 in that a priority is not given or is not able to be given by them to the Maori interest in fishing grounds over and above the general public interest;

(ii) by the practice of the Crown in omitting to make appropriate laws for the protection of Maori fishing grounds from pollution, and for the control of Maori fishing grounds by Maori people;

(c) by the proposal of the Crown to erect an ocean outfall at Motunui, and by the omission of the Crown to provide for an effluent disposal system for the Methanol project without first ensuring that Maori fishing grounds will not be affected.

For the reasons given at 11.2 we find that the Acts, regulations, policies and practices, acts and omissions above referred to are inconsistent with the principles of the Treaty of Waitangi.

Counsel for Ministry of Works and Development argued that we did not have jurisdiction to consider the matters complained of. He argued that the responsibility for planning for the protection of the rivers and coastal waters was vested in certain local authorities and statutory bodies, that the application of those measures to given

cases was vested again in independent statutory bodies and judicial tribunals, and that the pursuit of individual applications was a right and responsibility of private enterprises. He argued that the policies and practices of those bodies could not be policies or practices of the Crown, that those bodies were not agents of the Crown, and it was clear that by entrusting responsibility to those bodies, the Crown had divested itself of any legal responsibility.

In similar vein he argued that the provision of sewerage and other schemes was the responsibility of local authorities. Government involvement was limited to making money available to local authorities by way of subsidy and loan, but the initiative must come from the local authority, and the government could act only on a proposal before it.

There must be doubts as to the independence of the bodies referred to in the manner submitted. In an interlocutory decision of 27.4.82 in *R and D Roach Ltd v Waitara Borough and Taranaki Catchment Commission and Regional Water Board* for example Prichard J commented "... in terms of the Water and Soil Conservation Act 1967... the sole right to discharge sewage and industrial waste into any natural water is vested in the Crown (S.21) subject, however, to the right of the Crown acting through a Regional Water Board to confer on any person the right to discharge waste into any natural water in any particular situation and on such terms and conditions as the Regional Water Board may see fit to attach to the grant." (The underlining being our own.) That same argument may be extended to other areas, but we do not find it necessary to consider it. We consider that the approach urged by Counsel for Ministry of Works and Development may be appropriate for argument in an action before a Court of record where the applicant cannot question the propriety of laws but must bring his case within the framework of such laws that exist. We do not consider that to be a proper approach to a consideration of the jurisdiction of the Waitangi Tribunal as set out in the Treaty of Waitangi Act.

The Treaty represents the gift of the right to make laws in return for the promise to do so so as to acknowledge and protect the interests of the indigenous inhabitants. We see it is as our function to assist the Crown by offering an independent opinion on its responsibilities under the Treaty in the making of laws and policies.

It appears to us that in the performance of that function the legislature intended that we should be able to adopt a broad approach. It is not so much that we are constrained by existing laws and policies but rather that we are specifically empowered to examine them. The question for us is not so much whether the Crown has divested itself of a responsibility or has placed a responsibility on bodies that it has made independent, but whether the Crown ought to have divested itself of that responsibility, or whether the statutory parameters that it has prescribed for others in defining their responsibilities are adequate having regard to the terms of the Treaty. We accordingly prefer and adopt the submissions in rejoinder by Counsel for the Waitara Borough Council. He argued that we were bound to consider "the responsibility of the Crown outside of all these planning acts" and then to review the acts in the light of our findings.

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

12 Recommendations

12 Recommendations

12. RECOMMENDATIONS

12.1 Broad approach and the relief sought

Section 6 (3) of the Treaty of Waitangi Act provides that we may recommend to the Crown that action be taken to compensate for or remove the prejudice complained of or to prevent other persons from being similarly affected in the future.

We have come to the conclusion that the Te Atiawa hapu are prejudicially affected (Chapter 11), and having regard to all the circumstances we consider several recommendations to be appropriate.

In making recommendations we have had regard to the long title and preamble to the Act which refer to the "practical application of the principles of the Treaty". We have been assisted to do this by the reasonable and practical approach taken by the Te Atiawa people themselves. At 4.9 and 11.3 we noted that while seeking a measure of protection and control for their reefs, the hapu concerned did not seek the exclusive use of them. Perhaps because of the extensive nature of the reefs, the hapu were concerned to consider the general public interest. This contrasted markedly with the submissions of others who gave no priority to the Maori interest in fishing grounds (Chapter 5), and with our interpretation of the Treaty of Waitangi that it establishes the right of Maori people to a priority of consideration that is not in fact given them (para. 10.2).

The Te Atiawa willingness to accommodate the national interest is apparent also in the particular relief proposed by them. While it was open to them to insist upon the protection of all their reefs, they accept limited discharges in one area at Waitara. We refer now to the Te Atiawa proposals in greater detail.

For some years now, and at hearings related to various projects, the local hapu have urged the provision of land based treatment plants. It has been urged in resolutions of the District Maori Women's Welfare League, the Taranaki Maori Trust Board, the Aotea District Maori Council and at tribal hui. It has also been urged by many of the local community. We were advised for example of a petition in 1982 by 2033 residents of Waitara and surrounding districts, seeking a full land based treatment plant to replace the ocean outfall at Waitara.

The local hapu are also opposed to a proliferation of outfalls. They are opposed because this threatens to spread pollution and it threatens the physical destruction of further parts of the reefs in the completion of the necessary works. They oppose the Motunui outfall for the added reason that the cost of it could be better used to assist the establishment of a better facility at Waitara. They would like to see Syngas, Clifton County Council and proposed industries combine with the Waitara Borough Council and its present users to complete a land based tertiary treatment plant. They do not urge one plant for the total region, but they do seek one plant for the Waitara district. As one witness from the local hapu stated "If the Motunui outfall is built parts

of our reefs will be destroyed by the blasting and because of the poisons will be tapu also . . . We cannot and will never accept another sea outfall on our coast. I stress these are the last remaining reefs belonging to our hapu."

During the course of our hearings, and on 19 October 1983, the local hapu was able to fine up on what they sought following a meeting with representatives of the Waitara Borough Council. Following that meeting they asked, that for now, the treated effluent from Syngas be directed through the Waitara Sewer outfall, to be followed eventually by "a land based treatment plant (tertiary) or any other suitable type of waste disposal through Waitara Borough Council." They considered that there should be one outfall to take not only the sewer effluent and trade wastes from the existing Waitara Borough Council users and Syngas, but from any new petrochemical plants to be established in the Waitara region.

They considered that any Development Fund levy on developers or any direct Crown funding should also go to assist in the financing of the appropriate plant.

We referred to the proposal to re-route the Syngas effluent at 9.3 and considered that the proposal had a measure of planning sense to commend it. We noted earlier that the support for the establishment of land based treatment plants indicated, amongst other things, an important cultural preference. We note that the particular proposal of the hapu does not mean that in the long term there should be no marine discharge. It proposes localising the discharge, and then only after tertiary treatment.

Tertiary treatment is more advanced than secondary treatment, and certainly much more advanced than the present primary treatment. It is also much more expensive, but as one witness for the hapu stated "we cannot accept any argument which promotes an inferior system as the best, simply because it is the cheapest."

In other respects we thought the hapu proposals did not go far enough. On the evidence before us it seemed that while a treatment plant for Waitara is necessary, this should be considered only on the basis that certain waste streams, and especially chemical waste streams, will be kept separate with a separate treatment for each including land disposal for certain industrial and chemical wastes, or with provision for such wastes to be removed on site. It seemed also that any marine discharge should not be in proximity to Maori fishing reefs and accordingly, the replacement rather than the repair of the Waitara outfall is necessary.

12.2 Recommendations affecting the Syngas project

As noted at 7.3 and 9.3 the Crown has adduced a number of good reasons for preferring a separate outfall at Motunui. We would not dispute the validity of those reasons insofar as they advance the interests of Syngas and provide an assurance that a work of national value and importance can proceed. We consider however, that it would be helpful for the Crown to give further weight to the interests of the local community and the local Maori people.

We consider that the national economic interests, local interests and the protection of the coastal environment are not irreconcilable. We consider that each of those interests can be advanced together, by better planning and co-ordination (as noted at 9.2) and by integrating the Syngas infrastructures into a co-ordinated development plan for the area (as noted at 9.3).

We were pleased to learn that the Crown is undertaking a further study of its effluent disposal options. In view of certain time limits, and in case that study cannot be completed in time, we urge that the Crown adopt the suggested proposal of discharging through the Waitara outfall as an interim measure.

Accordingly as a first step towards providing integrated planning in the local interest we recommend to the Minister of Energy -

That the proposal for an ocean outfall at Motunui be discontinued, and

That the Crown seek an interim arrangement with the Waitara Borough Council for the discharge of the Syngas effluent through the Council's outfall.

Having regard to the hapu divisions of the reefs and the terms of the Treaty of Waitangi we consider that the Motunui outfall should not be proceeded with whether or not an alternative outlet is available and whether or not an economic loss is thereby sustained.

We consider however that if it is necessary to secure an alternative outlet pending the completion of further study and planning, the Crown would be justified in securing that outlet by special legislation as an interim measure, until a longer term proposal can be worked out and agreed upon.

12.3 Recommendation for further planning

The re-routing of the Syngas effluent is but a first step towards achieving better planning and co-ordination in the interests of the local community and the protection of the coastal waters. We do not see that the protection of Maori fishing grounds and other renewable resources should necessarily prevent the exploitation of non-renewable resources and economic growth. We do consider however, that planning is necessary if both objectives are to be reconciled and achieved. As with all natural resources, the protection of Maori fishing grounds as envisaged in the Treaty involves much more than merely confronting specific problems as they arise. Active protection involves positive forward planning to guard against the creation of future problems. Future planning must begin with an acknowledgement of existing problems. We consider -

(1) That a new outfall for the Waitara Borough Council is required as a matter of urgency (refer 9.1). It needs to have a greater working capacity and preferably should be relocated. Greater consideration needs to be given however to the feasibility of an ocean outfall having regard to the constructional standards required in the light of known coastal characteristics, known engineering capabilities and costs.

Consideration needs to be given to how capital and maintenance costs should be apportioned amongst the various users and to the nature and extent of Crown assisted funding required having regard to any financial constraints upon the existing users (refer 7.1) and any shortfall necessary for the completion of the works.

(2) Any new outfall for Waitara must eventually be supplemented by a land based secondary or tertiary treatment plant. Further research is needed as to the most optimum form of plant. It is necessary to plan this in conjunction with plans for the separation of waste streams and the application of different forms of treatment, including land dispersal and/or the removal of certain effluents at plant sites, and the re-cycling of wastes. Cost-benefit analyses are also necessary in the selection of appropriate options (refer 9.1).

(3) Future industries need to be located together to maximise the most efficient and economical use of resources but on the basis that they can also pool resources for the provision of the most optimum of effluent disposal systems, in their collective interest, and the interest of the district. Further research is required in this area, and it is necessary for appropriate plans and strategies to be formulated (refer 7.2, 7.3, 9.1, 9.2, 9.3).

(4) There is a need for better maritime and regional planning. The present lack of

planning is a major constraint in the assessment of individual proposals and we have doubts that in all the circumstances appropriate planning can be undertaken and resolved with sufficient expedition solely through the Regional Planning Committee of the Taranaki United Council (refer 5.6 and 9.2).

(5) There is a need for several agencies and organisations to be brought together for greater co-ordination of their efforts in both the planning for and actual provision of appropriate infrastructures for the area (refer 9.2).

(6) The extent of Crown involvement in the region requires a review of the extent and nature of Crown assistance in the planning, construction and funding of appropriate infrastructures (refer 9.2).

(7) It is not desirable to have ocean outfalls in proximity to shellfish beds. It is desirable that a body, and we would suggest the Taranaki Catchment Commission, should be commissioned to define existing Maori fishing grounds in North Taranaki in consultation with the District Maori Council, and to study the effect of existing outfalls on them. Nor is it desirable that there be discharges into the Waitara River (refer 9.1).

(8) The exigencies are such that special legislative provisions may be necessary. Future planning and the resolution of existing problems will require much further research and study (refer for example, 9.1.5). It is our view that having regard to the wide ranging nature of the problems, that study should be undertaken by an inter disciplinary team, and through the agency of a body that is able to draw together the various interested parties, and that is able, not only to bring down plans, but to facilitate the practical implementation of specific proposals.

We consider that the situation in North Taranaki calls for urgent measures (refer 9.2). Accordingly -

We recommend the establishment of a Regional Planning and Co-ordinating Task Force under the aegis of the Ministers of Energy and Works and Development with the broad function of proposing medium term plans for development in the region and making recommendations for the provision of infrastructures and ancillary services commensurate with projected growth, and with the particular function of addressing and making recommendations on the matters that we have raised in 1-8 above.

We envisage that the Task Force would be small, comprised of say three expert persons, but with authority to meet in consultation with a number of agencies and to commission reports and research from them.

Amongst such others as it may think fit, the Task Force should act in consultation and concert with the Taranaki United Council, the Taranaki Catchment Commission and Regional Water Board, the Waitara Borough Council, Borthwicks, the Secretary of Energy, the Ministry of Works and Development, the Department of Health and the Commission for the Environment and should call for joint consultations.

12.4 Recommendations for the statutory recognition and protection of Maori fishing grounds

We have to this point been concerned with the identification and resolution of specific problems arising from developments in the area and from the unsatisfactory nature of the Waitara Borough outfall. Planning measures will not adequately resolve the problem in the long term however, without concurrent recognition being given to Maori fishing grounds in planning and other legislation, to ensure their future protection (refer para. 8.7).

The lack of legislative recognition for Maori fishing grounds is in our view

inconsistent with the Treaty of Waitangi (refer 10.2).

At first glance there appear to be two approaches to the legislative recognition of Maori fishing grounds. One is to provide specifically for Maori fishing ground areas to be reserved, and to provide particularly for the protection of those reserves in planning and related legislation. This presumes that Maori people will come forward to lay claim to particular areas. We think it unrealistic to presume that this would be done in all cases.

The other approach is to provide generally for the protection of Maori fishing grounds in planning legislation without specific provision for their reservation, but this would not enable local hapu to exercise a measure of control in respect of fishing grounds of particular significance.

There is however a third alternative, and it commends itself to us, to provide generally for Maori fishing grounds and to provide specifically for certain of those fishing grounds of particular significance to be formally reserved.

We do not consider that the formal reservation of Maori fishing grounds should be entrusted to any department of state or agency with a predominant commitment to the general public interest. Rather, we consider that that function should pass to the Maori Land Court, but with provision for interested departments of state, and statutory agencies such as the local authorities and Catchment Commissions, to be notified of proposed applications for Maori fishing ground reserves, and to be heard.

Accordingly we recommend that provisions be made for the recognition and protection of Maori fishing grounds in:

The Maori Affairs Act 1953

The Fisheries Act 1908 (including the provisions for controlled fisheries)

The Maritime Reserves Act 1971

The Maritime Farming Act 1971

The Marine Pollution Act 1974

The Health Act 1956

The Water and Soil Conservation Act 1967 and

The Town and Country Planning Act 1977 (including the provisions for Maritime Planning areas)

and any similar legislation.

(During the course of our inquiry the Fisheries bill and the Marine Reserves Bills were referred to. We do not consider it appropriate that we should comment upon Bills before the House except upon formal reference to us under Section 8 of the Treaty of Waitangi Act, but to the extent that those Bills may fail to give recognition to Maori fishing grounds, it also ought to be the subject of the review hereinafter proposed.)

We recommend that provision be made in the Maori Affairs Act 1953 that the Maori Land Court may upon application recommend the gazetting of Maori Fishing Ground Reservations in respect of fishing grounds of particular significance to local hapu. In so doing the Court shall appoint trustees upon terms of trust empowering them to make regulations for their management and control of the reservations within parameters set by the Court. Provision should be made that notice of any such application shall be given to the Department of Agriculture and Fisheries, the Local Authority and any United or Regional Council and the local Catchment Commission and Water Board, so that they may be heard on all matters relating to the creation of the reservation, the appointment of trustees and the extent of their powers of regulation. There should be a right of appeal against any decision of the Court.

It would be appropriate to the Treaty of Waitangi if the formal creation of Maori Fishing Ground Reservations were to be effected by the Governor-General by Order in Council on the recommendation of the Court.

Provision should also be made for the definition of such reservations by survey effected through the Department of Lands and Survey.

Other legislative provisions appear to us to place unnecessary constraints on planning authorities in the protection of the environment generally, and thus of the seafood and freshwater resources of significance to Maori people (refer paras 8.7 and 9.2).

Legislative amendments appear necessary:

(a) To apply the provisions of Section 3 and Section 102 of the Town and Country Planning Act to any area in respect of which a Maritime Plan does not exist, and to extend the provisions of Section 3 (1) (g) to include Maori fishing grounds. (It should be made clear that those provisions cover applications to discharge effluent by ocean outfall pipelines). Our reasons for so recommending were given at 8.7.

(b) To empower Regional Water Boards to impose conditions or adopt practices enabling them to control the method of waste disposal. At present the Boards can do no more than set standards and enforce them when there is a breach. It is left to the developer to endeavour to attain those standards. We consider it important that the Boards' overview should be extended to a consideration of whether a particular proposed treatment facility will suffice.

(c) To enable Regional Water Boards to instigate variation procedures to existing water rights in recognition of changing circumstances. At present water rights issue for a fixed term and the current legislation does not enable the Boards to instigate variation procedures. An amendment should be made in recognition of the regional implications of rapid growth and the difficulties involved when discharge and other rights cannot be integrated with the grant of new rights.

We referred at 4.8 and 10.1 to certain anomalies that in our view call for further amendments. In particular we recommend:

(a) An amendment to the Fisheries (General) Regulations 1950 to enable the harvesting of paua under 125 mm from the Te Atiawa reefs and to enable special licences to issue for the taking of shell fish on the occasion of a tangi on the authority of only a Maori Community Officer, a Fisheries Inspector, or an elected representative to the New Zealand Maori Council where either a Community Officer or a Fisheries Inspector are not readily available.

(b) An amendment to the Maori text of the Treaty of Waitangi in the First Schedule to the Treaty of Waitangi Act 1975 to correct obvious errors.

Accordingly -

we recommend the establishment of an inter-departmental committee under the direction of the Minister of Maori Affairs comprised of representatives from the Department of Maori Affairs, the Minister of Agriculture and Fisheries, the Ministry of Works and Development, the Department of Health and the Department of Lands and Survey to draft amending legislation to provide for the reservation and control of significant Maori fishing grounds, for the recognition of Maori fishing grounds in general regulatory and planning legislation, to improve existing provisions for the assessment and control of particular work projects, and to effect certain miscellaneous amendments, in accordance with our proposals as given above.

We consider that the Committee should act in consultation with the New Zealand Maori Council on amendments providing for the creation and recognition of Maori fishing grounds, and the taking of shellfish for tangi and hui.

12.5 Compensation and Costs

Section 6 (3) of the Treaty of Waitangi Act enables us to "recommend to the Crown that action be taken to compensate for or remove the prejudice..."

In this case the Te Atiawa people have not sought compensation. Counsel for the Te Atiawa claimants did refer however to the "financial sacrifices" that the hapu have made in presenting their claim to us. During the course of our inquiry we noted that members of the hapu have been involved in other inquiries too in order to advance their case. This has involved appearances at the hearings related to the New Plymouth water rights application (about four days), the Petralgas application (about four weeks), the Syngas proposals (about seven weeks) and as appellants before the Court of Appeal in Wellington. These hearings have required a number of hui of the people and the preparation of evidence and submissions. Certain individuals, like Aila Taylor who is a butcher at the local freezing works, have had to take much time off work.

It was obvious that the hapu had conducted extensive researches and done considerable work to present their case to us. The presentation of that case in fact took one week. We were impressed by the thoroughness of their work, and the restrained and dignified manner in which their case was presented.

The hapu also intend to be involved in the Waitara outfall hearing this year.

We have no authority to award costs or to make recommendations with regard thereto, but we would consider appropriate, an ex gratia payment by the Crown to Aila Taylor as representative of the hapu, for their efforts to protect that which in our view the Treaty guaranteed a protection.

We are grateful to the several Departments of State and statutory bodies or agencies that attended each day of our sittings to make extensive submissions and to assist considerably in our inquiries. We mention in particular the considerable assistance provided by the Taranaki Catchment Commission and Regional Water Board which has also been involved in extensive litigation and proceedings before other Tribunals in the performance of its statutory functions. The number of proceedings results largely from the growth in the area of new industries of national importance and we consider that this has placed an undue burden upon it. Its costs in appearing before us have been properly assessed at over \$20,000.

Owing to a pending Court action against it, the Waitara Borough Council was unable to present evidence to us, but we were ably assisted by counsel for the Borough. He attended each day of our sittings and made extensive submissions. He also sought a measure of agreement with the local hapu during the course of proceedings, and although that attracted some criticism, we considered his actions entirely appropriate to our inquiry where consultation and new understandings between different interest groups is important in seeking practical solutions to the sorts of problems that must confront us.

We consider that the consequences of national growth should be apportioned equitably on a national and a local basis. They should not result in an oppressive charge or levy on local people. We think it appropriate that the Crown should consider contributing to the legal costs of the Taranaki Catchment Commission and Waitara Borough Council in their appearances before this Tribunal.

12.6 Dispatch of this report

In accordance with Section 6 (5) of the Treaty of Waitangi Act 1975 the Registrar is directed to serve a sealed copy of this report containing our findings and

recommendations on

(a) The claimant, Aila Taylor and for the Te Atiawa people, S. Raumati, chairman of the Manukorihi Marae Trustees, R. Bailey, chairman of the Aotea District Maori Council and R. A. Muggeridge (Counsel).

(b) The Minister of Maori Affairs;

The Minister of Energy;

The Minister of Works and Development;

The Minister of Agriculture and Fisheries;

The Minister of Health and

The Minister for the Environment.

(c) The Secretaries for the Departments of State responsible to the above ministers and the Commissioner for the Environment;

The Waitara Borough Council and its Counsel Mr Bornholdt;

The Taranaki Catchment Commission and Regional Water Board and its Counsel Mr Somerville;

The Taranaki United Council;

Borthwicks C.W.S. Limited and its Counsel Mr Camp;

Petralgas New Zealand Limited and its Counsel Mr Boon;

Synthetic Fuels Corporation of New Zealand Limited and its Counsel Mr Holm;

F White for the Taranaki Clean Sea Action Inc.;

B Allison for the Taranaki Values Party;

C Jury for the Waitara Surfriders Club;

The Secretary for the New Zealand Maori Council; and

The Chief Registrar of the Maori Land Court.

In conclusion we pay tribute to the people of Manukorihi Marae for their hospitality in catering for the Tribunal and for those who attended our proceedings.

DATED at Wellington this 17th day of March 1983

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

A1 Appendix I

A1 Appendix I

A1 APPENDIX I

THE ORIGINAL CLAIM

IN THE MATTER of the Treaty of Waitangi Act, 1975

AND

IN THE MATTER of a claim by Manukorihi and Atariawa Hapus of Te Atiawa Tribe

TO: THE WAITANGI TRIBUNAL

I, AILA TAYLOR of Waitara, member of Te Atiawa Tribe, claim the tribe to be prejudicially affected by the policy or practice adopted by or on behalf of the Crown which results in failure to properly control discharge of sewage and industrial waste into the sea between New Plymouth and Waitara such policy or practice being inconsistent with the principles of the Treaty of Waitangi in that it has in particular adversely affected fishing grounds known as Tauanga, Te Puna, Titi Rangi and Orapa Reefs belonging to Manukorihi, Otaraua and Ngati Rahiri Hapus and is causing and will continue to cause irreversible damage to a larger area of sea bed on which the Te Atiawa Tribe relies as a source of food thereby depriving the Te Atiawa Tribe of the full exclusive and undisturbed possession of fisheries which it desires to retain as confirmed and guaranteed to it by the Crown.

DATE: "2 June 1981"

FOR AND ON BEHALF OF TE ATIWA TRIBE

"A. Taylor"

.....

AILA TAYLOR

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

A2 Appendix II

A2 Appendix II

A2 APPENDIX II

FURTHER PARTICULARS OF CLAIM

IN THE MATTER of the Treaty of Waitangi Act, 1975

AND

IN THE MATTER of a claim by Te Atiawa Tribe and its Manukorihi Otaraua and Ngati Rahiri and other Hapus

I, AILA TAYLOR of Waitara, member of and authorised spokesman for Te Atiawa Tribe say as follows: -

1. HAPUS OF TE ATIAWA TRIBE both before and since the Treaty of Waitangi have enjoyed the full exclusive and undisturbed possession of their respective fisheries including those offshore and beyond low water mark along the Taranaki Coast and it is their wish and desire to retain the same in their possession.
2. PARTICULAR fishing grounds affected are Tauanga, Te Puna, Titi Rangi and Orapa reefs belonging to Manukorihi, Otaraua and Ngati Rahiri Hapus.
3. TE ATIAWA TRIBE relies on its fisheries as a source of food.
4. THE Taranaki Catchment Commission by order dated 6/12/73 gave the Waitara Borough Council as a local authority constituted under the Local Government Act, 1974 the right for a period of ten years to discharge preliminary treated sewage and industrial waste into the sea off the Waitara River at a point approximately 1200 metres off shore subject inter alia to the following conditions.
 - (a) The discharge is to conform to class SE standards and any portion of the discharge that should reach the beaches must meet the classification SB or such higher classifications when the coastal waters are classified by the Water Resources Council in due course.
 - (b) In the event of the discharge or any portion of it not meeting the above classification then steps must be taken to give primary treatment to the discharge to ensure the classification is met and the Commission requires land to be reserved for a future Waste Water Treatment Plan site.
 - (c) Monitoring of the discharge from the outlet to and including the beaches as required from time to time by the Commission shall be carried out by the Waitara Borough Council and result supplied to the Commission as and when requested the full cost to be carried by the Council.
5. A series of tests carried out by both the Taranaki Catchment Commission and the Health Department has now established that pollution off the area of the Waitara River mouth and extending along a considerable area of the coastline on either side is to a level in excess of that permitted by the Commission.

6. SUCH tests have also established that bacterial contamination of shellfish exceeds the American Federal Drug Administration quality standards and renders them unfit for human consumption.
7. PETRO Chemical industries being established near Waitara have obtained approval for the discharge of industrial waste and sewage into the same area of the sea as is already polluted by the Waitara Outfall and the position in the absence of proper supervision is therefore likely to deteriorate.
8. TE ATIAWA TRIBE claims that the policy or practice adopted on behalf of the Crown by its Agencies including the Taranaki Catchment Commission and the Health Department prejudicially affects its rights to its fisheries and is inconsistent with the principles of the Treaty of Waitangi.
9. TE ATIAWA TRIBE requests that the Treaty of Waitangi Tribunal inquire into and make such recommendations as it may consider appropriate to remove the prejudice it complains of and to prevent other persons from being similarly affected in the future.

"A. Taylor 18/3/82"

.....
AILA TAYLOR

Waitangi Tribunal, Department of Justice, Wellington.

Motunui Waitara Report

A3 Appendix III

A3 Appendix III

A3 APPENDIX III

INDIVIDUAL NOTICES DESPATCHED TO -

The Applicant
New Zealand Synthetic Fuels Corp. Ltd
Petralgas Chemicals NZ Ltd
Borthwicks C.W.S. Ltd

The Minister of National Development and Energy
The Director-General of Health
The Ministry of Works and Development
The Department of Agriculture and Fisheries
The Department of Maori Affairs, Wellington

The Commissioner for the Environment

Taranaki Catchment Commission and Regional Water Board
Taranaki Harbour Board
Taranaki United Council
New Plymouth City Council
Waitara Borough Council
Clifton County Council

Environment and Conservation Organisation of New Zealand Inc.
Environmental Defence Society Inc.
North Taranaki Environment Protection Association
Taranaki Clean Sea Action Group Inc.
Waitara Fisherman's Association
Taranaki Branch, Values Party

Professor S. M. Mead, Maori Studies Section, Victoria University of Wellington
Professor H. Kawharu, Maori Studies Section, Massey University
Dr R. Mahuta, Maori Research Section, Waikato University
Dr P. Hohepa, Anthropology Department, Auckland University
Mr D. Williams, Senior Lecturer in Law, Auckland University
The Secretary, New Zealand Maori Council, Wellington
The Editor, Tu Tangata magazine, C/- Department of Maori Affairs, Wellington

Motunui Waitara Report

A4 Appendix IV

A4 Appendix IV

A4 APPENDIX IV

SUBMISSIONS AND EVIDENCE RECEIVED

This is a list in order of appearances of those persons who presented evidence and submissions before the Tribunal over the period of three sitting weeks.

* marks those persons who did not appear but lodged written submissions.

** marks those persons who appeared in each sitting and presented additional submissions or evidence.

*** marks those persons who gave submissions and called evidence.

WEEK OF 5 JULY 1982

Te Atiawa Tribe - Aila Taylor

- Ngawhakaheke Wetere
- Moke Couch
- Joe Tukapua
- Ray Watemburg

**Ministry of Agriculture and Fisheries. - Harold Thatcher

Te Atiawa Tribe - Fiona Clarke

- Ray Watemburg **
- Ted Maha
- Charles Bailey
- Vera Bezams **
- Milton Hohaia **
- Aila Taylor
- Sally Karena **
- Myra Tippins
- Sue Watson
- Kevin Morrell
- Dr David Lyall

North Taranaki Environment
Protection
Association - Dr
Ben Grey

Department of Health - Dr John Reid

New Plymouth City Council - Ian Dudding(watching brief only)

Te Atiawa Tribe - P. A. Muggeridge ***

WEEK OF 18 OCTOBER 1982

**Commission for the
Environment - S. Kenderdine ***
- K. Piddington *
- Prof. M. Loutit

Taranaki Catchment
Commission - R. Somerville ***
- J. V. Douglas
- F. M. Power
- W. E. Boyfield
- F. M. Patrick
- B.G. Chamberlain
- M. A. Patchett

Minister of Works &
Development - John Gallen ***
- K. J. Thompson
- D. R. Cameron
- C. W. Mills
Taranaki United Council - John Hutchings

On own behalf - Huirangi Waikerepuru

On own behalf - Sally Karena **

WEEK OF 22 NOVEMBER 1982

**Minister of Agriculture &
Fisheries - H. Gajadhar ***
- C. Little
- B. Cunningham

Taranaki Values Party - B. Allison

Petralgas N.Z. Ltd - B. Boon

**Commission for Environment
- H. Rigg-Hughes
- C. D. Douglas
- S. Kenderdine ***

Taranaki Clean Sea Action Inc.

- F. White
- A. Foley
- M. Wood
- R. Watemburg

Waitara Surfriders Club

- C. Jury

Department of Health

- O. Smuts-Kennedy ***
- Dr. C. Collins
- D. Till
- Dr J. Reid **

Borthwicks C.W.S. Ltd

- C. Stavens ***
- P. Mahoney

Ministry of Works and
Development - J. Gallen

Synthetic Fuels Corporation

- M. Holm

Minister of Energy - W. Falconer

Taranaki Catchment

Commission - J. Douglas **

- R. Neals
- R. Somerville ***

**

Waitara Borough Concil - B. Bornholdt

On own behalf - S. Te Waru

Department of Maori Affairs

- W. Dewes

On own behalf - Hikaia Amohia

On own behalf - Titi Tihu

Te Atiawa Tribe - R. Muggeridge **

- M. Hohaia **

On own behalf - Vera Bezams **

On own behalf - S. Karena **

In addition written submissions or commentaries were received, without appearance, from: -

District Judge, W. J. M. Treadwell, Chairman, No. 2 Division, Planning Tribunal

Professor S. M. Mead (Victoria University of Wellington)

Deputy Registrar, Maori Land Court, Wanganui (Acquisition of Maori land for Petro-chemical sites)

David V. Williams (University of Auckland)

J. H. Rapaea of New Plymouth

E. R. Tamati of Bell Block, New Plymouth

LIST OF REPORTS OF THE WAITANGI TRIBUNAL

Wai-1 Fishing Rights (Hawke) March 1978

Wai-2 Waiau Pa Power Station February 1978

Wai-4 Kaituna River November 1984

Wai-6 Motunui-Waitara March 1983

Wai-8 Manukau July 1986

Wai-9 Orakei November 1987

Wai-10 Waiheke Island June 1987

Wai-11 Te Reo Maori April 1986

Wai-12 Motiti Island May 1985

Wai-15 Fishing Rights (Te Weehi) May 1987

Wai-17 Mangonui Sewerage August 1988

Wai-18 Fishing Rights (Lake Taupo) October 1986 Wai-19 Maori 'Privilege' May 1985

Wai-22 Muriwhenua Fishing June 1988

Wai-25 Maori Representation (ARA) December 1986

AVAILABLE FROM:

Waitangi Tribunal
Department of Justice
Wellington
NEW ZEALAND

AND

Government Print
Wellington
NEW ZEALAND
93963C - 89C

Waitangi Tribunal, Department of Justice, Wellington.

Tena koutou katoa. Kua tae mai nei, ki te tautoko, te kaupapa o te ra. Ka nui te mihi ake, ki a koutou.

Good afternoon Mr Chair, hearings panel, officers and members of the public. Thank you for the opportunity to speak to this kaupapa, the Proposed Coastal Plan for Taranaki, today.

[Short pepeha]. Ko Sarah Mako toku ingoa. I have a Bachelor in Resource and Environmental Planning and have worked as a planner for eight years. More recently I have been processing planning applications for a local planning authority in London and on my return to NZ, I have been processing resource consent applications for the New Plymouth District Council.

I am currently Pou Taiao/ Policy Advisor Environment at Te Kotahitanga o Te Atiawa Trust and have been in my role for four weeks. Heoi ano, I will be speaking to Te Kotahitanga's submission today. I trust the submission can be taken as read and will touch on only a couple of matters.

Firstly I wanted to acknowledge and congratulate Chris Spurdle and the policy officers here at the Taranaki Regional Council for the amount of work that has gone into the review of the Coastal Plan for Taranaki. In most instances our submission relief sought has been accepted and where it has been part accepted or declined, sufficient officer justification has been provided. Nga mihi ki a koutou.

It is well known that many elements of Te Ao Maori and matauranga maori cannot be translated to or given English meaning without potentially reducing the mana or the impact of these maori realities. Te Kotahitanga consider that the scope of the proposed plan is broad, including the standards and conditions, matters of control/ discretion and the policy content. The plan reflects tangata whenua's cultural, spiritual and historical association with the whenua and tangaroa and the scope as proposed will ensure full consideration is given to the potential effects on Te Atiawa's cultural values through the application of the Coastal Plan for Taranaki.

Te Kotahitanga does have some relatively minor concerns about the updated version of the proposed plan following submissions.

Historic heritage is defined in the RMA and includes cultural qualities. In some instances the plan refers to cultural and historic heritage and in some instances historic and cultural heritage. For consistency we would seek that the plan should refer to cultural and historic heritage.

I am aware some hapū o Te Atiawa chose not to record some sites of significance to maori in the proposed plan. Proposed policy 15 is prescriptive in requiring only the adverse effects on those sites identified within schedules 5A and 5B to be considered. It is my understanding that schedules were a tool for rules and the policy context should be kept broad so as to not limit discretion. Te Kotahitanga seeks clarification on this.

Regarding Schedule 4C and the table of taonga species, this appears to have been prepared from the deeds of settlement of the iwi o taranaki. To ensure plan users are not restricted by this statement, Te Kotahitanga requests that the addition of iwi planning documents is also referred to.

Te Kotahitanga do not entirely agree with the officer justification for not amending an activity status from permitted to controlled in some instances. Notwithstanding this, we are supportive of the addition of the condition to most of the rules requiring many activities to not have a significant adverse effect on the values associated with taonga species (as per Schedule 4C). We look forward to seeing how applicants will satisfy the requirements of this condition.

[Commented about rule 26, reiterated the concerns of Nga Rauru in relation to the rule's activity status; however, noted that the matters over control/ discretion requires the consideration of effects on cultural values and historic heritage. We trust officers will note tangata whenua concerns regarding this rule].

We are in the final stages of preparing our iwi environmental management plan – Tai Whenua, Tai Tangata, Tai Ao – for launch. We hope that in the event the plan is launched prior to the proposed Coastal Plan being adopted, reference to our Plan can also be able to be referenced in any final version of the Coastal Plan

Given the scope of the proposed plan, particularly in relation to the consideration of cultural values and effects on them, we trust the Taranaki Regional Council will provide their officers with appropriate training and development to consider these values and effects and inform their recommendations. I suspect the plan will go well beyond the level of consideration to and assessment of potential adverse effects on cultural values than officers have assessed in the past. Te Kotahitanga and ngā hapū o Te Atiawa will expect to be engaged as a cultural expert on applications.

Thank you for this opportunity to speak to this kaupapa. I would be happy to take any questions.

No reira, tena koutou, tena koutou, tena tatou katoa.

Hearing on the Proposed Regional Coastal Plan for Taranaki

Forest & Bird's submission and Officers' Report recommendations

Introduction

My name is Karen Evans and I represent the National Office of the Royal Forest and Bird Protection Society as Regional Manager for the Lower North Island, including Taranaki.

The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. It is a not-for-profit organisation with members and supporters across the country, who care passionately about New Zealand's unique natural environment and want to ensure our natural taonga are protected for future generations. Forest and Bird has 48 branches across New Zealand. Our North and South Taranaki branches have actively led and contributed to environmental efforts across the Taranaki region for generations, for the benefit of local communities and our natural environment.

Forest & Bird's main objective is to protect New Zealand's natural features, indigenous flora and fauna, and their habitats. We work to protect wildlife and wild places on land and in the sea. Key matters of interest therefore relate to the protection of ecological values in the coastal environment, particularly the protection of New Zealand's indigenous biodiversity and natural character.

Forest & Bird appreciated the prehearing meeting held by Council staff late last year and the opportunity to provide comments on the draft Officers' report. In my submission today, I intend to focus on the key concerns that Forest & Bird still has with the Proposed Coastal Plan. I will also refer to recommendations made in the s42A Planner's Report, where these relate to our submissions and concerns.

Overview

Forest & Bird recognises that the Council has responsibilities under the Resource Management Act (RMA) (s6) to protect matters of national importance, and broader functions for the maintenance of indigenous biodiversity (s31). We have employed expert advice to align the outcomes we seek with these responsibilities and functions.

Forest & Bird's submission and my comments below promote alignment with the New Zealand Coastal Policy Statement (NZCPS), which directs how matters of national importance in the coastal environment are to be protected.

Our submission raised a number of concerns with the proposed regional Coastal Plan where it has not adequately given effect to the NZCPS, and in particular its directive Policies 11, 13 and 15, which require that adverse effects on certain values, areas, features and landscapes are to be avoided.

In preparing to speak to Forest & Bird's submission today, I have sought advice on the certainty, clarity and directiveness of provisions in the proposed Plan to ensure the protection of indigenous biodiversity and natural character. My comments today will focus on a number of provisions where the proposed wording would detract from achieving the protection required under the NZCPS.

The extent of the Coastal Environment – Policy 4

1. The Officers' recommendation resolves our concern that the notified wording did not allow mapping of the coastal environment in district plans.
2. However, as set out in Forest & Bird's submission (43-262), Policy 4's direction for determining the inland extent of the coastal environment is inconsistent with the NZCPS. This issue was not resolved by the s42A Report recommendation.
3. Our outstanding concerns about the case by case consideration of the inland extent of the coastal environment are that:
 - Firstly, the proposed clause (b)(ii) is not consistent with Policy 1 of the NZCPS, which includes no such basis for determining the extent of the coastal environment. In our view including this consideration in Policy 4 could result in inappropriate determination of the extent of the coastal environment. For example, the effects from the Port could extend much further inland than the coastal process and influences considered under the NZCPS.
 - Second, it does not currently refer to the coastal environment line shown on the planning maps.
4. Recognising the reasons set out in the Officers' Report, Forest & Bird suggests the following amendments to address our submission:
 - recognise the coastal environment line shown on the planning maps;
 - include direction to consider the regional Coastal Plan's mapped indicative coastal environment line where a district plan has not otherwise mapped the landward extent of the coastal environment;
 - remove clause (b)(ii); and
 - provide for a case by case consideration that is consistent with all relevant considerations from Policy 1 of the NZCPS.
5. We suggest the following wording to achieve this:

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) having particular regard to areas mapped in a district plan or proposed district plan as being the coastal environment or equivalent; or

(b) where a district plan or proposed district plan has not mapped the coastal environment area, considering the indicative coastal environment line shown on the planning maps [map link]; and

(c) on a case by case basis recognising areas landward of the coastal marine areas including:

- (i) 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.
- (ii) areas at risk from coastal hazards;

- (iii) coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - (iv) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - (v) items of cultural and historic heritage in the coastal marine area or on the coast;
 - (vi) inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - (vii) physical resources and built facilities, including infrastructure, that have modified the coastal environment.
- 6. Forest & Bird also seeks to amend the definition of “Coastal environment” for consistency with our requested amendments to Policy 4. We consider that the definition should be simplified and recognise the relevant direction in Policy 4, as follows:

~~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~~

 - (a) all of the coastal marine area; and
 - (b) areas landward of the coastal marine area identified under Policy 4.
- 7. We also suggest including a note under this definition referring to the planning maps showing the coastal marine area (CMA) and the indicative coastal environment line.

Integrated management – Policy 2

- 8. Forest & Bird supports the integrated management approach in the Plan which provides overarching objectives and policies throughout the coastal environment, and the activity-based policies and rules which apply within the CMA.
- 9. Forest & Bird supports the Officers’ amendment to Policy 2(a) to address our submission (43-231) by adding reference to significant indigenous biodiversity.
- 10. At the pre-hearing meeting we expressed concern about the Officers’ recommendation to include “industry” alongside regionally important infrastructure in Policy 2(f). Forest & Bird is concerned that this amendment attributes a regional importance to industry equivalent to regionally important infrastructure, but without higher level policy direction to support this. We do not consider the Officers’ explanation that this inclusion is only within Policy 2 for integrated management to be a sufficient justification.
- 11. This amendment creates uncertainty because “industry” (whether ‘regionally important’ or not) is not given any special status under the Regional Policy Statement (RPS) (unlike “Regionally significant [/important] infrastructure”). This is particularly concerning due to the direction to “provide” for the needs of industry in clause (f). Forest & Bird therefore does not support the Officers’ recommendation to add reference to “industry” at clause (f).
- 12. Forest & Bird sought amendments to the introductory paragraphs of Section 5.1 (General policies) in relation to integrated management. We support the Officers’ recommendation (43-179) to accept in part, however we note that the amended wording on the Officers’ Report differs from the tracked version of the Plan. Our preference is for the wording in the tracked version of the Plan as this aligns with what is shown on the maps.

Precautionary approach – Policy 3

- 13. We support the Officers’ recommendation (43-250) to remove adaptive management from the Policy to address our submission. This amendment was necessary because adaptive

management is not necessarily a precautionary approach. We accept that adaptive management can still be considered by decision makers, as noted in the Officers' report.

Coastal management area approach – Policy 1

14. Forest & Bird is generally supportive of the minor changes recommended by the Officers' report to clarify the coastal management area approach to address our submission.

Indigenous biodiversity – Section 5.1.3A

Identification of significant areas for indigenous biodiversity

15. Forest & Bird's submission seeks that the Plan identifies areas with significant indigenous biodiversity¹ to give effect to the RPS (including BIO Method 1, Policy 3 and 4) and as an effective way to give effect to Policy 11 of the NZCPS. The Taranaki RPS specifically directs Council to identify and monitor areas with significant indigenous biodiversity.
16. If areas containing significant biodiversity are not identified, it is harder to protect them under the Plan, especially when the Plan provides for permitted activities. Identifying areas is also the most effective way to provide certainty for people carrying out activities in the CMA.
17. Our submission included an Appendix (2) setting out criteria for the identification of significant indigenous biodiversity. Forest & Bird seeks that the Plan includes a direction to identify areas of significant indigenous biodiversity by applying these criteria.
18. We sought a number of amendments in our submission. Having considered the Officers' report and that the Plan has now progressed to the hearing stage, we suggest addressing our submission through a simple alternative amendment to Policy 14 that will enable Council to identify areas through resource consent processes and through any future surveys and assessment process:
 1. Add a new clause to Policy 14:

“(c) using the criteria in Appendix [X] to identify areas of significant indigenous biodiversity.”
 2. Add an Appendix [X] containing significance criteria into the Plan (as set out in Appendix 2 of Forest and Bird's submission).
19. This amendment would go a long way to addressing Forest & Bird's submission and does not change the direction already set in Policy 14 – consent decisions would be made on the basis of clauses (a) and (b). The new clause (c) would simply support this by identifying areas where (a) and (b) would need to be applied.

Protection of significant indigenous biodiversity – Policy 14 and Rules

20. Forest & Bird supports the s42A Report recommendation to include mapped 'significant marine animal and seabird areas' (43-1321).
21. However, we have some concerns with the way these areas are identified and provided for in the Plan.
22. Firstly, by including the 'significant marine animal and seabird areas' under clause (b)(vi) it implies that:

¹ As this applies to “significant indigenous vegetation and habitats of significant indigenous species” in s6(c) of the RMA and Policy 11 of the NZCPS.

1. These areas simply represent 'ecological corridors and areas important for linking or maintaining biological values';
 2. These areas do not include any other types of ecosystems and habitats listed under clause (b); and
 3. These areas do not contain any taxa, habitats or significant community types where adverse effects are to be avoided under clause (a).
23. Second, it is unclear on what basis the 'significant marine animal and seabird areas' have been identified. By comparison, for areas of 'Outstanding natural character', the terms are defined in the Definitions and characteristics are set out in a Schedule.
24. We suggest these uncertainties should be resolved as follows:
1. Adding a definition explaining what these areas are, for example:

"Significant marine animal and seabird areas are areas which are identified as including habitat and ecological values recognised under Policy 14(a) and (b)."
 2. Adding a Schedule setting out the key values and attributes identified in these areas that signify them as 'significant marine animal and seabird areas'.
 3. Amending Policy 14 to ensure that effects under both clauses (a) and (b) can be considered within 'significant marine animal and seabird areas'. This is best achieved by removing the reference to these areas in clause (b)(vi) and adding a separate clause providing for effects under both (a) and (b) to be considered in 'significant marine animal and seabird areas'. For example:

"(d) Controlling the effects of activities in 'significant marine animal and seabird areas' consistent with (a) and (b) above."
25. Third, the lack of reference to these areas in the Rules makes it unclear how or when protection will be provided.
26. To ensure that the values of these areas are protected and that Policy 14 (a) and (b) are achieved, we seek a consenting approach for activities within these areas, by amending the Rules as follows:
1. For all Permitted activities add a condition that:

"The activity is not within a significant marine animal and seabird area, as shown on the Maps."
 2. For all Controlled activities adding a matter of control for:

"Adverse effects on significant marine animal and seabird areas."
27. Lastly, the Council's responsibilities to recognise and provide for protection of significant indigenous biodiversity under the Rules are uncertain and in some cases, lacking altogether.
28. Forest & Bird's submission raised concerns about the Plan's use of conditions that rely on users to determine the effects of activities. This is particularly problematic when an "adverse effect" cannot be readily observed until it is too late.
29. Conditions are most effective when they set out clear limits and requirements that are not subjective, for example conditions like:
1. any change in the temperature of the receiving environment by more than 3°C;
 2. the structure has a maximum internal diameter of 300 mm and extends a maximum of 0.5 m seaward of the line of mean high water springs;

3. the structure is not placed or erected in any Marine Reserve or Marine Protected Area.
30. It is not appropriate to rely on a person undertaking a Permitted activity to determine whether or not their activity will have an adverse effect on threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type. It is the Council's responsibility to provide for protection and to ensure adverse effects are avoided, as necessary, to give effect to the NZCPS.
31. The conditions on Permitted activities that we are most concerned with are 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]" (Rules 1, 18, 19, 20, 35, 44, 47, 53, 54);
 - "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]" (Rules 12, 12A, 31, 51, 52, 65);
 - "The activity does not have a significant adverse effect on aquatic life" (Rule 15);
 - "navigation aid erection or placement 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]" (Rule 21);
 - "The activity does not have an adverse effect on any site identified in Schedule 7A [Regionally and nationally significant surf breaks]" (Rule 65);
 - "the taking or use of water is not at a quantity or rate that would cause significant adverse environmental effects" (Rule 65).
32. In relation to Controlled activities, we are similarly concerned about the 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]" (Rules 12A, 22, 25A, 26, 32, 37, 40, 54).
33. It is relevant that "effect" includes potential effects under the RMA. But Plan users are unlikely to know whether their activity would or would not have the stated effect – on what basis are they expected to predict this?
34. The Council must consider the adequacy of any measures to avoid, remedy or mitigate adverse effects in order to meet its RMA responsibilities in relation to matters of national importance (s6(c)) and maintenance of indigenous biodiversity (s30(1)(ga)). The consent process is important in enabling the Council to do this. It allows the opportunity to review impact assessments and set appropriate limits or conditions on activities. By setting conditions/limits, the Council can also monitor and enforce compliance on that basis.
35. Forest & Bird therefore submits that conditions on Permitted or Controlled activities should only be provided where it is known that the potential effects will be no more than minor. In such cases these should be clear conditions that limit the location, scale and type of activity in an objective manner.

Maintaining indigenous biodiversity - Policy 14A

36. Forest & Bird supports the s42A Report recommendation to separate the directions to maintain and enhance indigenous biodiversity into a new Policy 14A to address Forest & Bird's submission. However, we are concerned about the proposed wording of that Policy.
37. Policy 14A as recommended does not provide clear direction on what actions are considered necessary to "maintain" or "enhance" indigenous biodiversity. The Policy needs to set out how maintenance is to be achieved and also consider impacts of activities on the maintenance of biodiversity.
38. We are particularly concerned about the following:
1. The inclusion of the words "as far as practicable" in clause (a), particularly as this is not simply an "avoid" policy. The words are also uncertain in terms of the RMA's direction to avoid, remedy, or mitigate any adverse effects of activities on the environment (s5(2)).
 2. At clause (b)(iii), the direction to consider "the degree to which indigenous biodiversity values will be lost, damaged, destroyed" is inconsistent with the overall Policy direction to "maintain" and "enhance" indigenous biodiversity.
 3. Clause (b)(iii)ii. recognises that "discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable" – however it is unclear how the extent of the "ecological area" is to be determined, given that ecological areas have not been identified under the Plan.
 4. The Officers' recommended wording is not aligned with the Regional Policy Statement.
39. We have suggested wording to address these concerns, based on the wording of the RPS² (shown in red) and other similar Plans that we are familiar with:

Policy 14A: Indigenous biodiversity

Maintain and enhance indigenous biodiversity generally in the coastal environment by:

(a) ~~as far as is practicable~~, avoiding, remedying and mitigating the adverse effects of activities on indigenous biodiversity; and

(b) managing adverse effects to provide for the continuing functioning of ecological processes including:

(i) connections within, or corridors between, habitats of indigenous flora and fauna;

(ii) ecosystems, habitats and areas that provide buffering of habitats of indigenous flora and fauna;

(iii) botanical, wildlife, fishery and amenity values;

(iv) biological and genetic diversity;

(v) water quality, water levels and flows; and

(vi) soils, substrate, minerals, nutrients or other physical factors or processes necessary for the survival of any indigenous flora or fauna species or community

~~(b)c~~ when assessing adverse effects on indigenous biodiversity, having regard to the extent of effects, including consideration of:

² The relevant provisions of the RPS are BIO POLICY 1, 2, 5 and 7, BIO METH 7.

- (i) the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;
 - (ii) the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;
 - (iii) the social and economic benefits of appropriate use and development of resources
 - (iv) that a minor or transitory effect may not be an adverse effect;
 - (vi) that where the effects are or maybe irreversible, then they are likely to be more than minor;
 - (vii) that there may be more than minor cumulative effects from minor or transitory effects.
- ~~the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that;~~
- ~~i. the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;~~
 - ~~ii. discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and~~
 - ~~iii. activities with transitory effects may be acceptable, where they can demonstrate the effects are not long term and/or irreversible.~~

Natural character and Natural features and landscapes - Policies 8 and 9

- 40. Forest & Bird raised a number of concerns with the way the Plan addresses Natural Character, and Natural features and landscapes in our submission.
- 41. We support the Officers' recommended change to the wording of Policy 9 clause (a)(v).
- 42. However, a key outstanding concern is that the Plan needs to identify areas of "High Natural Character". This is necessary to give effect to Policy 13 of the NZCPS, which requires "mapping or otherwise identifying at least areas of high natural character".
- 43. From our pre-hearing discussions with Council staff, we understand that the Council already has GIS information for areas of high natural character, but that they prefer this information sits outside the Plan. However, that approach makes little sense as this information must be contained within the Plan itself, for the Plan to give effect to the NZCPS.
- 44. Including mapped areas in the Plan also allows inclusion of rule conditions and matters of control/discretion to specifically refer to High Natural Character areas.
- 45. The alternative identification through the consenting process anticipated by the Officers (43-1320) creates unnecessary uncertainty for consent applicants who cannot identify whether their proposed activity is within an area of High Natural Character.
- 46. Forest & Bird therefore seeks:
 - 1. Inclusion of the mapped areas of High Natural Character in the Plan.
 - 2. Changes to Policy 9 to give effect to the NZCPS, and provide clarity for Plan users. The wording we suggest here is based on that used in the recent Northland Regional Plan. Amending Policy 9(a) to include:

“(ix) in areas of high natural character in the coastal marine area, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants)”

3. Addition of a Matter of control for all Controlled activities: “effects on High Natural Character”.

Appropriate use and development – Policy 5

47. The directive nature of Policy 5 on “Appropriate use and development” as proposed is of significant concern to Forest & Bird.
48. This wording precludes the consideration of protection under the other policies in the Plan (in particular Policies 8, 9 and 14). This is because Policy 5 directs that the appropriateness of an activity is determined by applying clauses (a) to (j), without allowing for any other factors to be considered.
49. The *King Salmon* decision provides important guidance on the consideration of “inappropriate” activities. The Court in that case found that “inappropriate” must be determined on the basis of what is to be protected.
50. However, the directive wording of Policy 5 means the approach set out in the *King Salmon* decision cannot be effectively applied when looking at the protective Policies of the Plan. This is because Policy 5 alone would determine what is appropriate, leaving no room to apply *King Salmon* to determine what is inappropriate in relation to the protective Policies.
51. The Officers’ Report (43-282) does not respond to the amendments sought by Forest & Bird to remedy the directive nature of this Policy.
52. In pre-hearing discussions, Council Officers advised us that the entirety of the General policies section was intended to be read as a whole and no policy considered in isolation. However, Forest & Bird’s experience from many Environment Court processes is that directive policy wording can be read over other policy wording and create conflicting direction when read beside other directive policies.
53. Therefore, while Forest & Bird could be generally comfortable with Policy 5 as it provides useful guidance, we consider the directive wording is highly problematic. Our submission outlined how this could be resolved, or as an alternative we suggest:
 1. Making Policy 5 subject to the protective policies:

“Policy 5: Appropriate use and development
Subject to Policies 8, 9, 14, 15 and 19, Determine whether subdivision and use and development of the coastal environment is in an appropriate location and form, and within appropriate limits, by having regard to: ...”
 2. Or, amending Policy 5 to be less directive:

Determine-Consider whether subdivision and use and development of the coastal environment is maybe in an appropriate location and form, and within appropriate limits, by having regard to (but not limited to) the following: ...”

Seismic surveying – Rule 12 and 12A

54. Forest & Bird’s submission sought a Discretionary and Non-complying activity status for seismic testing/surveying.

55. We support the Officers' recognition that a consenting approach is necessary and their inclusion of a new Rule 12A to address this. However we consider that a Controlled activity classification is not sufficient for seismic surveying for the following reasons:
1. Compliance with condition (a) does not mean adverse effects are avoided or even at safe levels for marine mammals.
 2. Determining compliance with condition (b) in order to accept an application as a Controlled activity is inappropriate. An assessment of this scale can only be adequately considered by Council through a consent process after the consent application is accepted.
 3. In our view Council needs to retain discretion to decline such applications and to enable full public notification where matters of national importance may be adversely impacted.
 4. It may or may not be possible to develop an appropriate mitigation proposal, but this cannot be adequately considered by the Council at the pre-application stage.
 5. It is unlikely that seismic surveying could conclusively avoid adverse effects. In our view appropriately determining compliance with condition (b) would likely result in the majority of seismic surveying applications being processed as Discretionary or Non-complying activities under Rules 13 and 14. Therefore, classifying seismic surveying as a Controlled activity is misleading.
56. Having considered the Officers' Report, Forest & Bird retains its position that seismic testing should have a Non-complying activity status in areas of Outstanding Value, Estuaries Unmodified and Estuaries Modified. We also consider that a Non-complying status is appropriate within 'significant marine animal and seabird areas'.
57. We would accept a Restricted discretionary, rather than full Discretionary classification for the Open Coast area provided:
1. Seismic surveying does not occur within 'significant marine animal and seabird areas';
 2. Applications are publicly notified; and
 3. Council retains discretion in relation to:
 - the level of noise and vibration generated from the activity;
 - the timing of the activity, including whether it occurs at night or during times of low visibility in and above water;
 - the modelling used to determine sound threats and mitigation zones/buffers;
 - the range of frequencies of concern for any detection practices;
 - public notification where there is potential for significant adverse effects or adverse effects on matters of national importance, including threatened or at risk marine mammals; and
 - the matters set out by the reporting Officers as matters for control.

Aquaculture – reference in Policy 5

58. Forest & Bird's submission sought that the Plan identify areas for Aquaculture. As result of pre-hearing discussions with Council staff, we accept that identification of specific areas in

the Plan may not be practicable at this time given the lack of demand and suitability for aquaculture activities generally in Taranaki.

59. We remain concerned with the inclusion of aquaculture in Policy 5 (at clause (b)) and the directive basis this provides for determining appropriate locations, as already outlined.
60. However, the inclusion of aquaculture in Policy 5 would be reasonable if that Policy is amended as sought above; so that the directive wording is removed or it is clearly subject to the protective Policies.

Regionally Important Infrastructure – Policy 6, reference in Policy 5

61. Forest & Bird is supportive of the Officers' amendments to Policy 6 (explained at 43-305 of the s42A Report), which largely resolve the concerns set out in our submission.
62. However as for aquaculture above, we are concerned with the inclusion of Regionally Important Infrastructure in Policy 5 at clause (aa). Again we consider that this would be reasonable if Policy 5 is amended as sought.

Management of adverse effects of the National Grid - Policy 6A

63. Policy 6A has been proposed by the Officers to address Forest & Bird's submission on Policy 6 and in response to Transpower's submission. Forest & Bird has concerns with the wording proposed by the Officers as there is some uncertainty in applying clause (a) when considering the following clause (b), which has only a "seeking to avoid" rather than "avoid" approach.
64. Subsequently, we have had some correspondence with Transpower about amendments to Policy 6A and we have no particular concerns with the version of Policy 6A which they shared with us prior to hearings. However, without clear policy direction and appropriate consenting requirements throughout the rest of the Plan, the application of Transpower's proposed Policy 6a is also uncertain.
65. We are unable to state agreement or otherwise with Policy 6A due to the implications of other provisions which are also subject to change.

Offshore (petroleum) drilling and production – Policy 29

66. Forest & Bird's submission supported Policy 29 in part and sought an amendment that the Policy would provide for existing lawfully established activities. Forest & Bird also further submitted in opposition to TransTasman Resources Ltd who sought to delete the word 'petroleum' from Policy 29.
67. The Officers' recommendation is to delete 'offshore petroleum' from Policy 29 so that the Policy provides generally for drilling and production activities.
68. Forest & Bird are opposed to this amendment. We are particularly concerned that:
 1. It is not clear what "drilling and production" activities the Policy would now apply to, whereas this was reasonably understood in the context of offshore petroleum.
 2. The matters considered under (a) to (d) are no longer adequate, because whereas the codes, standards and practises referred to in Policy 29 were previously applicable to offshore petroleum drilling and production, it is now uncertain whether these are applicable to the undefined activities that may be considered under Policy 29.

3. The consideration of adequate separation and buffer distances at clause (aa) is not adequate direction to avoid adverse environmental effects and is particularly uncertain in terms of the protection required to give effect to the NZCPS.
 4. The Policy would not enable Council to protect the significant and outstanding values of the CMA from adverse effects generated from activities in neighbouring regions or beyond the 12 nautical mile limit.
 5. Policy 29 creates a conflict with the protective Policies in the Plan, and it does not give effect to the NZCPS.
69. Forest & Bird seeks that Policy 29 applies solely to 'offshore petroleum drilling and production'.
70. We also seek that it is amended to apply only to existing lawful activities. This does not prevent new petroleum drilling and production activities or other drilling and production activities from applying for resource consent.

Maintenance, minor alteration or minor extension of existing structures – Policy 36

71. Forest & Bird sought changes to clarify Policy 36 and the definition of "Maintenance", which have been accepted in part in the s42A Report.
72. We generally support the Officers' changes subject to:
 1. removing the term "material change" added by Officers;
 2. removing "minor extension" added by Officers; and
 3. removing "minor alteration" retained by Officers, but which Forest & Bird's submission sought to delete.
73. The term "material change" is subjective, removing it clarifies the Policy.
74. The inclusion of "minor alteration" and "minor extension" are also uncertain as what counts as "minor" is subjective. What is considered "minor" could vary significantly depending on the size of the original structure and such alterations or extensions may not be appropriate in all cases. The Policy 36 direction of "allowed" is not appropriate given this uncertainty and the potential for perverse outcomes. This is because the direction that these activities be "allowed" on the basis of 'appropriate management of adverse effects' is not consistent with the direction to 'avoid adverse effects' under Policies 8, 9 and 14 of the Plan.
75. We have also considered how this Policy is applied under the Rules of the Plan:
 1. We support the addition of a small 5% size change limit in Rule 35 as this provides certainty for users and the application of Policy 36 in respect of Permitted activities.
 2. However our concerns remain with how Policy 36 is applied in consent processes. It is unlikely consent could be declined for activities to be "allowed" on the basis of "appropriate management of adverse effects".
76. Forest & Bird seeks:
 1. Either inclusion of definitions for "minor alteration" and "minor extension" as set out in our submission, or alternatively removal of the provision for "minor alteration" and "minor extension" from Policy 36; and
 2. Amendment of "appropriate management of adverse effects" to "appropriate avoidance, remediation or mitigation of adverse effects". This is also consistent with the Officers' recommended wording in Policy 6.

Disturbance, deposition or extraction activities – Policy 41

77. Forest & Bird supported the notified wording of Policy 41. However at clause (g), the scope of activities that are **allowed** under this Policy has been expanded by the s42A Officers' amendments to include "altering" or "extending" structures.
78. We are concerned with this amendment as Policy 41 uses similar wording as Policy 36, to "allow" activities on the basis of "appropriate management of adverse effects".
79. Forest & Bird seeks to return Policy 41 to the notified wording, or alternatively to:
 1. Remove provision for "alteration or extension" from clause (g) in Policy 41; or
 2. Change "appropriate management of adverse effects" to "appropriate avoidance, remediation or mitigation of adverse effects..."

Appropriateness of reclamation or drainage – Policy 45

80. Forest & Bird sought changes to Policy 45 to ensure consistency with the NZCPS. Most of those changes were rejected by the Officers on the basis that they consider Policy 45 gives effect to the NZCPS when read in conjunction with each of the other relevant policies. Forest & Bird disagree.
81. Under the notified wording, reclamation or drainage of land would not be allowed unless (a) to (d) of the Policy were met. The implication being that if they were met, then the activity would be allowed. It was uncertain in our view whether Council could adequately consider other Policies given the direction of this policy wording.
82. We now have further significant concerns with the Officers' proposed changes to this wording, which direct that reclamation or drainage of land is to be allowed where clauses (a) to (d) are met. There is no flexibility under this wording for Council to apply other policy directions. This Policy clearly conflicts with the protective Policies and as a result the Plan does not give effect to the NZCPS.
83. In addition, the direction that reclamation or drainage would not be allowed where clauses (a) to (d) are not met has been removed. This means that the activities which do not meet (a) to (d) can still be considered under the Plan.
84. This amended wording is even more directive.
85. Forest & Bird seeks that Policy 45 is reverted to the notified wording and amended as per the original relief sought in our submission (at page 41). Alternatively Policy 45 could be amended to be less directive:

Consider ~~Reclamation or drainage of land in the coastal marine area will not be allowed unless~~ only in circumstances where:...

Noise and Vibration - Policy 49

86. We are comfortable with the Officers' proposed amendment to address our submission on Policy 49, as it resolves inconsistency with NZCPS. We note that the wording sought in our submission is preferable as it gives effect to the NZCPS with more certainty.

Matters for control – Controlled Rules

87. We support the Officers' recommended amendments to the effects on ecological values now specifically referring to Natural character, features and landscape values, and effects

on indigenous biodiversity. This creates alignment with policies in the Plan and Policies 11, 13 and 15 of the NCPS.

Rule 1A - Water discharges

88. New permitted Rule 1A provides for the discharge of water. It appears from the Officers' report that this is intended to respond to a submitter's request for an allowance for the use of portable water treatment units for military training, and discharges from cooling systems used on boats/outboards. If there are additional activities this is intended to cover, it would be good for Council to clarify these.
89. Because Rule 1A is not specific to any activities, Forest & Bird's concern is that it may provide scope for a wider range of activities to occur with unanticipated adverse effect on the environment.
90. The Rule's provision for discharge of "minor contaminants" is concerning. There is no definition of "minor contaminants" or specific conditions to limit types of contaminant.
91. If an appropriate definition cannot be determined, adding a new condition limiting Rule 1A to the activities for which it was sought would help provide some certainty to the Rule and potential effects:

"(x) the activity is for the purpose of portable water treatment units for military training, and operating or maintaining cooling systems used on boats/outboards"

Rules 15 and 16 - Port Air Zone – addition of discharge of contaminants to water

92. The changes to Rules 15 and 16 now include discharge of contaminants to water in the Port Air Zone from the storage or transfer of cargo materials.
93. Under the notified Plan wording, such water discharges would likely have been considered as Discretionary activities under Rule 13, and where the discharge is stormwater it would have been Discretionary under Rule 2. It is not clear whether stormwater (where the discharge is specific to storage or transfer of cargo in the Port Air Zone) would now also be captured under Rules 15 and 16 as amended.
94. Rule 15 as amended is a significant change in activity classification for discharges of contaminants and of stormwater to water.
95. The Rule does not specify limits to any of the contaminants that may be included with the discharge. For example, a discharge from wash-down of surfaces (such as from sweeping and truck exit grids) could include fertiliser compounds which affect water quality but may not be visually conspicuous.
96. Including discharge of contaminant to water as a permitted activity in Rule 15 does not allow for the management of cumulative effects on water quality.
97. The requirement to avoid significant adverse effects on aquatic life is not sufficient or easily enforceable.
98. For these reasons, Forest & Bird seeks the inclusion of an additional condition to provide protection for indigenous biodiversity:

"(x) the activity does not include any wash-down water from vehicles or traffic surfaces or from the clean-up of spills or storage or cargo material."

Rule 18 - Outfall structures

99. Forest and Bird submitted on Rule 18 in relation to construction standards for condition (b) and disturbance, as well as to clarify the scope of the Rule with regard to discharges.
100. The recommendation in the Officers' report to add a note regarding discharges addresses that aspect of our submission. The minor amendments (shown in blue in the Tracked version provided by the Officers) resolve Forest & Bird's submission in respect of condition (b) which was uncertain.

Rule 22 and 37 - Network utility structures

101. The Officers' recommendation to include the management areas for "Outstanding values" is not appropriate in Controlled activity Rule 22.
102. The conditions of this Rule are not sufficient to capture all adverse effects which are to be avoided under the NZCPS. For example, the amended matters for control include effects on natural character, however, if an effect on natural character which must be avoided under Policy 13 of the NZCPS cannot be avoided, Council would not be able to decline consent under the controlled activity classification.
103. The control over the location could not be used to decline a consent application on the basis of an alternative location avoiding adverse effects on natural character if the alternative location is not part of the application proposal.
104. Council needs to retain the ability to decline consent in "Outstanding value" areas.
105. Further, this amendment to the 'Coastal management area' where the Rule applies is inconsistent with Rule 37, which also has a Controlled classification. Rule 37 does not include "Outstanding value" areas for the alteration and extension of network utility structures. For those activities in "Outstanding value" areas, a non-complying classification applies under Rule 43.
106. For consistency with the amendment to Rule 18 condition (b), the same amendment regarding occupation should also be added to condition (a) in Rule 22.
107. Forest & Bird seek Rule 22 remains as notified, i.e. that it does not include "Outstanding value" areas.

Rules 33 and 34 - Structures with addition of other drilling and temporary military training activities

108. The Officers' recommendation makes significant changes to the activities captured under these "catch-all" rules. By catch-all, we mean these are the rules that apply where another rule doesn't capture the activity – i.e. these catch-all rules can capture activities that have not been anticipated or are not as common as those addressed specifically in other rules.
109. As a catch-all, we consider that the classifications for Rules 33 and 34 should be at least as stringent, if not more so, than the preceding rules.
110. This is not the case in respect of activities in Estuaries Modified. For example, drilling of an exploration or appraisal well under Rule 28 is a non-complying activity in Estuaries Modified as well as Estuaries Unmodified and Outstanding Value.
111. In our view, the Officers' amendments to Rules 33 and 34 provide greater weight to the need for these activities in Estuaries Modified to be addressed through the more stringent tests required for Non-complying activities.

112. As set out in Forest & Bird's submission, we request that Estuaries Modified are removed from Rule 33 and included in Rule 34, so that activities will be subject to the higher tests under Non-complying activity classification.

Definitions

113. Accretion – We support the Officers' recommended amendment to address Forest & Bird's submission.
114. Adaptive management – We support the Officers' recommended deletion of this definition to address Forest & Bird's submission.
115. Alteration – We support the Officers' recommended deletion of this definition to address Forest & Bird's submission.
116. Coastal environment - Forest & Bird still has concerns with this definition as set out in our submission and discussed in relation to the extent of the coastal environment above.
117. Data deficient – We support the Officers' recommendation to include this new definition to address Forest & Bird's submission.
118. Extension – This definition is helpful to clarify this term and to address Forest & Bird's submission.
119. Functional need – We support the definition wording as recommended by the Officers.
120. Maintenance – We support the Officers' recommended amendments to this definition to address Forest & Bird's submission.
121. Reclamation – We support the Officers' recommendation to include this new definition to address Forest & Bird's submission.
122. Regionally important infrastructure – the Officers' amendment to clause (d) adds "storage" of mineral. This appears inappropriate in terms of regional importance and potential effects on the coastal environment. The amendment would result in storage of mineral being considered "appropriate" in the coastal environment when it should be preferable that such storage it is located outside the coastal environment. We also note that Port Taranaki is provided for in clause (a) and that clause (b) is a more general provision.
123. Repair – We support the removal of this definition to address Forest & Bird's submission.

Closing

While I have provided more detail and explanation on a number of matters raised in Forest & Bird's submission, as well as responding to amendments recommended by the Officers which are relevant to those submissions, we rely on our original and further submissions for the matters I have not been able to raise today.

Forest and Bird commends the Council on the progress made to date on the proposed Coastal Plan. We look forward to further improvement of the Plan to ensure it provides sufficient and clear protection for Taranaki's valuable coastal environment and biodiversity.

Thank you for your time today.

**BEFORE THE HEARINGS PANEL FOR
THE PROPOSED REGIONAL COASTAL PLAN FOR TARANAKI
AT STRATFORD**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER Submissions and Further
Submissions in relation to the
Proposed Regional Coastal Plan
for Taranaki

AND **Port Taranaki Limited**
Submitter #32

**STATEMENT OF EVIDENCE OF KEVIN JAMES LEHRKE
ON BEHALF OF PORT TARANAKI**

PORT OPERATIONS

01 AUGUST 2019

1. INTRODUCTION

- 1.1 My full name is Kevin James Lehrko. I hold the position of Environment Manager at Port Taranaki Limited. I have been in this position since 1 April 2019. Immediately prior to that I was engaged as a contractor as Acting Environment Manager from January to March 2019, and in a technical role from January 2018 to December 2018 providing environmental management support services.
- 1.2 I hold a New Zealand Certificate in Science that was awarded in 1983 by the Authority for Advanced Vocational Awards (now a NZQA National Diploma – Level 6) and Postgraduate Diploma in Environmental Management and Technology that was awarded in 1998 by Oxford Brookes University.
- 1.3 I have nearly 30 years' experience in environmental management in New Zealand. Most of that time has been spent within the Taranaki region. I have previously made, or contributed to, submissions on regional plans and I have provided evidence at resource consent hearings in Taranaki and in Southland.
- 1.4 I contributed to the submission and the further submission that Port Taranaki Limited (PTL) made on the Proposed Regional Coastal Plan (PRCP). I was also party to two consultation meetings with Taranaki Regional Council (TRC) officers, one at the TRC office in Stratford and one at the PTL office in New Plymouth.
- 1.5 The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:
- (a) The operative Regional Coastal Plan for Taranaki
 - (b) The Proposed Regional Coastal Plan for Taranaki
 - (c) The Officers' Section 42A Report and recommended tracked changes
 - (d) Coastal Permit 6409-1

2. SCOPE

- 2.1 I offer a view from the 'operating' perspective of the Port. By this I mean that I am responsible for understanding and interpreting the rules of the Plan to ensure that the Port operates in compliance with them.
- 2.2 Full details of the Port's views on the proposed provisions have been provided in the table attached to Ms Carter's evidence. I believe that the rationale for the Port supporting, accepting or opposing those provisions has been explained and I would simply like to highlight and expand on a few of the key ones that could cause significant difficulty from an operating perspective if they are misunderstood.

3. PROPOSED RULES

Rule 4 – Petroleum dispersal use in the Port

- 3.1 PTL currently holds Coastal Permit 6409-1 for capital dredging in the Port Area. A copy of this is attached as Appendix A.
- 3.2 One of the potential effects of capital dredging is the promulgation of a natural oil seep from the seabed.
- 3.3 Coastal Permit 6409-1 contains 21 special conditions including Special Condition 3 that requires the consent holder to provide to the written satisfaction of the Chief Executive, TRC, a contingency plan outlining measures to be undertaken in the event of an unforeseen spill or discharge event.
- 3.4 In addition, special condition 17 requires the consent holder to adopt the best practicable option, as defined in section 2 of the RMA, to prevent or minimise any actual or likely adverse effects on the environment.
- 3.5 Rule D2.2 of the operative Regional Coastal Plan permits PTL (and others) to discharge of petroleum dispersants into water or onto land in the coastal marine area. This rule enables PTL to discharge its consent compliance obligations in the event of a natural oil seep.
- 3.6 Rule 4 of the PRCP has the same effect and it is specific to capital dredging.

3.7 The current proposal to delete Rule 4 is based on a desire not to duplicate regulatory controls addressed under the Marine Protection Rules – Part 132: New Zealand Spill Control Agents.

3.8 PTL has not had sufficient time to resolve the matter and it is therefore PTL's preference that Rule 4 is retained and that Maritime New Zealand's (#54) alternative amendment is accepted i.e. that the term "petroleum dispersant" is simply replaced with "oil spill control agent".

Rule 11 – Abrasive blasting

3.9 PTL supports this rule based on the understanding from the definition that it does not include waterblasting or pressure washing without the addition of an abrasive agent.

3.10 PTL submits that there may be a typographical error in the definition and the word 'short' may have been intended to read 'shot'.

Rules 15 and 16 – Storage or transfer of cargo materials within the Port Air Zone

3.11 PTL supports the inclusion of "and water" in this rule in acknowledgement of Rule G2.11 in the operative plan and the fact that when dry bulk cargoes are transferred between ships and shore there is, and always has been, the potential for some to escape into the water.

Definition - Port

3.12 PTL supports the officer's recommendation to clarify the definition of "Port".

3.13 PTL suggests that there may be value in considering the use of the word "Port" throughout the plan and, where appropriate, clarifying whether it is referring to the Port Coastal Management Area or to the infrastructure or other assets owned by Port Taranaki Limited.


Kevin James Lehrke
10 July, 2019

APPENDIX A

Consent 6409-1

Coastal Permit
Pursuant to the Resource Management Act 1991
a resource consent is hereby granted by the
Taranaki Regional Council



CHIEF EXECUTIVE
PRIVATE BAG 719
47 DUNCAN STREET
STRATFORD
NEW ZEALAND
PHONE 06 765 7127
FAX 06 765 9657
www.trc.govt.nz

Please contact the number
on all correspondence

Name of
Consent Holder: Port Taranaki Limited
P O Box 348
NEW PLYMOUTH

Consent Granted
Date: 7 April 2005 [by the Minister of Conservation]

Conditions of Consent

Consent Granted: To remove up to 2,700,000 cubic metres of material from the bed of the coastal marine area of Port Taranaki within the area commonly known as Port Taranaki including the approach channel out to a depth of about 14.5 metres below Chart Datum [see Appendix 2] see various grid references at or about GR: P19:000-302

Expiry Date: 1 June 2039

Review Date(s): June 2005, June 2017, June 2021, June 2025, June 2029, June 2034

Site Location: Area commonly known as Port Taranaki including the approach channel out to a depth of about 14.5 metres below chart datum [see Appendix 2], Breakwater Road, New Plymouth

Legal Description: Port Taranaki

Catchment: Tasman Sea

*For General, Standard and Special conditions
pertaining to this consent please see reverse side of this document
www.trc.govt.nz*

Working with people • Caring for our environment

Consent 6405-1

General conditions

- a) On receipt of a requirement from the Chief Executive, Taranaki Regional Council the consent holder shall, within the time specified in the requirement, supply the information required relating to the exercise of this consent.
- b) Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent must be at the consent holder's own expense.
- c) The consent holder shall pay to the Council all required administrative charges fixed by the Council pursuant to section 36 in relation to:
 - i) the administration, monitoring and supervision of this consent; and
 - ii) charges authorized by regulations.

Special conditions

- 1) The consent holder shall provide written notice to the Chief Executive, Taranaki Regional Council, at least one [1] month prior to undertaking each programme of dredging activities under this consent, and again upon completion of the disturbance. Notification shall include the expected duration of the dredging programme, the location(s), the depths proposed to be dredged to, and shall outline proposed community notification and consultation, and the nature of any monitoring proposed.
- 2) The consent holder shall notify the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy of the harbour works at the time the consent is granted, at least one [1] month prior to undertaking each programme of dredging activities, and again upon completion of the work.
- 3) Prior to the each specific dredging exercise under this consent, the consent holder shall provide to the written satisfaction of the Chief Executive, Taranaki Regional Council, a contingency plan outlining measures to be taken in the event of an unforeseen spill or discharge event.
- 4) The consent holder shall place a notice of at least two column widths in the Taranaki Daily News newspaper, on at least two occasions, not less than three days prior to any blasting activities. In the notice the consent holder shall supply a contact phone number where questions can be addressed.
- 5) The consent holder shall undertake a regular programme of community consultation with interested nearby residents, including regular meetings and updates, on dredging programmes, and blasting activities. The consent holder shall report annually on all community consultation undertaken within each calendar year, such report to be provided by 31 May each year.

Consent 6400-1

- 6) The consent holder shall undertake an independent pre-blasting survey of residential properties, if requested by the Chief Executive, Taranaki Regional Council. The consent holder shall remedy any significant adverse effects caused by vibration as a result of blasting, as determined by the Chief Executive, Taranaki Regional Council.
- 7) Blasting may only take place between the hours of 7 am and 6 pm.
- 8) The consent holder shall monitor, at land based locations, the vibration effects of blasting activities at distances of approximately 100 metres and approximately 200 metres (or if the distance is less than 100 metres, at the furthest land based location practicable) from the nearest residential property in line with the blast locations. The consent holder shall provide a written report on the results of vibration monitoring, to the satisfaction of the Chief Executive, Taranaki Regional Council, within one (1) month of the completion of a set of blasting activities.
- 9) The exercise of this consent is limited to the areas provided for in Appendix 2 attached to this consent. The depths of excavation provided in Table 1 within Appendix 2 are considered to be the target dredge depth below chart datum, with the maximum depth of disturbance being an additional 0.5 metres below chart datum.
- 10) Prior to any dredging in the area D3, the consent holder shall provide for the written approval of the Chief Executive, Taranaki Regional Council, existing and proposed cross section profiles in at least three (3) locations of the seabed and Lee Breakwater beach.
- 11) The exercise of this consent shall be conducted in accordance with the information submitted in support of the application and to ensure that the conditions of this consent are met at all times.
- 12) The consent holder shall make every effort, where practicable, to minimise effects on marine biota during the exercise of this consent.
- 13) The consent holder shall use reasonable and practical endeavours to ensure no blasting takes place when marine mammals are present within 500 metres of the blast site.
- 14) The consent holder shall ensure that all dead marine biota are removed, where practicable, within the Port, and in particular Ngamotu Beach, whether or not the cause of death is considered to be the result of blasting operations.

Consent 6409-1

- 15) The exercise of this consent shall at all times comply with the noise requirements of section 4.4.3(b) of the Regional Coastal Plan for Taranaki.
- 16) The exercise of this consent shall not have any significant adverse effect on the geomorphic form or function, and public amenity values of either Ngamotu Beach or the Lee Breakwater Beach.
- 17) At all times the consent holder shall adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any actual or likely adverse effect on the environment associated with dredging and blasting activities.
- 18) The consent holder shall keep and maintain records of all dredging and blasting activities under this consent including dates of dredging and blasting, and the dredged and blasted locations and the depths dredged to, and shall make these records available to the Chief Executive, Taranaki Regional Council, upon request.
- 19) In the event that any archaeological remains are discovered as a result of works authorised by this consent, the works shall cease immediately at the affected site and tangata whenua and the Chief Executive, Taranaki Regional Council, shall be notified within one working day. Works may recommence at the affected area when advised to do so by the Chief Executive, Taranaki Regional Council. Such advice shall be given after the Chief Executive has considered: tangata whenua interest and values, the consent holder's interests, the interests of the public generally, and any archaeological or scientific evidence. The New Zealand Police, Coroner, and Historic Places Trust shall also be contacted as appropriate, and the work shall not recommence in the affected area until any necessary statutory authorisations or consent have been obtained.
- 20) This consent shall lapse on the expiry of five (5) years after the date of issue of this consent, unless the consent is given effect to before the end of that period or the Taranaki Regional Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.
- 21) In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2005, and/or June 2009, and/or June 2013, and/or June 2017, and/or June 2021, and/or June 2025, and/or June 2029, and/or June 2034, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Consent 6408-1

Transferred at Stratford on 12 October 2005

For and on behalf of
Taranaki Regional Council



Director-Resource Management

**BEFORE THE HEARINGS PANEL FOR
THE PROPOSED REGIONAL COASTAL PLAN FOR TARANAKI
AT STRATFORD**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER Submissions and Further
Submissions in relation to the
Proposed Regional Coastal Plan
for Taranaki

AND **Port Taranaki Limited**
Submitter #32

**STATEMENT OF EVIDENCE OF JANICE CARTER
ON BEHALF OF PORT TARANAKI**

PLANNING

01 AUGUST 2019

1. INTRODUCTION

- 1.1** My full name is Janice Carter. I hold the position of Technical Director - Planning at GHD. I have been in this position since April 2013 originally with the title "Principal Planner".
- 1.2** I hold the qualifications of Bachelor of Science in Geology and Geography from the University of Canterbury and a Master of Science (Hons) (Resource Management) from the University of Canterbury and Lincoln College. I have 28 years' experience in Resource Management Planning. I am also a full member of the New Zealand Planning Institute. I have completed the Good Decisions training course and hold an accredited hearing commissioner chair endorsement.
- 1.3** My experience includes planning in both a local authority environment and in private practice. A large proportion of my work has involved regional and district plan drafting, regional and district plan administration, managing resource consent processing contracts for local authorities, and preparing resource consent applications and assessments of environmental effects for a variety of developments requiring a suite of consents from both district and regional councils.
- 1.4** I have been involved in assisting Port Taranaki Limited (PTL) with planning advice since 2007. Most recently I have been assisting PTL with the New Plymouth District Plan Review and the Proposed Regional Coastal Plan (the Proposed Plan). In respect to the Proposed Plan this has included assisting with drafting submissions and further submissions, attending meetings with PTL, and with Taranaki Regional Council (TRC) officers.
- 1.5** I am familiar with Port Taranaki and its environs having visited it on numerous occasions.
- 1.6** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

1.7 The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are:

- (a) The operative Regional Coastal Plan for Taranaki (the operative Plan);
- (b) The Proposed Regional Coastal Plan for Taranaki (the Proposed Plan);
- (c) The draft Regional Coastal Plan for Taranaki (draft Plan);
- (d) The New Zealand Coastal Policy Statement (2010);
- (e) The Taranaki Regional Policy Statement (2010);
- (f) The draft New Plymouth District Plan; and
- (g) The Officers' Section 42A Report and recommended tracked changes.

2. SCOPE

2.1 This evidence covers the submissions and further submissions made by PTL to the Proposed Plan. My evidence is from a planning perspective. The body of my evidence is contained within **Attachment A**. This evidence includes consideration of input from Mr Roper and Mr Lehrke which have informed my opinions. As discussed in the table in Attachment A, a letter is provided in **Attachment B** from Mr Peter McComb in respect to the Main Breakwater surf break.



Janice Carter

01 August 2019

ATTACHMENT A – Table Responding to the Officers Section 42a Report

	Retain Section 1.7.4 of the Plan as notified.	Support noted. Section 1.7 is retained subject to minor amendments as requested by other submitters.	nature of the Port Coastal Management Area ('The Port') considered appropriate and important to enable the marine area for the on-going operation and development of Port Taranaki regionally important infrastructure.
48	Amend	Decline	Support Officers' recommendation. It is considered that the approach is appropriate and an efficient and effective way to manage different coastal marine area environments.
	Submitter opposes the coastal management area approach adopted in the Plan as it is unclear as to how it applies to the wider coastal environment.	The coastal management areas approach is specific to the coastal marine area. It is based upon a similar regime that has been successfully applied through the current Coastal Plan and effectively is a zonal approach identifying five 'coastal management areas' based upon shared values, characteristics, vulnerabilities or sensitivities, and management needs. The 'zones' bundle compatible activities or effects of those activities together and restricts activities which are incompatible. Of note, management responses may vary within the coastal management area (and at a finer spatial scale) according to the particular sites and values triggered within a particular locality.	
- Port Taranaki	Oppose		

Coastal management			
92	Support	Accept	Support Officers' recommendation.
	Retain Objective 1 of the Plan as notified.	Objective 1 is retained subject to the minor amendment in response to the submitter (20) above.	
- Port Taranaki Ltd	Support		

Appropriate use and development			
103	Amend	Accept	<p>It is considered that the recommended wording does not recognise regionally important infrastructure as sought by the submitter, and is poorly worded.</p> <p>Seek: Retain Objective 2 as originally notified and add the following:</p> <p><i><u>The strategic importance of regionally important infrastructure and growth and development of regionally important infrastructure and growth and development of regionally important infrastructure to meet changing needs is provided for in appropriate locations</u></i></p> <p>It is noted that Policy 6 and Policy 5(aa) (and potentially others) have an objective in the overall framework that it is important to provide for the provision of this new objective closes that gap.</p> <p>It is also considered that this wording gives effect to the intent of the CNC Policy 3 Coastal Natural Character Policy for Port Taranaki "Appropriate recognition should be given to Port Taranaki's efficient operation and enable appropriate development to occur to meet changing needs". See also Policy 9.</p>
	Submitter seeks amendment of Objective 2 of the Plan (or add new objective) to specifically address provision for ongoing development of strategically significant regional and national infrastructure, including Port Taranaki.	Officers recommend amending Objective 2 to grant this and other related reliefs sought by the submitter. The amended Objective would read as follows: <i><u>Natural and physical resources of the coastal environment are used efficiently, and activities that have a functional need or an operational need, that depend on the use and development of these resources, are provided for in appropriate locations.</u></i>	
- Powerco (45), Z Energy and Mobil Oil NZ Ltd	Support in part		

		amendments as requested by other submitters.		
l water quality				
129	Support	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Accept	There is concern that the new tracked changed wording in section 42A report creates uncertainty, as there are no standards which would determine what is considered “good” and “bad”. For instance, if the water at Port Taranaki considered degraded, it may affect mitigation required (i.e. enhancement) beyond the standards. Any proposed port related discharge in order to gain a consent from Port Taranaki Limited (PTL) is a responsible party and should be mitigating its own effects. However, it is concerned with the uncertainty/costs around requirements to <u>enhance</u> , if the port is considered degraded, and to what standards. It is considered that this objective goes well beyond the requirements of Policy 21 of the NZCPS.
	Retain Objective 5 of the Plan as notified.	Support noted. Objective 5 is retained subject to minor amendments as requested by other submitters.		
- Port Taranaki Ltd	Support			
- Te Rūnanga o Ngāti	Oppose			
l character				
134	Support		Accept	The proposed new wording by Officers’ suffers from similar issues for Objective 5. Will a consent be able to be granted that has that particular character if that character is a degraded one? Is there a consent threshold in a degraded environment one that requires a requirement to enhance the environment?
	Retain Objective 6 of the Plan as notified.	Support noted. Objective 6 is retained subject to minor amendments as requested by other submitters.		
- Meridian Energy Ltd	Support in part			
- Port Taranaki Ltd	Support			
ous biodiversity				
149	Support		Accept	Support the Officers’ recommendation.
	Retain Objective 8 of the Plan as notified.	Support noted. Objective 7 is retained as notified.		
- Port Taranaki Ltd	Support			
nship of tangata whenua with the coastal environment				
154	Support		Accept	Support the Officers’ recommendation.
	Retain Objective 9 of the Plan as notified.	Support noted. Objective 9 is retained subject to minor amendments as requested by other submitters.		
- Port Taranaki Ltd	Support			
y of Waitangi				
157	Support		Accept	Support the Officers’ recommendation.
	Retain Objective 10 of the Plan as notified.	Support noted. Objective 10 is retained subject to minor amendments as requested by other submitters.		
- Port Taranaki Ltd	Support			
ric heritage				
160	Support		Accept	Support the Officers’ recommendation.
	Retain Objective 11 of the Plan as notified.	Support noted. Objective 11 is retained as notified.		
- Port Taranaki Ltd	Support			

	the Plan to recognise additional matters set out in Policy 16(a), Policy 18(a), (b), (d) and (e), Policy 19(1), (3) and (4), and Policy 20 of the <i>New Zealand Coastal Policy Statement</i> .	have been provided and the amendments sought by the submitter are considered unnecessary. Officers note the Plan comprises of a suite of objectives, policies and methods, including rules that collectively give effect to the <i>New Zealand Coastal Policy Statement</i> . Plan provisions need to be read together (while also acknowledging the different statutory responsibilities and powers of territorial authorities and district plans for giving effect to specific elements of the <i>New Zealand Coastal Policy Statement</i>). Officers refer the submitter to Policies 17 [Public access], 18 [Amenity values], 19 [Surf breaks], of the Plan, and Implementation Methods 32 to 36 and 39, which specifically address Policy 16(a), Policy 18(a), (b), (d) and (e), Policy 19(1), (3) and (4), and Policy 20 of the <i>New Zealand Coastal Policy Statement</i> . Other Plan provisions also apply.	
- Port Taranaki Ltd	Oppose		
Coastal hazards risk and public health and safety			
174	Amend	Accept in part	Support the Officers' recommendation.
	Submitter seeks amendment to Objective 13 of the Plan to address the wider coastal environment and to reflect the matters set out in Policy 24, Policy 25, Policy 26, and Policy 27 of the <i>New Zealand Coastal Policy Statement</i> .	No precise details of amendments sought to Objective 13 have been provided. Officers recommend minor amendment to make clear that Objective 13 applies to the wider coastal environment and that only the second part of the objective that relates to use and development is specific to the coastal marine area. However, as previously noted in submission point 165, officers do not believe it necessary or appropriate to make further amendments to reflect the <i>New Zealand Coastal Policy Statement</i> . Officers note the Plan comprises of a suite of objectives, policies and methods, including rules that collectively give effect to the <i>New Zealand Coastal Policy Statement</i> . Plan provisions need to be read together (while also acknowledging the different statutory responsibilities and powers of territorial authorities and district plans for giving effect to specific elements of the <i>New Zealand Coastal Policy Statement</i>). Officers refer the submitter to Policies 20 [Coastal hazards], 21 [Natural hazard defences] and Implementation Methods 37 to 42, which specifically address matters set out in Policy 24, Policy 25, Policy 26, and Policy 27 of the <i>New Zealand Coastal Policy Statement</i> . Other Plan provisions may also apply.	
- Port Taranaki Ltd	Oppose		

		health, safety and property is not compromised by use and development of the coastal marine area.	
Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki			
Management areas			
193 - Te Rūnanga o Ngāti wa (58)	Amend	Accept	Support the Officers' recommendation.
	Submitter generally supports Policy 1 but questions the relevance or significance of Clause (e)(v) and recommends deleting it: <i>(v) can have significant effects on areas outside of the Port, including contributing to coastal erosion along the New Plymouth foreshore</i>	Officers agree that activities able to have significant effects outside the area of operation and able to have an impact on coastal erosion are not confined to the Port and recommend deleting the clause.	
196 - Port Taranaki Ltd	Oppose	No relief necessary	PTL have not been party to the discussions with RFBP the outcome was, but generally support no amendment as a result of this submission point.
	Other	Comments noted. Officers note that the matters listed are but a general description of distinguishing values, characteristics and uses that underpin the identification of the five coastal management areas. Other values will inevitably apply but do not need to be identified and would be addressed in other supporting policies. Officers will discuss the matter further with the submitter as part of the pre-hearing engagement process.	
197 - Port Taranaki Ltd	Support in part	No relief necessary	Support the Officers' recommendation.
	Other	No relief is sought. However, as previously noted, Policy 1 is a general description of distinguishing values, characteristics and uses that underpin the identification of the five coastal management areas. In relation to the "protective provisions" officers refer the submitter to the rest of the Plan. Officers note the introductory sentence to Section 5 on page 19 that "... when assessing an activity, regard will be had to all relevant general and activity based policies are to be considered and no individual policy viewed in isolation. " Officers believe the 'suite' of General Policies plus relevant Activity Policies triggered by use and development activities in the coastal marine area address, amongst other things, the use and development and protection of natural and physical coastal resources.	
198	Support in part	Accept in part	Support the Officers' recommendation, except for refer the submission by RFBPS that refer to "indicative" coastal planning maps in section 1 and section 5.1. The
	Amend	Accept in part	

	<p>areas. Refer to relevant policies to identify characteristics in those areas which are not already for those areas in a schedule AND move the amended policy to section 5.2 so that it clearly sets out a management approach only within the coastal marine area and applies only to the activities which are controlled under rules in the plan</p> <ul style="list-style-type: none"> amending the description of the management approach as per the submitter's suggestions relating to Section 1.7 above and Policies 1(a), (b), (c), (d) and (e) below including a statement that explains that Policy 1 does not provide direction for subdivision, use or development activities within the management areas. 	<p>approach has been in place since 1997 and to date no issues have been identified in relation to its application. The current Coastal Plan, which includes the same zonal approach and has an equivalent policy, has been demonstrated to be efficient and effective in managing adverse effects in the coastal marine area through interim reviews and state of the environment monitoring. Officers do not believe it necessary nor appropriate to delete Policy 1.</p> <p>Notwithstanding the above, officers note recommendations that give partial relief to other reliefs sought by the submitter. These include amendments to the Policy 1 plus other inconsequential changes in Section 1.7 of the Plan to clarify that the application of the coastal management areas apply only to the coastal marine area.</p>	
- Port Taranaki Ltd	Opposed		
199	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(a) of the Plan to read: <i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i> (a) Outstanding Value: Coastal areas of outstanding value (identified in Schedule 2) that characteristically: (i) are areas of outstanding natural character and/or outstanding natural features or landscapes; (ii) contain values and attributes that are exceptional, including in relation to landforms, land cover, biodiversity, cultural and heritage associations, and visual qualities identified in Schedule 2 (refer corresponding Policy 7); (iii) contain marine areas with legal protection, including Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve (identified in Schedule 1); and</p>	<p>Accept in part</p> <p>Officers do not consider it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan. Officers also do not consider it necessary to amend Policy 1(a) to delete references to the distinguishing values, characteristics and uses set out in Clauses (ii), (iii) and (iv). Officers note that Policy 1(a) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. Officers note requests by other submitters seeking to have additional values identified.</p> <p>Notwithstanding the above, officers recommend granting relief in part. Officers recommend amendments to Policy 1(a) based upon the relief sought by the submitter (and others) that reads as follows: (a) Outstanding Value: <u>These coastal management areas refer to those areas listed in Schedule 1(a) and are identified as having outstanding natural character and/or outstanding natural features or landscapes values. These areas</u> characteristically: (i) <u>contain values and attributes that are exceptional [...]</u></p>	Support the Officers' recommendation.

	<i>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.</i>	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
- Port Taranaki Ltd	Oppose		
200	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to Policy 1(a) of the Plan to include specific provisions for marine reserves and protected marine areas under relevant policies.	Officers do not consider it is necessary in Taranaki to include specific provisions for marine reserves and protected marine areas. In Taranaki, all marine reserves already have a high level of protection via the Plan as they have been identified and assessed as Outstanding coastal management areas. Separate standalone policies would be unnecessary and redundant. It is also noted that constraints on use and development also occur under other legislation, including the Marine Reserves Act 1971 and the Fisheries Act 1996.	
- Port Taranaki Ltd	Oppose		
201	Amend	Accept in part	Support the Officers' recommendation.
	<p>Submitter seeks amendment to Policy 1(b) of the Plan to read:</p> <p><i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i></p> <p>[...]</p> <p><i>(b) Estuaries Unmodified: Estuaries, not identified in (a) or (c) of this policy, that are permanently open to tidal movements and characteristically:</i></p> <p><i>(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;</i></p> <p><i>(ii) have significantly different and more complex natural processes than the open coast; and</i></p> <p><i>(iii) provide important habitats, migration paths, breeding areas and nursery areas for marine and bird life.</i></p> <p><i><u>These coastal management areas are those estuaries that are permanently open to tidal movements. These areas do not include</u></i></p>	<p>Officers do not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>Officers also do not believe it necessary to amend Policy 1(b) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii) and (iii). Officers note that Policy 1(b) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. Officers note requests by other submitters seeking to have additional values identified in this Policy.</p> <p>Notwithstanding the above, officers recommend amendments to Policy 1(b) that partially give effect to the changes sought by the submitter that reads as follows:</p> <p><i>(b) Estuaries Unmodified: <u>These coastal management areas refer to those</u> estuaries, that are permanently open to tidal movements <u>and listed in Schedule 1(b). These areas do not include estuaries identified in (a) or (c) of this policy</u> and characteristically:</i></p> <p>[...]</p>	

		<i>Biodiversity, Policy X High natural character, Policy X other natural character, Policy X other natural features.</i>	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
- Port Taranaki Ltd	Oppose			
202	Amend	Accept in part		Support the Officers' recommendation.
	Submitter seeks amendment to Policy 1(c) of the Plan to read: <i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i> [...] (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. <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. 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>	Officers do not believe it is appropriate or necessary to paraphrase and reference the New Zealand Coastal Policy Statement or other policies in the Plan. Officers also do not believe it necessary to amend Policy 1(c) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii) and (iv). Officers note that Policy 1(c) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. Officers note requests by other submitters seeking to have additional values identified in this Policy. Notwithstanding the above, officers recommend amendments to Policy 1(c) that partially give effect to the changes sought by the submitter that reads as follows: (c) Estuaries Modified: <u>These coastal management areas refer to the</u> Pātea, Waiwhakaiho and Waitara estuaries <u>that are permanently open to tidal movements and listed in Schedule 1(c). These areas</u> characteristically: [...]		
- Port Taranaki Ltd	Opposed	1014		
203	Amend	Accept in part		Support the Officers' recommendation.

	<p>protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</p> <p>[...]</p> <p>(d) Open Coast: Areas of the open coast not identified in (a),(b),(c) and (e) of this Policy that characteristically:</p> <p>(i) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally naturally eroding;</p> <p>(ii) include reef systems that provide habitat to marine life, and are valued by Māori for mahinga kai;</p> <p>(iii) include nationally and regionally important surf breaks identified in Schedule 7 (refer corresponding Policy 19); and</p> <p>(iv) contain fisheries that are recreationally, culturally and commercially valuable.</p> <p><u>This coastal management area represents the remaining areas of 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>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Officers also do not believe it necessary to amend Policy 1(d) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii) and (iv). Officers note that Policy 1(d) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. Officers note requests by other submitters seeking to have additional values identified in this Policy. Notwithstanding the above, officers recommend amendments to Policy 1(d) that partially give effect to the changes sought by the submitter that reads as follows:</p> <p>(d) Open Coast: <u>This coastal management area refers to remaining areas of the coastal marine area not identified in (a), (b), (c) and (e) of this Policy that characteristically:</u></p> <p>[...]</p>	
- Port Taranaki Ltd	Oppose		
204	<p>Amend</p> <p>Submitter seeks amendment to Policy 1(e) of the Plan to read:</p> <p><i>In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:</i></p> <p>[...]</p> <p>(e) Port: Port Taranaki, which is a highly modified environment that characteristically:</p> <p>(i) enables people and communities to provide for their economic wellbeing;</p>	<p>Accept in part</p> <p>Officers do not believe it is appropriate or necessary to paraphrase and reference the <i>New Zealand Coastal Policy Statement</i> or other policies in the Plan.</p> <p>Officers also do not believe it necessary to amend Policy 1(e) to delete references to the distinguishing values, characteristics and uses set out in Clauses (i), (ii), (iii), (iv) and (v). Officers note that Policy 1(e) is similar to an equivalent policy in the current Plan for which no issues have been identified in relation to its interpretation and application. Officers note requests by other submitters seeking to have additional values identified in this Policy. Notwithstanding the above, officers recommend amendments to Policy 1(e) that partially give effect to the</p>	Support the Officers' recommendation.

	<p>(iv) has low levels of natural character, although is located adjacent to an area of outstanding value; and</p> <p>(v) can have significant effects on areas outside of the Port, including contributing to coastal erosion along the New Plymouth foreshore.</p> <p><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. 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>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>[...]</p>	
- Port Taranaki Ltd	Oppose		
Coastal management areas (Port)			
214	Amend	Decline	Support the Officers' recommendation, subject to the in Objective 2A above.
	Submitter seeks amendment to the Plan to include a new Policy specific to the Port of Taranaki and consistent with Policy 9 [Port] of the New Zealand Coastal Policy Statement.	Officers do not believe it is appropriate or necessary to include a new policy specific to the Port to give effect to Policy 9 of the <i>New Zealand Coastal Policy Statement</i> . Officers note the introductory sentence to Section 5 on page 19 that “... when assessing an activity, regard will be had to all relevant general and activitybased policies are to be considered and no individual policy viewed in isolation. ” It is therefore unnecessary to include a new policy specific to the Port when matters outlined in Policy 9 of the New Zealand Coastal Policy Statement have been more fully covered and addressed via Policy 1 [Coastal management areas], Policy 5 [Use and development], Policy 6 [Regionally important infrastructure] and Policy 7 [Reverse sensitivity]. These and the other General Policies and relevant Activity Policies will contribute to the efficient and safe operation of Port Taranaki.	
- Port Taranaki Ltd	Oppose		
Coastal management areas (Port)			
219	Support	Accept	Support the Officers' recommendation.
	Retain Policy 2 of the Plan as notified.	Support noted. Policy 2 is retained subject to amendments sought by other submitters.	
- Port Taranaki Ltd	Support		

Port Taranaki Ltd	Support	Requested by other submitters that do not change the policy intent.		
d characteristics of the coastal environment				
Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki				
258	Support	Accept	<p>The Officers' have recommended accepting this submission as notified. However, they have changed this position to include a coastal environment line that was not there previously.</p> <p>It is noted that there is no coastal environment line in the New Plymouth District Plan, and there is not yet a Proposed District Plan. It is understood that in the District Plan the coastal environment which will be identified by a line at low water spring (MHWS), but has not yet been notified and is in the planning process and may be subject to considerable change. It is considered that it is premature to put such a line in the Coastal Plan (the Plan) whether indicative or not.</p> <p>There is also concern that the line was not notified with the scope to include it now without giving opportunity for submissions. While some submitters requested there be a coastal environment area, no party actually requested the line being recommended by Officers. PTL is located within the coastal environment area and has been able to make a submission in support or opposition. It is considered that a variation to the Plan is required to include a coastal environment line.</p> <p>Further it is noted that in some parts of the Plan the line is "indicative" line and in other places it is not identified as the coastal environment line as shown on the Planning Map (b) (i) and section 1.4.2 and the legend to the Planning Map.</p> <p>Clarification is sought on how Policy 4 can be interpreted to include a coastal environment line in an operative New Plymouth District Plan.</p> <p>PTL seek that Policy 4 be retained as notified.</p>	
	Retain Policy 4 of the Plan as notified.	Support noted. Policy 4 is retained subject to amendments to include a coastal environment line.		
- Port Taranaki Ltd	Support			
e use and development of the coastal environment				
276	Amend	Grant in kind		
	The submitter suggests that Policy 5 does not adequately recognise important security and public safety issues facing ports and seeks amendments to Clause (g) that qualifies the enhancement or restoration of public access to exclude the Port and other area where public safety and security needs would be jeopardised. Submitter seeks an amendment to Policy 5(g) to	Officers note that Policy 5 contains a suite of considerations and must be read in conjunction with the other General Policies and relevant Activity-specific Policies. Policy 5(e) already addresses public health and safety risks while Policy 17 [Public access] sets out circumstances where public access would not be appropriate. Accordingly, Officers do not believe it necessary or appropriate to paraphrase other Plan	Support the Officers' recommendation.	

	the enhancement or restoration of public access or public use of the coast including for recreation, <u>unless the type of activity, and the need to maintain public safety, makes enhancement or restoration of public access inappropriate</u> ; [...]	coastal environment.	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki
- Trans-Tasman Energy Ltd, BP Oil Ltd (46)	Support		
- Taranaki Energy	Oppose		

important to the well-being of people and communities

301	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to Policy 6 of the Plan to better reflect the intention to capture Regionally Important Infrastructure as defined in the definitions section of the Plan.	Officers agree. Officers recommend amending Policy 6 (and making consequential amendments to Policy 5) to specifically refer to “regionally important infrastructure”. The revised Policy would read as follows: <i>Recognise <u>the benefits of</u> new and existing regionally important <u>infrastructure</u> to the social, economic and cultural well-being of people and communities in Taranaki, <u>and provide for the safe and efficient operation of regionally important infrastructure</u> subject to appropriate <u>avoidance, remediation or mitigation</u> of adverse environmental effects.</i>	
305	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to Policy 6 to: <ul style="list-style-type: none">provide for new infrastructure as set out in the National Policy Standard – Electricity Transmissionprovide for activities regulated under the National Environmental Standardsprovide for maintenance to enable the safe operation of existing regionally important infrastructureprovide for new regionally important infrastructure consistent with Policy 5 (subject to submitter's amendments)provide for activities subject to appropriate avoidance, remediation or mitigation of adverse environmental effects.	It is officers' view that Policy 6 already provides the relief's sought by the submitter. Officers also refer the submitter to the definition of “regionally important infrastructure” which includes infrastructure and activities covered by national environmental standards. Notwithstanding the above, for the purposes of certainty and clarity, officers recommend minor changes to Policy 6 that do not change the policy intent. The revised policy would read as follows: <i>Recognise <u>the benefits of</u> new and existing regionally important <u>infrastructure</u> to the social, economic and cultural well-being of people and communities in Taranaki, <u>and provide for the safe and efficient operation of regionally important infrastructure</u> subject to appropriate <u>avoidance, remediation or mitigation</u> of adverse environmental effects.</i>	
	- Transpower NZ Ltd	Support in part	
- Port Taranaki Ltd	Oppose		

outstanding value			
322	Amend	Decline	Generally support the Officers' recommendation, however that the words "or adjoining" are not clear in this policy, stated intent in the Officers' recommendation and is beyond Policy 9.
	Submitter seeks amendment to Policy 8 of the Plan to read: <i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i> <i>(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:</i> <i>(i) having outstanding natural character; and/or</i> <i>(ii) being outstanding natural features and landscape; within or adjoining coastal management area – Outstanding Value; and</i> <i>(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features.</i>	Officers recommend declining the relief sought. Officers note that activities undertaken adjoining Outstanding Value areas can, over time, adversely affect the values associated with an outstanding area. Seascapes and visual corridors are important values associated with natural features and landscapes and therefore require protection as per Policy 15 of the <i>New Zealand Coastal Policy Statement</i> . Accordingly, for the purposes of integrated coastal management, it would be inappropriate to exclude consideration of the wider landscape and would derogate from Council's efforts seeking to give effect to Policies 13 and 15 of the <i>New Zealand Coastal Policy Statement</i> .	
	- Trans-Tasman	Support in part/neutral in part	
	- Port Taranaki Ltd Energy Ltd, BP Oil Ltd (46)	Support in part	
-Te Rūnanga o Ngāti wa (58), Te Rūnanga	Oppose		
Character and natural features and landscapes			
342	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to the Plan by deleting Policy 9.	The submitter contends that Policy 9 of the Plan is uncertain. The submitter suggests that the inclusion of significant areas of indigenous vegetation and historic heritage in the policy overlaps and creates inconsistency with Policies 14 and 15 of the Plan. The submitter further suggests that the policy 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 <i>New Zealand Coastal Policy Statement</i> . Officers do not recommend deleting Policy 9. Officers believe that the Plan has given full effect to the <i>New Zealand Coastal Policy Statement</i> .	
- Port Taranaki Ltd	Oppose		

343	Amend	Accept in part	Support the Officers' recommendation.
	Submitter seeks amendments to Policy 9 of the Plan by: <ul style="list-style-type: none">including a new clause that reads: <i>Protect the natural character, features, and landscapes of the coastal environment by: [...] <u>(ix) avoiding adverse effects of activities on natural character of the coastal environment with outstanding natural character and on outstanding natural features;</u></i>amending Policy 9(a)(v) to read: (v) <i>maintains the integrity of significant areas of indigenous vegetation protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity</i> [...]	The submitter is concerned that Policy 9 does not provide for avoidance of adverse effects for outstanding values which may not be identified in Schedule 2. The submitter is also concerned that there are inconsistencies with directive policies for protection. In particular, it is the submitter's view that Clause (a)(v) is uncertain as the provisions do not currently identify significant areas of vegetation, nor does it reflect the protection required by Policy 14 [Indigenous biodiversity] of the Plan. Officers recommend granting relief in relation to Policy 8 (submission point 328) and consider this relief to address the first part of the submitters concern in Policy 9. As a result, Policy 8(a) is recommended to be amended to not limit its application only to the effects of activities in values and characteristics <u>identified</u> in Schedule 2. Officers further recommend amending Policy 9 (a)(v) as requested by the submitter as the suggestion is more directive and align language to that used elsewhere in the Plan.	
2 – Federated Taranaki Ltd (32)	Oppose		
- Radio New	Oppose in part		

Criteria for identifying areas of outstanding or high natural character

348	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to the Plan to include a new Policies that: <ul style="list-style-type: none">determines/identifies areas of Outstanding Natural Characterto preserve areas of High Natural Characterfor other natural character in all areas of the coastal environmentto provide a basis for determining outstanding natural features and landscapesother natural features and landscapes in all areas of the coastal environment.	Officers do not believe the requested amendment is necessary. Of note, the Council has worked closely with the New Plymouth and South Taranaki district councils in identifying, mapping and describing natural character, features and landscapes along the Taranaki coastline. Much of this work was addressed in a separate report Regional Landscape Study of the Taranaki Coastal Environment, which was prepared and consulted on as part of the Coastal Plan review. It was this work, which was used for determining and identifying outstanding natural features and landscapes but also examined natural character across the entirety of the Taranaki coastline.	
20 – Meridian Energy Ltd (32)	Oppose	Officers further note that the Plan already contains policies addressing the protection of natural character, features and landscapes (Policies 8, 9 and 10) and do not believe additional policies are necessary or appropriate.	
- Department of	Support	All General Policies apply to any use and development activities in the coastal marine area and	
- Powerco (45)	Oppose in part/Oppose		

Port Taranaki Ltd	Support		
water quality			
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355	Support	Accept	Issues with this policy are similar to the concerns expressed in the 2013 NZCPS. Officers propose to Objectives 5. It is not known whether the port waters are considered degraded and whether the port waters are considered to go well beyond Policy 21 of the NZCPS.
	Retain Policy 11 of the Plan as notified.	Support noted. Policy 11 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.	
Port Taranaki Ltd	Support		
water quality limits			
364	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to the Plan to include a new Policy 11A [Coastal water quality limits] to achieve Objective 5 [Coastal water quality]. The new Policy would 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.	The submitter does not specify what attributes and numerics would be acceptable for coastal water quality and marine health. Officers have concerns that the adoption of standardised and universal water quality targets and standards would have a perverse outcome in that such targets are likely to be too high or too low depending upon uses and values in the locality. Such matters are best dealt with through the consenting process where the type, scale and significance of the activity and the vulnerability and sensitivities of the receiving environment (including cultural interests), and an appropriate mixing zone may be considered on a case-by-case basis. The Council's approach involves taking into account recognised national/international guideline values as appropriate. Officers note Taranaki only has seven major municipal and/or industrial discharges to the coastal marine area and that coastal water quality is generally good. In localities where that is not the case, a new Policy 12 has been included in the Plan seeking the restoration of local coastal water quality.	
Port Taranaki	Oppose		
Port Z Energy Ltd, BP Oil Ltd (46)	Oppose in part		
Protection of coastal water quality			
366	Support	Accept	Support the Officers' recommendation.
	Retain Policy 12 of the Plan as notified.	Support noted. Policy 12 is retained subject to minor amendment as requested by another submitter that do not change the policy intent.	
Port Taranaki	Support		
air quality			
369	Support	Accept	Support the Officers' recommendation.
	Retain Policy 13 of the Plan as notified.	Support noted. Policy 13 is retained.	

	<p>the Plan to read:</p> <p><i>Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:</i></p> <p>[...]</p> <p><i>(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:</i></p> <p><i>(i) areas of predominantly indigenous vegetation in the coastal environment;</i></p> <p><i>(ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:</i></p> <p><i>i. estuaries;</i></p> <p><i>ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);</i></p> <p><i>iii. areas that provide passage for diadromous species;</i></p> <p><i>iv. marine mammal resting, feeding and breeding areas; and</i></p> <p><i>v. bird roosting and nesting areas;</i></p> <p><u><i>unless following a route, site and method selection process, the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent reasonably practicable;</i></u> [...]</p>	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>regards to the <i>National Policy Statement for Electricity Transmission</i> (NPSET). Policy 4 of the NPSET requires the provision of effective operation, maintenance, upgrade and development of the electrical transmission network.</p> <p>Of note, both the <i>New Zealand Coastal Policy Statement</i> (NZCPS) and the NPSET contain direction for how effects on biodiversity are managed. The NPSET includes a direction for the National Grid to “seek to avoid adverse effects”while the NZCPS applies to a broader range of activities.</p> <p>Officers note that Policy 14(b) is aligned with Policy 11(b) [Indigenous biological diversity] of the NZCPS and is considered appropriate as written. Granting the relief sought by the submitter would significantly derogate from the policy intent of the NZCPS. As an alternative, noting that the policy intent of different national policy directions such as the NZCPS and NPSET need to be balanced and weighed against each other, officers recommend the inclusion of a new Policy 6A that more explicitly addresses the management of adverse effects arising from the National Grid. All General Policies, including Policy 6A and 14 of the Plan, must be read together. Refer to submission point 626 for further discussion on Policy 6A [Management of adverse effects of the National Grid].</p>	
- Port Taranaki	Support		
Heritage			
395	Support	Accept	Support the Officers’ recommendation.
	Retain Policy 15 of the Plan as notified.	Support noted. Policy 15 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.	
- Port Taranaki	Support		
Shipping of tangata whenua			
401	Support	Accept	Support the Officers’ recommendation.
	Retain Policy 16 of the Plan as notified.	Support noted. Policy 16 is retained subject to minor amendments as requested by other submitter that does not change the policy intent.	
- Port Taranaki	Support		

440	Support	Accept	<p>The reference to surf breaks in this policy potentially not recommended provisions of Policy 19, which was the focus between the parties. The definition of amenity values excludes recreational attributes and could potentially be significant surf breaks identified in the Plan adjacent to that its submission seeks that the Port be able to keep environmental, technological and commercial changes in the sector and that the presence of the surf breaks is a key</p> <p>The TRPS CNC Policy 3 specifically provides the following for Taranaki “<i>Appropriate recognition should be given to Port Taranaki ensure its efficient operation and enable appropriate diversification to occur to meet changing needs</i>”. At point 18 of its submission, PTL outlines that “<i>New technology will continue to be evaluated...However, future extensions to the breakwater will be retained as a possibility and part of the community context</i>”.</p> <p>PTL also state at point 18 of its submission that “<i>For each of the surf breaks identified in Attachment 2, PTL also seeks any consequential amendments to objectives, policies and rules required to give effect to the plan to provide a clear and consistent plan</i>”.</p> <p>It is considered that there is scope within PTL’s submission to be made in a manner that is consistent with the amendments proposed for the port. Other submitters (Transpower) also sought recognition for regionally important infrastructure. PTL seek the addition of a provision that avoiding, remedying or mitigation of effects is required to be “<i>reasonably practicable</i>” in terms of the surf breaks identified in the Plan. Such an amendment would avoid the inconsistency between Policy 19.</p> <p>Some appropriate wording will be provided at the hearing.</p>
- Port Taranaki	Support	Support noted. Policy 19 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.	

Surf Breaks and Significant Surfing Area

452	Amend	Accept in part	Support the Officers’ recommendation.
	<p>Submitter seeks amendment to Policy 19(b) of the Plan to read:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:</i></p> <p>[....]</p> <p><i>(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area; unless the activity is necessary for the provision</i></p>	<p>The submitter is concerned that Policy 19(b) and the exemption for regionally important infrastructure is unclear. In particular, the submitter is concerned that the provision that avoidance of effects is not possible is ambiguous and potentially sets unrealistic expectations. Officers agree in part to the relief sought by the submitter but recommend an alternative relief based upon a relief sought by another submitter (see above) with similar concerns. The amended policy would read as follows:</p>	

		Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	Area as identified in Schedule 7; (b) avoiding significant adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area; unless the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent reasonably practicable; [...]	
ce of increasing coastal hazard or public safety risks				
461	Support	Accept	Support the Officers' recommendation.	
	Retain Policy 20 of the Plan as notified.	Support noted. Policy 20 is retained subject to minor		
- Port Taranaki Ltd	Support	amendments as requested by other submitters that do not change the policy intent.		
hazard defences				
464	Support	Accept	Support the Officers' recommendation.	
	Retain Policy 21 of the Plan as notified.	Support noted. Policy 21 is retained as currently notified.		
- Port Taranaki Ltd	Support			
e of water or contaminants to coastal water				
470	Support	Accept	Support the Officers' recommendation.	
	Retain Policy 22 of the Plan as notified.	Support noted. Policy 22 is retained subject to minor		
- Port Taranaki Ltd	Support	amendments as requested by other submitters that do not change the policy intent.		
e of treated wastewater containing human sewage				
484	Support	Accept	Support the Officers' recommendation.	
	Retain Policy 24 of the Plan as notified.	Support noted. Policy 24 is retained as notified.		
- Port Taranaki Ltd	Support			
harge of treated wastewater containing human sewage				
490	Support	Decline	Support the Officers' recommendation.	
	Submitter notes their view that Policy 25 meets the section 5 purpose of the RMA and also requirements under the <i>Health Act 1956</i> to protect the health of the public. Retain Policy 25 of the Plan as notified.	Submitter's comments relating to the protection of public health are noted. However, officers note that in response to other submitters it is recommended that Policy 25 be amended to preclude new discharges to the entire coastal marine area (previously new discharges were precluded from all parts of the coastal marine area except for the Open Coast).		
- Port Taranaki Ltd	Support	Notwithstanding the above, officers believe that these amendments will contribute to better public health outcomes as sought by the submitter.		

es of stormwater			
504	Support	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Support the Officers' recommendation.
	Retain Policy 27 of the Plan as notified.	Support noted. Policy 27 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.	
- Port Taranaki Ltd	Support		
aquatic organisms			
511	Support	Accept	Support the Officers' recommendation.
	Retain Policy 28 as notified.	Support noted. Policy 28 is retained subject to minor amendments to remove reference to “scraping”.	
- Port Taranaki Ltd	Support		
from offshore petroleum drilling and production			
514	Support	Accept	Support the Officers' recommendation.
	Retain Policy 29 of the Plan as notified.	Support noted. Policy 29 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.	
- Port Taranaki Ltd	Support		
e of contaminants to air			
521	Support	Accept	Support the Officers' recommendation.
	Retain Policy 30 of the Plan as notified.	Support noted. Policy 30 is retained as notified.	
- Port Taranaki Ltd	Support		
es that support safe public access and use, or public or environmental benefit			
526	Amend	Accept	Support the Officers' recommendation.
	The submitter is concerned that the words “will be allowed for” infer resource consent approval and such wording would be interpreted as predetermining a resource consent process outcome. Submitter seeks amendment to Policy 31 of the Plan to read (or alternatively use the words “...to provide for”): <i>Enable structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for [...]</i>	Officers note that the reference to “ <i>will be allowed for</i> ” was not meant to infer predetermination of the consent process outcome. Therefore, to allay the submitter’s concerns and to avoid the potential risk for confusion, officers recommend granting the relief sought with a minor amendment in wording. Officers recommend using the term “allow” instead of “enable” (as it is not the Council’s mandate to enable such activities).	
- Port Taranaki Ltd	Support		
nt of structures			

Protection structures in coastal areas of outstanding value

545	Amend	Decline	Support the Officers' recommendation.
	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Submitter seeks amendment to Policy 33 to read: <i>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, including those identified in Schedule 2, that contribute to an area having outstanding value, in accordance with Policy 8.</i></p>	<p>The submitter does not believe that all of the values or characteristics contributing to the outstanding natural character of the identified areas are identified within Schedule 2. Therefore, the policy is limited to only providing for those identified in Schedule 2 and not achieving the appropriate protection required by Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i>.</p> <p>Officers agree that there are broader considerations than just those values identified in Schedule 2, however, these considerations are separately provided for under other General Polices of the Plan that, in turn, give effect to Policies 11, 13 and 15 of the <i>New Zealand Coastal Policy Statement</i>. The wording of Policy 33 is consistent with Policy 8 [Areas of outstanding value] of the Plan in that the avoidance of adverse effects relates to specific scheduled values identified.</p>	
- Port Taranaki Ltd	Oppose		

546	Amend	Decline	Support the Officers' recommendation.
	<p>Submitter seeks amendment to the Plan to include a similar policy to Policy 33 to address hard protection structures and adverse effect on sites and areas with significant values identified under Policy 14 of the Plan.</p>	<p>The submitter seeks the addition of a new policy to manage the adverse effects of hard protection structures on significant indigenous biodiversity values identified in Policy 14 of the Plan.</p> <p>Officers recommend declining the relief sought. It is suggested that the protection of significant indigenous biodiversity from the adverse effects of hard protection structures adequately addressed under other provisions of the Plan and do not require repeating. Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of the activity to be authorised and which coastal management area the activity may fall within. Thus, Policy 33 must be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i>.</p>	
- Port Taranaki Ltd	Oppose		

Retention of hard protection

549	Support	Accept in part	PTL has been unable to determine why the recommendation has been made in the tracked changed version of this change. PTL does not support the change and considers the words to be more consistent with the NZCPS. It is considered that the need for regionally important infrastructure
	Retain Policy 34(c) of the Plan as notified.	Support noted. Policy 34 is retained subject to minor amendments as requested by another submitter that do not change the policy intent.	
- Port Taranaki Ltd	Support		

	<p>Submitter seeks amendment to Policies 34 and 35 of the Plan (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</p> <p>AND</p> <p>Seek amendment to Policy 35 of the Plan to ensure protection is also given under Policies 8 and 9 of the Plan.</p>	<p>Officers recommend declining the relief sought as such matters are already adequately addressed under other provisions of the Plan and do not require repeating. Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Thus, Policy 33 must be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the Further submissions – Department of matters covered in the <i>New Zealand Coastal Policy Statement</i>.</p>
- Port Taranaki Ltd	Oppose	

ance, repair, replacement and minor upgrading of existing structures

553	Support	Accept	Support the Officers' recommendation.
	Retain Policy 36 of the Plan as notified.	Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that do not change the policy intent.	
- Port Taranaki Ltd	Support		

ns or extensions of existing structures

561	Support	Accept	Support the Officers' recommendation.
	Retain Policy 37 of the Plan as notified.	Support noted. Policy 37 is retained subject to minor amendment as requested by another submitter that do not change the policy intent.	
- Port Taranaki Ltd	Support		

of coastal structures

570	Amend	Accept	Support the Officers' recommendation.
	<p>Submitter seeks amendment to Policy 38 of the Plan to provide an exception to this policy for new port structures intended to be permanent.</p>	<p>Officers recommend granting the relief sought by the submitter.</p> <p>Officers recognise that some (but not all) Port structures may be designed and built to be permanent. In such situations it is appropriate that there is no obligation to remove these <i>“permanent structures”</i>. Officers recommend amending Policy 38 to include a new Clause (c) (plus other consequential amendments) to allow considerations for material to be left in situ or elsewhere in the coastal marine area where the structure, or part of the structure, is intended to be permanent, e.g. new Port structures.</p> <p>Policy 38 will read as follows:</p> <p><i>Policy 38 removal of coastal structures</i></p> <p><i>Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.</i></p> <p><i><u>When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must</u></i></p>	

nce, deposition or extraction activities in marine protected areas

584	Support	Accept	Support the Officers' recommendation.
	Retain Policy 40 of the Plan as notified.	Support noted. Policy 40 is retained subject to minor amendments as requested by another submitters that does not change the policy intent.	
- Port Taranaki Ltd	Support		

n for disturbance, deposition or extraction activities that provide public or environmental benefit

587	Support	Accept	Support the Officers' recommendation.
	Retain Policy 41 of the Plan as notified.	Support noted. Policy 41 is retained subject to minor amendments as requested by another submitters that does not change the policy intent.	
- Port Taranaki Ltd	Support		

nce of the foreshore and seabed

591	Support	Accept	Support the Officers' recommendation.
	Retain Policy 42 of the Plan as notified.	Support noted. Policy 42 is retained as notified.	
- Port Taranaki Ltd	Support		

dging

602	Amend	No relief necessary	Support the Officers' recommendation.
	Submitter seeks amendments to Policy 43 of the Plan by adding a new clause (e) to read: <i>Maintenance and capital dredging activities for Port Taranaki, including spoil disposal, will be managed in order that:</i> [...] <i>(e) adverse effects on historic heritage are managed in accordance with Policy 15.</i>	Officers recognise the concern of the submitter but suggest that their concerns have already been provided for within the Plan. As stated in the preamble of Section 5.1, Policy 42 must be read in conjunction with each of the other relevant policies, including all the General Policies and Policy 15. Together these policies address the matters sought by the submitter, including those relating to the protection of historic heritage. It is not necessary to refer to historic heritage throughout the Policies when a standalone Policy provides the required protection already.	
- Port Taranaki Ltd	Oppose		

n or deposition of material

607	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendments to Policy 44 of the Plan to read: <i>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: [...];</i>	Officers recommend granting the relief sought by the submitter, however, recommend using "must" instead of "will" to maintain consistency with relief sought by other submitters.	
- Port Taranaki Ltd	Support		

ateness of reclamation or drainage

610	Amend	Accept	Support the Officers' recommendation.
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	<p>[...]</p> <p>(d) the activity provides significant public benefit with particular regard to the extent to which the reclamation or drainage and intended purpose would provide for the efficient operation of nationally and regionally important infrastructure including, but not limited to, ports, airports, coastal roads, pipelines, electricity transmission, railways, marinas and electricity generation.</p>	<p>resource consent process. The suggested wording provides an alternative that frames the policy more positively and captures the Policy intent. Officers agree to the request to amend Policy 45 but suggest a different wording to maintain consistency with language adopted elsewhere in the Plan:</p> <p><u>Allow</u> reclamation or drainage of land in the coastal marine area <u>where</u>: [...]</p>	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		
f reclamation			
615	Amend	Accept in part	Support the Officers' recommendation to retain as notified
	<p>Submitter seeks amendment to Policy 46 of the Plan to provide for protection required by Policies 11, 13 and 14 of the <i>New Zealand Coastal Policy Statement</i></p> <p>OR</p> <p>Alternatively retain Policy 46 as worded and amend Policies 5 and 45 as per the relief sought by the submitter in relation to those policies.</p>	<p>Officers suggest that the submitter's concerns have already been provided for within the Plan.</p> <p>As stated in the preamble of Section 5.1, Policy 46 must be read in conjunction with each of the other relevant policies, including all the General Policies, which address the natural character and indigenous biodiversity policies of the <i>New Zealand Coastal Policy Statement</i> referred to by the submitter. It is not necessary to continuously refer to indigenous biodiversity or natural character value throughout the Policies when General Policies already provide for the required protection.</p> <p>Notwithstanding the above, refer to submission points 281 and 607 in relation to officer recommendations relating to granting in part reliefs sought by the submitter in relation to Policies 5 and 45 of the Plan.</p>	
- Port Taranaki Ltd	Oppose/Support in part		
nd use of coastal water			
619	Support	Accept	Support the Officers' recommendation.
	Retain Policy 47 of the Plan as notified.	Support noted. Policy 47 is retained subject to minor amendments as requested by other submitters that do not change the policy intent.	
- Port Taranaki	Support		
d vibration			
622	Support	Accept	Support the Officers' recommendation in the tracked changes
	Retain Policy 49 of the Plan as notified.	Support noted. Policy 49 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.	
- Port Taranaki	Support		

637	Amend	Grant in kind	Support the Officers' recommendation.
	<p>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</p> <p>Submitter seeks amendment to Implementation Method 8 of the Plan to read: <i>Implement Plan objectives, policies and methods of implementation that recognise different coastal processes, values, and uses, and which allow, regulate or prohibit activities in;</i> <u>1. the following coastal management areas:</u> a) Outstanding Value b) Estuaries Unmodified c) Estuaries Modified d) Open Coast e) Port; <u>and</u> <u>2. areas identified as having:</u> <u>a) significant indigenous biodiversity values under Policy 14</u> <u>b) areas with natural character values under Policy XX</u> <u>c) areas with natural features and landscapes under Policy XX;</u> <u>Consistent with policies in section 5.1.</u></p>	<p>The relief sought seeks to expand Implementation Method 8 to reference locations, sites and places (at a finer spatial scale to coastal management areas) with significant coastal values.</p> <p>Officers recommend Method 8, which focuses on coastal management areas, be retained as is but propose an alternative relief whereby a new Method 8A is included that recognises significant sites and places at the finer spatial scale. The new Method would read as follows: <u>8A. Implement Plan objectives, policies and methods of implementation that allow, regulate or prohibit activities in locations, areas or places with significant values in a manner that avoids, remedies or mitigates adverse effects on:</u> <u>a) infrastructure of regional importance</u> <u>b) natural character and natural features and landscapes</u> <u>c) indigenous biodiversity</u> <u>d) historic heritage, including sites of significance to Māori</u> <u>e) amenity values, including surf breaks.</u></p>	
- Port Taranaki	Oppose		

cultural heritage

641	Support	Accept	Support the Officers' recommendation.
	Retain Implementation Methods 13 to 20 of the Plan as notified.	Support noted. Implementation Methods 13 to 20 are retained subject to minor and inconsequential amendments requested by other submitters.	
- Port Taranaki	Support		

use and enjoyment

661	Support	Accept	Support the Officers' recommendation.
	Retain Implementation Method 34 of the Plan as notified.	Support noted. Implementation Method 34 is retained subject to minor and inconsequential amendments requested by another submitter.	
- Port Taranaki	Support		

al marine oil responses

670	Support	Accept	Support the Officers' recommendation.
	Submitter supports Implementation Method 50 of the Plan relating to marine oil spill responses.	Support noted. Implementation Method 50 is retained as notified.	
- Port Taranaki	Support	1030	

standards

	<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>	Policy and Planning Committee – Approval of Proposed Coastal Plan for Taranaki	6803: 1999 Acoustics – Construction Noise have been adopted and underpin the limits set in Section 8.6.3 [General standards – Noise]
- Trans-Tasman Port Taranaki Ltd (32)	Oppose		
- Te Rūnanga o Ngāti	Support		

674	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to rules to change “effects on ecological values” to “effects on indigenous biodiversity” in matters for control.	The term “ <i>ecological values</i> ” means relating to or concerned with the relation to organisms to one another and their physical surroundings. As such it has a broad application and potentially captures other matters of control identified in relevant rules such as water quality but is potentially unclear as to what other constituent parts of the environment are also captured in the term. For the purposes of certainty and clarity, officers recommend changing reference to “ <i>effects on ecological values</i> ” to “ <i>effects on indigenous biodiversity</i> ” plus other consequential changes (addressing natural character) within the rules section to better align with Plan policies addressing natural form and functioning and indigenous biodiversity. This relief will better align language between the rules and language already adopted in the objectives and policies of the Plan.	
- Port Taranaki Ltd	Oppose		

discharges

699	Support	Accept	Support the Officers' recommendation.
	Retain Rule 2 of the Plan as notified.	Support noted. Rule 2 is retained as notified, subject to minor inconsequential amendments that do not change the Rule's scope.	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		

dispersal use in the Port

708	Amend	Accept	Support for the Officers' recommendation to delete the if there is no need for the Port to obtain consent under discharge of a petroleum dispersant (or oil spill control the CMA in the event of a natural oil seep resulting from PTL will research this issue prior to the hearing as it is duplication of regulatory controls indicated in the Offi
	Submitter seeks amendment to the Plan by deleting Rule 4, OR Alternatively, amend Rule 4 by replacing the	The submitter and others have highlighted a broader issue of duplicating regulatory controls addressed under the <i>Marine Protection Rules – Part 132: New Zealand Oil Spill Control Agents</i> . Officers therefore recommend that	

736	<table><tr><th>Amend</th><th>Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki</th><th>Accept</th></tr><tr><td><p>Submitter seeks amendment to Rule 9 in order to refine how the Australian/New Zealand Anti-Fouling and In Water Cleaning Guidelines (2013) are translated into the Rules. In particular, to the description of fouling and the activity description.</p><p>Amend permitted activity rule for in-water cleaning of biofouling to read:</p><p><u>Activity:</u></p><p><u><i>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:</i></u></p><p><u><i>(a) deposition on the foreshore or seabed.</i></u></p><p><u><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p><p><u>Standards, terms and conditions:</u></p><p><u><i>(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;</i></u></p><p><u><i>(b) microfouling may be cleaned without capture;</i></u></p><p><u><i>(c) goose barnacles may be cleaned without capture;</i></u></p><p><u><i>(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));</i></u></p><p><u><i>(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</i></u></p><p><u><i>(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</i></u></p></td><td><p>The intention of Rule 9 is to provide for additional hull cleaning activities that are currently prohibited under the current Plan. Hull cleaning currently excludes ships that are greater than 25 meters in length and any ships that have been outside the exclusive economic zone since their last hull cleaning. Many second-generation coastal plans have provisions that allow the cleaning of these hulls provided the appropriate standards, terms and conditions are met.</p><p>It is officers' opinion that the requested amendments provide additional information that strengthens Rule 9 and aligns with industry requirements and procedures. Officers further note that capture of macrofoul will be an important condition to ensure that the Port and surrounding areas (of note the nearby area of outstanding value) are safeguarded against any possible invasive species introduction. Officers recommend granting the relief requested subject to minor inconsequential word changes to align the reading of rules with the remainder of the Plan. The amended rule would read as follows:</p><p><u>Activity</u></p><p><u><i>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface into water in the coastal marine area and any associated: (deposition on the foreshore or seabed.</i></u></p><p><u><i>Note (1) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p><p><u><i>Note (2) For the purposes of this rule, further guidance is provided in the Anti—fouling and In-water Cleaning Guidelines (June 2013).</i></u></p><p><u><i>Note (3) 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).</i></u></p><p><u>Standards, terms and conditions:</u></p><p><u><i>(a) the anti—foul coating on the ship, moveable object or navigation 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;</i></u></p></td><td><p>Support Officers' recommendation which provides for "activities and is focused on discharge of contaminants biofouling to the coastal marine area.</p></td></tr></table>	Amend	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Accept	<p>Submitter seeks amendment to Rule 9 in order to refine how the Australian/New Zealand Anti-Fouling and In Water Cleaning Guidelines (2013) are translated into the Rules. In particular, to the description of fouling and the activity description.</p> <p>Amend permitted activity rule for in-water cleaning of biofouling to read:</p> <p><u>Activity:</u></p> <p><u><i>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:</i></u></p> <p><u><i>(a) deposition on the foreshore or seabed.</i></u></p> <p><u><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p> <p><u>Standards, terms and conditions:</u></p> <p><u><i>(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;</i></u></p> <p><u><i>(b) microfouling may be cleaned without capture;</i></u></p> <p><u><i>(c) goose barnacles may be cleaned without capture;</i></u></p> <p><u><i>(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));</i></u></p> <p><u><i>(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</i></u></p> <p><u><i>(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</i></u></p>	<p>The intention of Rule 9 is to provide for additional hull cleaning activities that are currently prohibited under the current Plan. Hull cleaning currently excludes ships that are greater than 25 meters in length and any ships that have been outside the exclusive economic zone since their last hull cleaning. Many second-generation coastal plans have provisions that allow the cleaning of these hulls provided the appropriate standards, terms and conditions are met.</p> <p>It is officers' opinion that the requested amendments provide additional information that strengthens Rule 9 and aligns with industry requirements and procedures. Officers further note that capture of macrofoul will be an important condition to ensure that the Port and surrounding areas (of note the nearby area of outstanding value) are safeguarded against any possible invasive species introduction. Officers recommend granting the relief requested subject to minor inconsequential word changes to align the reading of rules with the remainder of the Plan. The amended rule would read as follows:</p> <p><u>Activity</u></p> <p><u><i>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface into water in the coastal marine area and any associated: (deposition on the foreshore or seabed.</i></u></p> <p><u><i>Note (1) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p> <p><u><i>Note (2) For the purposes of this rule, further guidance is provided in the Anti—fouling and In-water Cleaning Guidelines (June 2013).</i></u></p> <p><u><i>Note (3) 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).</i></u></p> <p><u>Standards, terms and conditions:</u></p> <p><u><i>(a) the anti—foul coating on the ship, moveable object or navigation 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;</i></u></p>	<p>Support Officers' recommendation which provides for "activities and is focused on discharge of contaminants biofouling to the coastal marine area.</p>
Amend	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Accept					
<p>Submitter seeks amendment to Rule 9 in order to refine how the Australian/New Zealand Anti-Fouling and In Water Cleaning Guidelines (2013) are translated into the Rules. In particular, to the description of fouling and the activity description.</p> <p>Amend permitted activity rule for in-water cleaning of biofouling to read:</p> <p><u>Activity:</u></p> <p><u><i>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:</i></u></p> <p><u><i>(a) deposition on the foreshore or seabed.</i></u></p> <p><u><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p> <p><u>Standards, terms and conditions:</u></p> <p><u><i>(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;</i></u></p> <p><u><i>(b) microfouling may be cleaned without capture;</i></u></p> <p><u><i>(c) goose barnacles may be cleaned without capture;</i></u></p> <p><u><i>(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));</i></u></p> <p><u><i>(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</i></u></p> <p><u><i>(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</i></u></p>	<p>The intention of Rule 9 is to provide for additional hull cleaning activities that are currently prohibited under the current Plan. Hull cleaning currently excludes ships that are greater than 25 meters in length and any ships that have been outside the exclusive economic zone since their last hull cleaning. Many second-generation coastal plans have provisions that allow the cleaning of these hulls provided the appropriate standards, terms and conditions are met.</p> <p>It is officers' opinion that the requested amendments provide additional information that strengthens Rule 9 and aligns with industry requirements and procedures. Officers further note that capture of macrofoul will be an important condition to ensure that the Port and surrounding areas (of note the nearby area of outstanding value) are safeguarded against any possible invasive species introduction. Officers recommend granting the relief requested subject to minor inconsequential word changes to align the reading of rules with the remainder of the Plan. The amended rule would read as follows:</p> <p><u>Activity</u></p> <p><u><i>Discharge of contaminants from the cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface into water in the coastal marine area and any associated: (deposition on the foreshore or seabed.</i></u></p> <p><u><i>Note (1) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></u></p> <p><u><i>Note (2) For the purposes of this rule, further guidance is provided in the Anti—fouling and In-water Cleaning Guidelines (June 2013).</i></u></p> <p><u><i>Note (3) 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).</i></u></p> <p><u>Standards, terms and conditions:</u></p> <p><u><i>(a) the anti—foul coating on the ship, moveable object or navigation 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;</i></u></p>	<p>Support Officers' recommendation which provides for "activities and is focused on discharge of contaminants biofouling to the coastal marine area.</p>					

	<p>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.</p> <p><u>Notes</u></p> <p>1. For the purposes of the above, further guidance is provided in the <u>Anti—fouling and In-water Cleaning Guidelines (June 2013)</u>.</p> <p>2. International vessels arriving into New Zealand waters have additional obligations under the <u>Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)</u>.</p> <p><u>Footnotes</u></p> <p><u>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.</u></p>	<p><u>al (2005));⁵ and (e) all biological material that cannot pass through a 50 micron sieve that is dislodged during cleaning (other than goose barnacles) is captured and disposed of at an approved landfill (microfouling and goose barnacles may be cleaned without capture).</u></p> <p><u>⁴ If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species are present, that person should cease the activity immediately and notify the Ministry for Primary Industries without unreasonable delay. Cleaning should not recommence until notified by the Ministry for Primary Industries.</u></p> <p><u>⁵ 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.</u></p>	
- Port Taranaki Ltd	Oppose		
Blasting discharges			
749	<p>Amend</p> <p>Submitter suggests that within the Port coastal management area the effects of abrasive blasting discharges are well known and understood. Therefore, submitter seeks amendment to Rule 11 of the Plan to make the activity a Controlled Activity in the Port coastal management area and draft an appropriate set of matters over which control shall be restricted to.</p>	<p>Decline</p> <p>Abrasive blasting is capable of having significant adverse environmental effects. Given the amount of industrial and trade premises in the vicinity of the Port, the storage and transfer of dangerous and hazardous cargos and other materials, it is appropriate that such matters be considered on a case-by-case basis as a Discretionary Activity to ensure adverse effects are appropriately avoided, remedied or mitigated.</p>	Support the Officers' recommendation.
Surveying and bathymetric testing			
755	<p>Support</p> <p>Retain Rule 12 of the Plan as notified.</p>	<p>Decline</p> <p>Support noted. Officers note that Rule 12 is recommended to be split into two rules, a permitted activity for bathymetric testing and an additional rule (Rule 12A) for seismic surveying as a Controlled Activity. The Controlled Activity classification is recommended so that the Council can ensure that adverse effects on indigenous biodiversity are appropriately considered and addressed through a consenting process.</p>	Support the Officers' recommendation.
- Climate Justice Rūnanga o Ngāti	Oppose		
- Port Taranaki Ltd	Support		

	either discretionary in open coast or Non-complying in the more sensitive outstanding value areas and are consistent with the activity status given to “other” activities (Rules 33, 34, 42 and 43).	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
- Port Taranaki Ltd	Support		
- Te Rūnanga o 1)	Oppose		
transfer of cargo materials within the Port air zone			
781	Amend Submitter seeks amendment to Rule 15 of the Plan to: <ul style="list-style-type: none">read: <i>Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air <u>and water</u>.</i>amend the standard/terms/conditions to refer to discharges to water as per G2.11 of the operative Plan. OR 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 (such a rule could be placed before Rule 13).	Accept Submitter recognises that Rule 15 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 ship cranes to the wharves. The operative Coastal Plan provides for the discharge of this product in the same circumstances to air and water via the 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. Officers recommend granting the relief sought by amending the Activity Description of Rule 15 to read as follows: <i>Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air <u>or water</u>.</i> Officers further recommend consequential amendments to broaden the scope of the rule to include water discharges to include additional conditions specific to water discharges. These include conditions on effects on aquatic life, and water quality after reasonable mixing.	Support the Officers’ recommendation.
transfer of cargo materials within the Port air zone			
782	Amend Submitter seeks amendment to Rule 16 of the Plan to: <ul style="list-style-type: none">read: <i>Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air <u>and water</u> that does not come within or comply with Rule 15.</i>	Accept For the same reasons outlined in the submitter’s requested relief for Rule 15, the submitter is seeking an equivalent change in Rule 16. Officers recommend granting the relief sought by amending the Activity Description of Rule 15 to read as follows: <u>Discharge of contaminants to air or water during the</u>	Support the Officers’ recommendation.

	feed cargo to water from storage and transfer to/from ships to wharves (such a rule could be placed before Rule 13).	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
Charges to air			
784	Support	Accept	Support the Officers' recommendation.
	Retain Rule 17 of the Plan as notified.	Support noted.	
- Port Taranaki Ltd	Support		
Structure placement			
788	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to Rule 18(a) of the Plan to read: (a) structure has a maximum internal diameter of 150 300mm and extends a maximum of 0.5m seaward of the line of mean high water springs; [...]	Submitter considers the maximum outfall diameter threshold is unreasonably low and seeks amendment to Rule 18(a). The submitter noted, in pre-hearing engagement that the current Plan allowed an internal diameter of 600mm. Officers agree with the views of the submitter and suggest that the environmental effects of the placement of small (i.e. less than 300mm diameter) outfall structures can be adequately addressed through the standards, terms and conditions of the Permitted Activity rule. Officers note that the discharge itself will be addressed under different rules. Officers therefore recommend amending Rule 18 as requested by the submitter.	
Structure placement in the Port			
800	Support	Accept	Support the Officers' recommendation.
	Retain Rule 19 of the Plan as notified.	Support noted. Rule 19 is retained subject to minor amendments as requested by other submitters that do not change the rule's scope.	
- Port Taranaki Ltd	Support		
Mooring structure placement in the Port			
801	Amend	Accept in part	Support the Officers' recommendation.
	Submitter seeks amendment to the Plan to include a new rule for mooring structure placement in the Port that cannot comply with Rule 19 as a Restricted Discretionary (or Discretionary Activity) and include a matter of discretion to consider the effects on indigenous biodiversity values.	Officers refer the submitter to Rules 23 and 33 which are the catch-all rule for mooring structures not meeting the activity description or all the standards, terms and conditions. Rule 23 is a Controlled Activity rule for the Port and officers note that control is reserved over ecological values as directed in Condition (f). Rule 33 is a Discretionary Activity for any structure erection or placement that does not come within or comply with previous relevant rules. Officers recognise that the term "ecological effects" is meant to cover the protection of indigenous biodiversity. Officers recommend replacing the term "ecological values" with "indigenous biodiversity" to clarify that intent.	
- Port Taranaki Ltd	Oppose		
Structure placement			

	20 as notified.		
- Port Taranaki Ltd	Support		
Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki			
Navigation aid erection and placement			
813	Amend	Accept	<p>The tracked changes version of the Plan prepared for the meeting reads:...(ii) Port Taranaki or its agents (within the Port) or its agents.</p> <p>Port Taranaki could support the officers' recommendation as follows: ...</p> <p>(ii) Port Taranaki or its agents; or...</p> <p>That is: remove the words "(within the Port)". It is noted that the Port has requested the addition of (within the Port) and Port Taranaki has been consulted on the proposed change.</p> <p>The reason for the proposed deletion of (within the Port) is that Port Taranaki currently has one navigation aid outside the Port Management Area and may require more to be erected within the life of the Plan.</p>
	Submitter believes that the erection of maritime navigation aids should not be a permitted activity for any member of the public. Instead the activity should be permitted for only the Taranaki Regional Council or its agents, Maritime New Zealand or its agents, or Port Taranaki provided that these agencies agree to this responsibility. Submitter seeks amendment to Rule 21 of the Plan to include a new condition before condition (a) to read: <u>The activity is undertaken by:</u> <u>(i) Taranaki Regional Council or its agents; or</u> <u>(ii) Port Taranaki; or</u> <u>(iii) Maritime New Zealand or its agents.</u>	Officers agree and recommend granting the relief sought by the submitter.	
- Trans-Tasman	Oppose		
-Port Taranaki Ltd	Support		
Utility structure erection or placement			
836	Support	Accept	Support the Officers' recommendation.
	Retain Rule 22 of the Plan as notified.	Support noted	
-Port Taranaki Ltd	Support		
Launching, mooring or berthing			
844	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to Rule 23 of the Plan to make the erection and placement of launching, mooring or berthing structures in the Port a Restricted Discretionary Activity (rather than a Controlled Activity).	Officers recommend declining the relief sought by the submitter. Officers note that Rule 23 seeks to provide for the erection and placement of launching, mooring or berthing structures in the Port as a Controlled Activity. This is consistent with Policy 6 [Regionally important infrastructure] of the Plan, but is still subject to the appropriate management of adverse effects. Officers note that the Port is already a highly modified environment that provides a national and regionally important function whereby the movement of goods is dependent upon the erection and placement of launching, mooring and berthing structures. This is subject to complying with the standards, terms and	
-Port Taranaki Ltd	Oppose		

<div>ction structure erection or placement</div> <div>852</div>	<div>Amend</div> <div> <p>Submitter seeks amendment to Rule 25 of the Plan to provide for hard protection structures within the Port coastal management area as a Controlled Activity (rather than a Discretionary Activity).</p> </div>	<div>Decline</div> <div> <p>Officers recommend declining the relief sought by the submitter.</p> <p>Officers note that this Rule is an existing rule in the current Plan. Further, in accordance with the <i>New Zealand Coastal Policy Statement</i> and the policies of this Plan (particularly Policy 34), there is an expectation that hard protection structures will be discouraged and the use of alternatives promoted. This expectation is unlikely to be realised as a Controlled Activity.</p> </div>	<div>See comments above on Policy 34.</div> <div> <p>The Officer's recommendation is not supported because proper account of the NZCPS which provides for the protection of regionally important infrastructure from coastal hazards is not taken at Policy 27:</p> <p><i>(1) In areas of significant existing development, where, by coastal hazards, the range of options for reducing the risk that should be addressed includes:</i></p> <ul style="list-style-type: none"> <i>a) ...</i> <i>b) ...</i> <i>c) Recognising that hard protection structures are not always a practical means to protect existing infrastructure of local or regional importance, to sustain the use of the physical resources to meet the reasonable needs of future generations;"...</i> <p><i>(2) Where hard protection structures are considered necessary, ensure that the form and location of the structures designed to minimise adverse effects on the coastal environment.</i></p> <p>PTL suggested a controlled activity status in lieu of the discretionary activities in the Proposed Coastal Plan. Full effects of hard protection structures on the coastal environment are significant.</p> <p>A restricted discretionary activity status for hard protection structures in the Port would be acceptable to PTL and PTL offers its assistance on appropriate matters for which the Council would restrict discretionary activities.</p> <p>In respect to the Officers' comments, it is agreed that when a plan is undertaken the operative plan is usually the status quo. A review requires consideration of changes to societal values, considerations and environmental changes to be taken into account (amongst other things), since the operative plan was developed. Climate change and sea level rise has caused a paradigm shift in coastal management at the coast occurs and this is reflected in various other guidance documents provided by Central Government. As climate change and sea level rise continues and more cause overtopping of the breakwaters, PTL will need to take a more proactive approach to protecting its assets within the Port Coastal Management Area. Full discretionary activity status for these activities will be considered in responses and the proposals could be delayed through the planning processes.</p> </div>
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858	Support	Accept	PTL supports the officers' recommendation for Rule 26. Additional relief recommended to include a new Rule 26A for geotechnical bores. It is noted that Rule 25A only provides relief for the Coastal Management Area and it is unclear if this is an appropriate use of the rule.
	Retain Rule 26 of the Plan as notified	Support noted. Rule 26 is retained subject to amendments made to offer relief to other submitters.	
- Trans-Tasman Taranaki Ltd (32), and Production Zealand (37)	Support		
- Climate Justice	Oppose		

Disturbance of seabed by mining

878	Amend	Decline	Support the Officers' recommendation.
	<p>Submitter seeks amendment to the Plan by including a new Rule 26A to explicitly address disturbance of the seabed by drilling, which would read as follows:</p> <p><u>26A Disturbance of seabed by drilling</u></p> <p><u>Classification: Permitted activity</u></p> <p><u>Coastal management areas: Estuaries</u></p> <p><u>Unmodified, Estuaries Modified, Open Coast, Port</u></p> <p><u>Standards, terms and conditions</u></p> <p><u>(a) Drilling is confined to mud, silt, sand, gravel and other fine sediments;</u></p> <p><u>(b) drilling does not occur within the Schedule 2 locations or within 200m of the Schedule 2 locations;</u></p> <p><u>(c) spacing between drilling locations (other than a re-drill or twinning of a hole) is not less than 0.5 km;</u></p> <p><u>(d) recurrent drilling (other than a re-drill or twinning of a hole) at the same location does not occur more frequently than once every two months;</u></p> <p><u>(e) the volume of material removed from a drilling location does not exceed 0.3 m3;</u></p> <p><u>(f) the area of seabed disturbed at a drilling location does not exceed 3 m2;</u></p> <p><u>(g) drilling does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage];</u></p> <p><u>(h) drilling does not have an adverse effect on any threatened or at risk (declining) species, or any rare and uncommon ecosystem type, including those identified in Schedule 4</u></p>	<p>Officers do not believe this rule is necessary and suggest that Rule 26 already addresses the activity. Nor do officers consider it appropriate that drilling for seabed mining be a Permitted Activity.</p>	

	entering details of the of the activity at www.trc.govt.nz/informcouncil		
- Climate Justice Rūnanga o Ngāti Hōwai o Ngāruahine Forest and Bird Protection Society (58), Te Rūnanga o Te Aho (1)	Oppose	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
- Port Taranaki Ltd	Oppose in part		
- Petroleum Production Association of New Zealand	Neutral		
– Exploration or appraisal of well drilling in the Open Coast or Port			
879	Amend Submitter seeks that drilling of any petroleum exploration or appraisal well and associated activities in the coastal marine area be a Prohibited Activity OR If this is not acceptable to Council, seek that the drilling of any petroleum exploration or appraisal well and associated activities in the Open Coast and Port be a Discretionary Activity (rather than Controlled Activity) and that consent applications be Publicly Notified (whether the activity is deemed Discretionary or Controlled) OR If Rule 26 retains its Controlled Activity status, seek that the setback distance of 1,000m from sensitive marine benthic habitat (Schedule 4B), reef system or boundary of Outstanding Value coastal management areas be increased to at least 6,000 m.	Decline Officers recommend declining the relief sought by the submitter. Officers note that the seabed drilling in the Open Coast and Port is a Permitted Activity under the current Plan but is proposed to be a Controlled Activity for which a resource consent is required. It is important to differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities as they are totally different activities with totally different associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. The drilling associated with seabed exploration should not result in more than minor adverse effects, subject to compliance with standards, terms and conditions set out in Rule 26. It is therefore considered inappropriate to make this activity a Discretionary Activity yet alone a Prohibited Activity. The submitter states that if the Controlled Activity status is retained, then they seek extended set back distances (from 1,000 m to 6,000 m) to be made from sensitive marine benthic habitat, reef systems or the boundary of Outstanding Value coastal management areas. No information has been provided to demonstrate why the proposed buffer distances are more appropriate compared to those adopted in the Rule and which were based on Cawthron recommendations set out in their advice entitled <i>Petroleum Drilling Activities: Buffer Distances From Outstanding Areas and Substrate Types Requiring Protection</i> .	Support the Officers' recommendation.
- Port Taranaki Ltd Exploration and Production New Zealand (37)	Oppose		

		should be bundled together, however, opposes the use of bundling to make all petroleum activities a Controlled Activity in the coastal marine area.	In relation to the submitter's opposition to bundling all petroleum activities as a Controlled Activity in the coastal marine area, officers note that the rules differentiate between hydrocarbon <u>exploration</u> activities and later <u>production</u> activities. Accordingly not "all" petroleum related activities have been bundled in this Rule. Separate rules apply recognising the different phases of hydrocarbon exploration and production activities and associated environmental effects, i.e. due to the increased scale of activities and therefore effects associated with the construction and operation of an offshore petroleum production installation. In relation to drilling activities, the 'bundled' activities identified in the Activity Description are incidental activities that would typically occur in association with any drilling activity. Their effects are considered and addressed as part of the standards, terms and conditions set out in the Rule.	
- Port Taranaki Ltd	Oppose			
- Te Korowai o	Support			
production installation erection or placement in coastal management areas: Port and Open Coast				
896	Support	Accept	Support the Officers' recommendation.	
	Retain Rule 29 of the Plan as notified.	Support noted.		
- Port Taranaki Ltd	Support			
production installation erection or placement in coastal management areas: Outstanding Value, Estuaries Unmodified and Estuaries Modified				
904	Support	Accept	Support the Officers' recommendation.	
	Retain Rule 30 of the Plan as notified.	Support noted.		
- Port Taranaki Ltd	Support			
structure erection or placement				
931	Amend	Decline	Support the Officers' recommendation. See comments above in relation to Rule 25.	
	Submitter seeks amendment to Rule 33 of the Plan to provide for hard protection structures within the Port coastal management area not provided for in rules 18-32 to be a Controlled Activity.	Officers recommend declining the relief sought by the submitter. Officers note that this Rule is an existing rule in the current Plan that provides a consenting pathway to authorise activities not otherwise provided for in the preceding rules. Given it is too difficult to envisage or foresee every form or type of activity that might take place in the coastal marine area, a catch-all rule is considered appropriate. Officers do not consider it appropriate in such circumstances to differentiate between the Port and other activities given that, in accordance with the <i>New Zealand Coastal Policy</i>		

	Submitter seeks amendment to Rule 33 of the Plan to provide an exception for Port Taranaki Ltd 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.	Officers do not believe any relief is necessary. Officers are unclear what flood protection structure exist within the Port Taranaki coastal management area noting that the rules are confined to the coastal marine area.	
Structure erection or placement			
944	Support	Accept	Support the Officers' recommendation.
	Retain Rule 34 of the Plan as notified.	Support noted. Rule 33 is retained subject to minor amendments sought by other submitters to better capture relevant activities.	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		
Structure repair of existing lawfully established structures			
950	Amend	Grant in kind	<p>The inclusion of the Port in this rule is supported and the ability to use this rule for maintenance and minor alteration and extension of existing hard protection structures is also supported in principle.</p> <p>However, it is considered that there is still some confusion over the definition of “alteration” and “extension”. The definition of “alteration” for any change in external dimensions, so it is difficult to determine if a minor alteration would be.</p> <p>The definition of extension does allow modification to the dimensions of a structure, and <u>minor</u> extensions can increase the length, width and height by up to and including 5% provided they are incidental to maintenance or <u>alteration</u> (emphasis). Clarification of this proposed rule and definition should be sought at the hearing.</p> <p>Overall, it is considered that if the rule is difficult to understand, the drafter to explain how it works, then greater clarity in the drafting of these rules and associated definitions in order to avoid interpretation issues later.</p> <p>It is further noted that under the definition of “extension” the size of a structure would technically be classified as an alteration to comprise a “modification”. While not intended, and a little suggested that the definition should be clarified so that it is changed to “increase”.</p>
	Submitter seeks amendment to Rule 35 of the Plan to include the Port coastal management area to this rule.	<p>Of note, the Plan includes a suite of Rules specific to Port structures (Rules 39, 40 and 41) which includes Permitted Activity Rule 39 [Port wharves or breakwaters and attached structures, maintenance, repair or alteration].</p> <p>In pre-hearing engagement, the submitter commented that it is not always evident which Rule applies to specific conditions and that a simpler cascade would assist Plan users and ensure that activities are managed consistently.</p> <p>Officers note that the standards, terms and conditions for Rule 39 is less directive than Rule 35. Rule 39 is also limited in its scope and only allows maintenance, repairs and alterations to the port wharves or breakwaters. Of note there are other structures in the Port coastal management area which may require maintenance and alteration. Officers consider that this distinction between different Port structures in the notified Plan was not necessary and that maintenance, alteration and extension of Port structures generally should be provided for as long as the appropriate standards, terms and conditions are met.</p> <p>Officers recommend granting an alternative relief to that sought by the submitter. Officers recommend including the Port within Rule 35 but also deleting Rule 39 to avoid unnecessary duplication between rules and confusion as to which rule applies to structures within the Port. Officers recommend further consequential changes</p>	

	<p>Submitter seeks amendment to Rule 35 of the Plan to clarify the rule to enable clear determination of minor alteration as a Permitted Activity. The submitter seeks that any consequential amendments required to the rules to give effect to this submission point are also recommended by officers.</p>	<p>Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki</p> <p>The submitter has concerns whether this rule would allow Port Taranaki Ltd to replace displaced akmons on the breakwaters and other areas within the Port. In pre-hearing engagement the submitter explained that akmons are often moved about during storms and that periodic maintenance of the breakwaters and other areas of the Port is required to ensure that Port infrastructure is safeguarded. The submitter is concerned that Rule 35 as drafted would not allow this activity, despite the inclusion of the Port within the coastal management areas because of the potential for the replaced akmons to be slightly outside the original external dimensions of the structure.</p> <p>In response to the concerns of the submitter (and others) in pre-hearing engagement in relation to the application of the suite of maintenance, alteration and extension rules, officers recommend realigning the rules to more clearly identify the activities encompassed within each rule. Of note, officers have recommended changes to the definition of ‘maintenance’, ‘alteration’ and ‘extension’, as well as redrafting of the rules.</p> <p>Officers consider the activity described by the submitter, and other similar activities, to be appropriate for a Permitted Activity, provided there are size thresholds is to ensure that incremental creep does not occur over time through ‘maintenance’, ‘repairs’ and ‘minor alterations’.</p>	
Protection structure repair, alteration, extension or removal and replacement			
960	<p>Amend</p> <p>Submitter seeks amendment to Rule 36 of the Plan to 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 (rather than a Discretionary Activity) and provide a non-notification clause.</p> <p>The submitter seeks that any consequential amendments required to the rules to give effect to this submission point are also recommended by officers.</p>	<p>Grant in kind</p> <p>Officers note that there are three aspects to this submission point which will be addressed separately, (1) maintenance, alteration and extension of hard protection structures, (2) removal and replacement of hard protection structures and (3) notification.</p> <p>(1) In pre-hearing engagement, the submitter noted that the Port is an area that requires hard protection structures to ensure the safety of Port infrastructure as well as the ongoing operation of the Port which is considered regionally important and has a functional need to locate within the coastal marine area. Thus hard protection structures are expected to locate in this area and their maintenance and ‘future proofing’ should be appropriately provided for within the Plan.</p> <p>The submitter noted that hard protection structures are not always isolated structures and are generally</p>	<p>The Officers’ recommendation to enable maintenance, extension of an existing lawfully established structure (protection structure) as a <u>controlled activity</u> within the Plan (breakwaters) as per Rule 40 is generally supported.</p> <p>Of concern is the standards and terms for this rule which are not measurable, but rather would be part of an activity requiring resource consent. Hence the activity status is difficult to determine. The Officers considered that the status of an activity should be clear and not subject to opinion and deliberation (standards (a)- (d) for a controlled activity).</p> <p>The Officers’ recommendation to include a restricted discretionary activity rule (Rule 40A) for maintenance, alteration or extension of hard protection structures within the Port that do not fall within Rule 35 or 40 is supported.</p> <p>It is considered that maintenance, alteration or extension of hard protection structures is provided for as a restricted discretionary activity.</p>

Policy and Planning Committee	<p>approval of Proposed Coastal Plan for Tairāhiki</p> <p>to exactly which rule would apply for some activities. Officers note that the <i>New Zealand Coastal Policy Statement</i> discourages the use of hard protection structures and encourages the use of alternatives, however, it is officers view that discouragement should only apply to the initial placement or erection of the structure and does not stretch to the maintenance and alteration of legally established hard protection structures.</p> <p>Providing an appropriate pathway for the maintenance and upgrading to ensure the ‘future proofing’ of hard protection structures is necessary for good environmental outcomes and personnel safety. Further to this, officers note that maintenance and minor alteration of hard protection structures has already been provided for generally under Rule 35 as a permitted activity (hard protection structures are not excluded from the rule). For this reason, officers recommend an alternative relief that addresses the submitter’s concerns to delete Rule 36 so that it is clear that maintenance, alteration or extension of hard protection structures are initially addressed under Rule 35 (for all structure types and coastal management areas as a permitted activity). If the activity cannot comply with Rule 35 then a higher regulatory process and consent will be required under Rules 37 and 37A (for network utility structures); and Rules 40 and 40A (for all Port structures). Other hard protection structure maintenance, alteration and extension that does not comply with rule 35 is addressed under Rules 42 (discretionary) and 43 (Non-complying) depending on the coastal management area involved.</p> <p>(2) In relation to the removal and replacement aspect of the submitter’s concerns, officers note that there are potentially two pathways within the Plan for this activity, Through Rule 38 [Structure removal and replacement] or through Rules 44, 45 and 46 [Structure removal and demolition] and then the appropriate structure erection or placement rule (Rules 18 to 25).</p> <p>It is vital that the Plan provide a single clear pathway for Plan users. For this reason officers recommend deleting Rule 38 so that a plan user will have to consult the appropriate removal rule as well as the appropriate placement or erection rule. This will ensure an</p>
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and district, have non-notification clauses. Non-notification with expectations and reduce uncertainty where the ac the matters of control or restricted discretion are confined matters.

		Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	within the RMA sections 95A to 95G. In order to ensure alignment with the RMA, officers recommend an alternative relief that deletes reference to consenting notification requirements in the Plan rules.	
utility structure, repair, alteration or extension				
970	Amend	Accept in part	Support the Officers' recommendation to include 'main	
	Submitter seeks amendment to Rule 37 of the Plan to read: <i>Lawfully established network utility structure <u>maintenance</u>, repair, alteration or extension where the structure is:</i> <i>(a) a pipeline that is buried or attached to a bridge or access structure;</i> <i>[...]</i> <i>(d) a communication or electricity cable that is buried or attached to a bridge or access structure <u>or pole</u>; or</i> <i>[...]</i> <i>(d) discharge of sediment and does not come <u>within or</u> comply with Rule 35 [...]</i>	Officers note that there are multiple aspects to the submitter's request. Each is addressed in turn. <ul style="list-style-type: none">In relation to the inclusion of 'maintenance' officers recommend amending the Rule and note that there may be instances where a maintenance activity may not meet all of the standards, terms and conditions. In these instances, the activity may be addressed as a Controlled Activity under Rule 37.Officers recommend an alternative the relief to the amendment sought in relation to amending the Activity Description (d) to read as follows: <i>(d) a communication or electricity cable; or [...]</i>Regarding compliance with Rule 35, officers recommend declining the request and note that there may be instances where an activity does not come within the activity description of that Rule. Maintaining the current wording will ensure consistency with the rest of the Plan.		
- Port Taranaki Ltd	Support			
lawfully established structure removal and replacement				
977	Amend	Decline	Support the Officers' recommendation to delete Rule 3 clarification of the issues identified above with the ame in respect to structures recommended by the Officers'.	
	Submitter seeks amendment to the standards, terms and conditions of Rule 38 [Existing lawfully established structure removal and replacement] of the Plan to read: <i>[...]</i> <i>(f) the replacement structure is built in the same <u>or similar location</u> as the original structure;</i> <i>(g) The existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council. to have greater adverse effects on the environment than leaving it in place;</u></i> <i>OR</i> <i>the standards, terms and conditions are</i>	In response to other submitters, officers consider that Rule 38 is unnecessary as it addresses matters already covered through a different Rule pathway. Officers recommend deleting Rule 38 to avoid confusion for Plan users and instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.		
		1044		

	<u>submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced;</u> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council; [...]</u></i>	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	
- Port Taranaki Ltd	Support in part		
986	Support	Decline	Support the Officers' recommendation to delete Rule 38 and the associated clarification of the issues identified above with the amendment in respect to structures recommended by the Officers.
	Retain Rule 38 of the Plan as notified.	Support noted, however, officers note that Rule 38 is recommended to be deleted in response to other submitter's requests due to duplication of Plan provisions.	
- Port Taranaki Ltd	Support in part		
Lawfully established Port structure maintenance and repair			
991	Amend	Grant in kind	Support the Officers' recommendation to delete Rule 39 and the associated clarification of the issues identified above with respect to new structures rules recommended by the Officers.
	Submitter seeks amendment to the Activity Description of Rule 39 of the Plan to read: <i>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: [...]</i>	Officers recommend granting the relief in kind. Officers note that amendments made to Rule 35 have made Rule 39 redundant due to duplication of provisions. As a result, Rule 39 is recommended to be deleted. Officers note that the concerns raised by the submitter and request to broaden the scope of Rule 39 to all port operations has already been provided for under Rule 35.	
- Port Taranaki Ltd	Support		
Lawfully established Port structure maintenance and repair			
995	Support	Accept	See discussion with respect to Rule 36 above.
	Retain Rule 40 of the Plan as notified.	Support noted but note the inclusion of additional standards, terms and conditions.	
- Port Taranaki Ltd	Support		
Lawfully established Port repair, alteration and extension			
998	Amend	Decline	See discussion with respect to Rule 36 above; but general sentiments expressed by Officers' in respect to retaining the Port.
	Submitter seeks amendment to Rule 41 of the Plan to make the maintenance, repair or	Officers recommend declining the relief sought. Officers note that the Port is already a highly modified	

	Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	<p>Policy 6 the Council seeks to provide for such activities. The Council sees no net environmental benefit to reducing business certainty for the Port (by the potential of declining a resource consent application) by making the activity a Discretionary Activity.</p> <p>Notwithstanding the above, officers note that in order to simplify the rules cascade relating to structure maintenance, alteration and extension Rules 40 and 41 have been merged and additional standards, terms and conditions inserted to address environmental effects to ensure the broader consideration of environmental effects.</p>	
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Structure repair, extension, removal or replacement

1002	Amend	Accept in part	Support the Officers' recommendation given that Rule 40 for structures (including hard protection structures) within the Management Area and is a restricted discretionary activity.
	<p>Submitter seeks amendment to Rule 42 of the Plan to:</p> <ul style="list-style-type: none"> 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 and replacement that is not provided for in Rules 35 to 41 make any consequential amendments to other rules and objectives and policies to give effect to this relief <p>OR</p> <ul style="list-style-type: none"> provide another rule structure or amendment/additional rules to Rules 35-41 that delivers the same result for the port. 	<p>Officers recommend accepting in part the relief requested by the submitter.</p> <p>Officers consider that regionally important infrastructure, which includes the Port, should be recognised within the Rules and provided for in a manner that promotes the maintenance and future proofing of infrastructure, subject to the appropriate regulatory controls and environmental outcomes.</p> <p>Officers recommend including two additional rules that provide a Restricted Discretionary pathway for maintenance, alteration and extension activities for the Port and for Network Utilities. These are new Rules 37A for network utility structures and 40A for Port structures. Officers note that Rules 35 and 37 already provide a Permitted and Controlled activity pathway for most maintenance, alteration and extension activities within the Port. Only in circumstances where the activity cannot comply with the standards, terms and conditions of these rules will a higher regulatory rule be required, i.e. Rule 40A.</p>	
Port Taranaki Ltd P Oils Ltd and Mobil Oil	Support		

Removal or demolition

1016	Support	Accept	Support the Officers' recommendation.
	Retain Rule 44 of the Plan as notified.	<p>In relation to notification requirements proposed by the submitter, officers note that the rule includes a notification requirement to the Council under standard, term and condition (g). The Council have already agreed to pass the notification information onto interested iwi authorities.</p> <p>1046</p> <p>Officers recommend amending the rule to include an additional note under the Activity Description to indicate</p>	
Port Taranaki Ltd	Support		

45 44 [...]:			
removal or demolition			
1032	Support	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Support the Officers' recommendation.
	Retain Rule 46 of the Plan as notified.	Support noted. Rule 46 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.	
- Port Taranaki	Support		
/ occupation for community, recreational or sporting events			
1038	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to Rule 47 of the Plan to make temporary occupation for community, recreational or sporting events a Controlled Activity (rather than a Permitted Activity).	Officers do not recommend granting the relief sought by the submitter. Officers note that the purpose of Rule 47 is to allow for community, recreational or sporting events to occur as much as possible without imposing unnecessary costs and constraints on the event associated with obtaining a resource consent. It potentially applies to such events as national and regional sailing, surf live saving, surfing, triathlons, swimming events and beach carnivals and is largely a continuation of an existing rule in the current Plan.	
- Port Taranaki	Oppose		
occupation			
1047	Support	Accept	Support the Officers' recommendation.
	Retain Rule 48 of the Plan as notified.	Support noted. Rule 48 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		
occupation			
1054	Support	Accept	Support the Officers' recommendation.
	Retain Rule 49 of the Plan as notified.	Support noted. Rule 49 is retained subject to amendments to offer relief to other submitters' concerns where appropriate.	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		
occupation			
1061	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to Rule 50 of the Plan's activity description to read: [...] and the activity does not come within or comply with Rules 47 – 50 49 [...]:	Officers recommend granting the relief sought by the submitter. 1047	

of benthic grab samples

1075	Support	Accept	Support the Officers' recommendation.
	Retain Rule 52 of the Plan as this rule appropriately enables monitoring of effects on benthic communities by providing for the removal of benthic material as a permitted activity where it is for scientific or monitoring purposes and where it meets the terms set out in the rule.	Support noted. Rule 52 is retained as notified. Amendments to offer relief to other submitters' concerns where appropriate.	
- Port Taranaki Ltd	Support		
- Te Rūnanga o Ngāti	Oppose		

and spoil disposal (Open Coast)

1093	Support	Accept	Support the Officers' recommendation.
	Retain Rule 56 of the Plan as notified.	Rule 56 is retained as notified.	
- Port Taranaki Ltd	Support		

denishment

1100	Support	Accept	Support the Officers' recommendation.
	Retain Rule 57 of the Plan as notified.	Support noted. Rule 57 is retained as notified.	
- Port Taranaki Ltd	Support		

urbance, damage, destruction, removal or deposition

1115	Support	Accept	Support the Officers' recommendation.
	Retain Rule 60 of the Plan as notified.	Support noted. Rule 60 retained as notified.	
- Port Taranaki Ltd	Support		

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

1118	Support	Accept	Support the Officers' recommendation.
	Retain Rules 60 and 61 providing for other disturbance activities as Discretionary or Non-complying in more sensitive areas and suggests this is appropriate and consistent with the way in which the other rules have approached similar catch all provisions (Rules 13, 14, 33, 34, 42, and 43).	Support noted. Rules 60 and 61 are retained with minor amendment to Rule 61 to remove the reference to the <i>Resource Management (National Environmental Standards for Electricity Transmission Activity Regulations 2009 (Appendix 6))</i> .	
- Port Taranaki Ltd	Support	1048	

1048

amation or drainage that is not provided for in Rule 62 (Estuaries Modified, Open Coast, Port)

1126	Support	Accept	Support the Officers' recommendation.
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1136	Support	Support noted. Rule 65 is retained subject to the commitments made to the other submitters concerns where appropriate.	Support the Officers' recommendation.
	Retain Rule 65 as this rule appropriately provides for the taking and use of coastal water as a permitted activity where the taking and use would not affect significant sites, species, or ecosystems.		
- Port Taranaki Ltd	Support		
Te Rūnanga o Ngāti	Oppose		

6.2 – Light

1153	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to General Standard 8.6.2 [Lights] of the Plan to include: <ul style="list-style-type: none"> standards for lights to be shielded or of a colour so that they do not attract or disturb seabirds new standard to avoid lighting near any seabird, including penguin, breeding areas new standards for navigational aids and safety to mitigate any adverse effects on seabirds. 	Officers recommend declining this relief sought by the submitter and note the following: <ul style="list-style-type: none"> General standard 8.6.2 already states that light sources will be shielded except for navigational aids and lights required under the Acts of Parliament. For navigational aids, a shielded light would lessen its effective over long distances and result in higher risks to vessels within the coastal marine area. A further consideration is that light colour is an important identifier of hazards and vessel pathways. Specific colours are required to comply with international regulations and standards. Lights in the coastal marine area are largely used for navigation and safety. As they are in the coastal marine area (and not on land) impacts on penguin breeding areas is likely to be minimal. Navigational aids are critical and ensure the safe passage of vessels within the coastal marine area and avoid incidents at sea, which, in turn are likely to have a much more significant impacts on seabirds and other marine life, e.g. marine oil spills. 	
- Port Taranaki Ltd	Oppose		

6.3 – Noise

1156	Support	Accept	Support the Officers' recommendation.
	Retain the noise provisions in the Plan based on implementation of the Port Noise Standard and alignment between the New Plymouth District Plan and the Proposed Coastal Plan provisions as each go through their respective review processes.	Support noted. General Standards 8.6.3 is retained as notified.	

utions, monitoring and review

I contributions

1164	Amend	Accept	Support the Officers' recommendation
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	9 - Financial contributions <u>and environmental compensation.</u>	environmental compensation.	
Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki			
1167	Amend Submitter seeks amendment to Section 9.1 of the Plan to include wording that provides for environmental compensation to be applied wider afield than the immediate/adjacent site or surrounding area.	No relief necessary Officers note that Section 9 does not generally require environmental compensation to be applied in the immediate/adjacent site or surrounding area. The majority of situations described in Section 9.1 refer to “the general area” or “locality” and is not confined to “immediate or adjacent sites”. The only exception is Section 9.1.4 [Protection, maintenance or enhancement of visual amenity and landscape] which requires compensation to occur adjacent to the site to address visual amenity impacts. Officers consider these conditions to be appropriate and provides the necessary flexibility for Council to consider the effects of consenting a particular activity and the appropriateness of avoidance, mitigation and remediation measures to address adverse environmental effects. On occasion there may be a requirement to offset or mitigate any residual effects. Such matters necessarily need to be considered on a case-by-case basis having regard for the scale of the activity and the nature of the receiving location, including the surrounding landscape.	Support the Officers’ recommendation.
ral – environmental compensation			
1171	Amend The submitter is uncertain as to how these provisions are to be applied and states that it is not appropriate to consider compensation for adverse effects which are to be avoided under the New Zealand Coastal Policy Statement. The submitter suggests compensation does not achieve protection of the values and characteristics to be protected. There must be limits to compensation to give effect to the <i>New Zealand Coastal Policy Statement</i> . Submitter seeks amendment to the Plan by deleting Section 9.1.8 [General environmental compensation]: 9.1.8 General – environmental compensation Purpose: To provide environmental compensation where an activity will have adverse effects, which will not be adequately avoided, remedied or mitigated by protecting,	Decline The submitter’s comments are noted. However, officers note that environmental compensation is still subject to the objectives and policies of the Plan, which provide varying levels of protection including avoidance type policies. Environmental compensation cannot be considered in lieu of compliance with those policies. Officers recommend declining the relief sought. Environmental compensation may be a useful tool for activities unable to avoid adverse effects. This may be the case for necessary developments, upgrade or the placement of regionally important infrastructure which is provided for under the <i>Regional Policy Statement</i> (Section 15.2 [Providing for regionally significant infrastructure]). Further, the <i>New Zealand Coastal Policy Statement</i> does not require avoidance of all adverse effects. In such instances the Council may be required to “avoid significant adverse effects” or to “have regard to”. This language may introduce instances where financial	Support the Officers’ recommendation.

Port Taranaki Ltd (32)		strong and to uphold the requirements of the New Zealand Coastal Policy Statement and therefore the compensations provided for here will be in alignment with requirements of the <i>New Zealand Coastal Policy Statement</i> .	
II			
1177	Support	Accept	Support the Officers' recommendation.
	Retain the RMA definitions such as <i>"best practicable option"</i> , <i>"coastal marine area"</i> , <i>"common marine and coastal areas"</i> , <i>"discharge"</i> , <i>"environment"</i> , <i>"structure"</i> , and <i>"industrial or trade premises"</i> .	Definitions for <i>"best practicable option"</i> , <i>"coastal marine area"</i> , <i>"common marine and coastal areas"</i> , <i>"discharge"</i> , <i>"environment"</i> , <i>"structure"</i> , and <i>"industrial or trade premises"</i> are retained as notified.	
- Port Taranaki Ltd	Support		
e management			
1180	Support	Decline	Neutral on the Officers' recommendation.
	Retain the definition <i>"adaptive management"</i> as notified.	Recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse. As a result, officers recommend removing reference to adaptive management from the Plan entirely, including the definition of adaptive management.	
- Meridian Energy Ltd d (32)	Support		
eration			
1182	Amend	Accept in part	Concerns with the definition of <i>"alteration"</i> have already been discussed above in respect to the discussion on Rule 35.
	Alteration is referred to in a number of rules relating to structures in the coastal environment. This term can be interpreted in a variety of ways, so a specific definition would aid in Plan interpretation. Submitter seeks amendment to the Plan to include a new definition for <i>"alteration"</i> to read: <u><i>Alteration, in relation to buildings, means any changes to the fabric or characteristics of a structure involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the structure. In relation to structures, means any changes to function, layout, or appearance of a structure without changing its physical dimensions.</i></u>	Officers agree that the interpretation and application of the Plan, particularly in relation to rules addressing structures in the coastal marine area, would be improved by defining the term <i>"alteration"</i> . Officers note that alteration may apply to many types of structures and is not restricted to buildings, therefore, for the purpose of the Plan, reads as follows: <u><i>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</i></u> Officers note that change to the external dimensions of a structure is defined through the term <i>"extension"</i> which officers suggest should also be included within the definitions section for consistency. The definition of <i>"extension"</i> reads: <u><i>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height</i></u>	

	The submitter seeks clarity on whether “amenity values” includes visual amenity so that the areas identified in Policy 18 are recognised under the <i>National Environmental Standard for Plantation Forestry</i> and seeks that, if it does not include visual amenity, that the definition be amended to include visual amenity as part of amenity values.	Under the <i>National Environmental Standard for Plantation Forestry</i> , 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 (b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area.” Officers recommend declining the request to amend the definition of “amenity values”. Amenity values is defined by the RMA and officers do not consider it appropriate to amend the statutory definition. In addition, officers note that the use of “landscapes” in the suggested amendment provides a different meaning and application of the term “amenity values” meaning that only landscapes identified in plans or policy statements can be considered to have any amenity values, significantly reducing the locations where Policy 18 can be applied within the Plan. Notwithstanding the above, visual amenity is already implied within the current definition being a quality that contributes to “people’s appreciation of its pleasantness and aesthetic coherence”.	
- Meridian Energy Ltd d (32)	Oppose		

ng			
1184	Amend Submitter seeks amendment to the definition of “biofouling” to include the following words after aquatic environment: <ul style="list-style-type: none"> “microfouling” – 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” – any organism not included in the definition of “microfouling”. 	Grant in kind Officers recommend accepting the inclusion of definitions for macrofouling and microfouling but propose an alternative relief to that sought by the submitter. Officers suggest that the appropriate location of these definitions is not within the definition of biofouling and that each term should have its own, standalone definition following the alphabetical listing order that is within this section of the Plan and that the definition for “biofouling” should remain as notified. Refer to new definitions for macrofouling and microfouling within this section.	Support the Officers’ recommendation.
- Trans-Tasman	Neutral		
- Port Taranaki Ltd	Oppose		
1185	Support Retain the definition of “biofouling” as notified.	Accept Definition of biofouling is retained as notified.	Support the Officers’ recommendation.
- Port Taranaki Ltd	Support	1052	

environment			
1186	Amend	Amend	

	<p>“coastal environment”</p> <p>OR</p> <p>Alternatively delete the definition: Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki</p> <p>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</p>	<p>Consequential amendments to the Plan include an amended definition of coastal environment to read:</p> <p>Coastal environment means:</p> <p><u>(a) all of the coastal marine area;</u></p> <p><u>(b) areas landward of the coastal marine area and identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link), however described; and</u></p> <p><u>(c) any other areas landward of the coastal environment line where coastal processes, influences or qualities are significant.</u></p>	
- Meridian Energy Ltd	Oppose		
- Port Taranaki Ltd	Oppose in part		

Functional need			
1197	Amend	Accept	<p>It is considered that the Officer's recommendation can extend that the proposed definition is consistent with the National Planning Standards.</p> <p>However, it is considered that this definition has some “because the activity can <u>only</u> occur in that environment” was considered that a Port can only occur straddling the Inland Ports it can be argued that a large proportion of coastal ports can occur elsewhere. The definition created by PTL and requires the support of “operational need” to remove uncertainty.</p>
	Amend Plan to include a new definition for “functional need” to read: <u>The locational, operational, practical or technical needs of an activity, including development and upgrades.</u>	Officers recommend including a definition for “functional need” but noting that the definition must be aligned with the National Planning Standards 2019. The definition reads: <u>Functional need means the need for a proposal of activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</u>	
- Meridian	Support		
- Port Taranaki and Bird (43)	Oppose		
Powerco (45), Z and Mobil Oil NZ Ltd	Support in part		

Maintenance			
1215	Amend	Accept	Support the Officers' recommendation.
	<p>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 by amending the definition of “maintenance”.</p> <p>Submitter seeks amendment to the definition of “maintenance” to read:</p> <p><u>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</u></p>	<p>Officers note that the distinction between a maintenance activities and alteration activities may overlap in some instances, however, do not recommend including alteration within the definition of maintenance. Officers recommend that definitions differentiate between ‘maintenance’ and ‘alteration’. These definitions align with relevant rules, particularly Rules 35 to 43.</p> <p>The following amendments to the definition of “maintenance” are recommended:</p> <p><u>Maintenance in relation to a structure, means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character,</u></p>	

- Petroleum uction Association of	Support in part	Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	is appropriate to leave the definition broad so that it can be applied to other scenarios. For the purpose of the Plan officers recommend that the definition of alteration read as follows: <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u>	
Major alteration or extension				
1218	Amend	Accept in part	Officers recommend giving partial relief to the request sought by the submitter involving reframing the maintenance, alterations, extensions and removal rules (to more clearly differentiate between the respective activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for 'maintenance' and with new definitions for 'alteration' and 'extension' also proposed. However, officers do not believe it is necessary to include a definition for "major alteration". Officers suggest that the distinction between major and minor alterations is determinable through the individual reading of relevant rules. Officers recommend that the following new definitions of "alteration" and "extension" be included in the Plan to read as follows: <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u> <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions.</u>	Concerns with the definition of "alteration" and "extension" have been expressed above in respect to the discussion on
- Port Taranaki Ltd	Oppose			
Microfouling				
1221	Amend	Accept	Officers recommend granting the relief sought by the submitter and to include a new definition of 'microfouling' to read as follows: <u>Microfoul is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a 'slime layer'.</u> With the following footnote: <u>Microfouling can usually be removed by gently passing a finger over the surface.</u>	Support the Officers' recommendation.
- Port Taranaki Ltd	Oppose			

	include a new definition of <i>minor alteration or extension</i> ” to read: <u>Minor alteration or extension means, the alteration of a 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.</u>	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki sought by the submitter involving redefining the maintenance, alterations, extensions and removal rules (to more clearly differentiate between the respective activities based upon changes in their external dimensions). Consequential changes are also proposed to the Plan definition for “ <i>maintenance</i> ” and with new definitions for “ <i>alteration</i> ” and “ <i>extension</i> ” also proposed. However, officers do not believe it is necessary to include a definition. Use of the term minor alteration is only used within Rule 35 of the Plan. This rule includes a number of standards, terms and conditions that establish the parameters for what would be considered ‘minor’. Officers note that activities that do not fit these standards, terms and conditions would not be considered to be ‘minor’ and would be considered under another rule. Officers recommend that the following new definitions of “ <i>alteration</i> ” and “ <i>extension</i> ” be included in the Plan to read as follows: <u>Extension in relation to a structure, means any modification to the external dimensions of a structure, including length, width and height.</u> <u>Alteration in relation to a structure, means any modification to a structure that does not increase its external dimensions</u>	
- Port Taranaki Ltd	Oppose		
- Powerco (45)	Oppose in part		

Character

1225	Amend	Decline	Support the Officers’ recommendation to decline the relief sought by the submitter, although it is considered that the definition of natural character is appropriate.
	Submitter seeks amendment to the definition of “ <i>natural character</i> ” to better reflect Policy 13 of the <i>New Zealand Coastal Policy Statement</i> .	Officers recommend declining the relief sought by the submitter. Officers note that the proposed definition of natural character would encompass all of the qualities identified in Policy 13 of the <i>New Zealand Coastal Policy Statement</i> and that Policy 13 is not an exhaustive list but merely identifies some characteristics that <u>may</u> (emphasis added) be recognised as natural character. For this reason, officers consider that a more generic and broader definition than that sought by the submitter is required in order to avoid a verbose Plan and the inclusion of an unnecessarily lengthy definition that do not capture all of the possible characteristics. Officers note that all of the characteristics listed in Policy 13 of the <i>New Zealand Coastal Policy Statement</i> are either natural elements, patterns or process or are the experiential perceptions of those processes.	
- Meridian Energy Ltd	Support		
- Port Taranaki Ltd	Support in part		
- Powerco (45)	Oppose		

Meridian Energy Ltd	Support		identified in Policy 15 of the <i>New Zealand Coastal Policy Statement</i> . Officers note that Policy 15 of the <i>New Zealand Coastal Policy Statement</i> includes a list of features, characteristics and values that are components of a natural landscape which are either part of the physical character of the area (such as natural science factors, presence of water, vegetation and presence of wildlife), the perceptions of that character or associations with that area (such as the legibility or expressiveness of those characters, their aesthetic values, memorability and wild or scenic values), and cultural spiritual, historical and heritage associations (such as values of tangata whenua and historic heritage associations).
- Port Taranaki Ltd	Support in part	Policy and Planning Committee Approval of Proposed Coastal Plan for Taranaki	
- Powerco (45)	Oppose		

landscape			
1229	Amend	Decline	Support the Officers' recommendation.
	Submitter seeks amendment to the definition of "natural landscape" to include in the definition that protection of natural character of the coastal environment is set out in Policy 15 of the <i>New Zealand Coastal Policy Statement</i> .	Officers recommend declining the relief sought. Officers do not believe it necessary to specifically reference Policy 15 of the <i>New Zealand Coastal Policy Statement</i> and risks making the Plan overly verbose, particularly if this approach is adopted for other terms used in the <i>New Zealand Coastal Policy Statement</i> .	
- Port Taranaki Ltd	Oppose		

1247	Amend	Accept	Support the officers' recommendation
	Submitter seeks amendment of the definition of "Port" to state that the port is Port Taranaki OR Alternatively delete the definition.	The submitter contends that the current definition does not make sense given the common meaning of port. The submitter suggests Policy 1 sets out that the "port" is Port Taranaki and states the definition would be clearer if it said it was the Port of Taranaki. Officers agree and recommend amending the definition of "Port" to read: Port refers to the coastal management area identified in Schedule 1 of the Plan <u>as Port Taranaki</u> .	
- Z Energy Ltd, BP Oil Ltd (46)	Oppose in part		
- Port Taranaki Ltd	Oppose		

clamation			
1252	Amend	Grant in kind	Support the Officers' recommendation.
	Submitter seeks amendment to the definition of "reclamation" to read (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.</u> <u>Reclamation does not include:</u> <u>1 land that has arisen above the line of mean high water springs as a result of natural</u>	Officers recommend granting the relief sought by the submitter by amending the Plan to include a definition for "reclamation", however, recommend aligning with the definition in the <i>National Planning Standards</i> , which reads as follows: <u>Reclamation means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the</u>	

- Port Taranaki Ltd	Oppose	<u>groynes or sea walls.</u> <u>except where the purpose of those structures is to form dry land.</u>	
Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki			
Regionally important infrastructure			
1263	Support	Decline	Support the Officers' recommendation.
	Retain the definition of "regionally important infrastructure" as notified but adopt the term "regionally significant infrastructure" (instead of the term "regionally important infrastructure") to ensure consistency between the Plan and other planning documents such as the Regional Policy Statement.	Officers recommend declining the relief sought to amend the Plan to refer to "regionally significant infrastructure" rather than "regionally important infrastructure" in the interests of aligning terminology with other regions (noting that similar terminology has been adopted in other recent second generation plans).	
- Port Taranaki Ltd	Support in part		
Regionally important infrastructure			
1269	Support	Decline	Support the Officers' recommendation.
	Retain the definition of "repair".	Several submitters have requested deletion of the definition of "repair". Officers recommend deletion of the term.	
- Port Taranaki	Support		
Regionally important infrastructure			
1271	Support	Grant in kind	This definition does not appropriately discuss reverse sensitivity effect.
	Retain the definition of "reverse sensitivity" as notified.	Support noted. The definition of reverse sensitivity is recommended to be amended in order to provide more clear direction to Plan users. However, the intent and scope of the definition is retained.	
- Port Taranaki Ltd	Support		
Regionally important infrastructure			
1293	Amend	Accept in part	Support the Officers' recommendation. However, the tracked changes version of the Plan is "controlled activity contingent on the permitted activity status being confirmed".
	Submitter seeks amendment to the definition of "well" to include wells and bores for other purposes, including for the purposes of geotechnical investigations AND provide for such investigations through a rule that permits test bores/wells for geotechnical investigative purposes subject to permitted conditions. The proposed definition of "well" would read as follows: Well means a hole drilled for <u>geotechnical investigation or for</u> the purpose of exploring for, appraising or extracting hydrocarbons and includes: (a) any hole for injection purposes; (b) any down-hole pressure containing equipment; and (c) any pressure-containing equipment on	Officers recommend declining the relief sought in relation to "well" which is deliberately framed to capture drilling for hydrocarbon exploration and production only. However, officers do agree to amend the Plan to include a Permitted Activity rule to provide for test bores and drilling on the seafloor and seabed for geotechnical investigative purposes.	
		1057	

Surf breaks

1355	Amend	Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki	Decline	<p>Oppose the Officers' recommendation.</p> <p>PTL has been unable to understand from the Officer's why this new surf break has been included at the tip of PTL has been aware of the Belt Road surf breaks of re some time, however this new surf break was not included Proposed Plan and was notified without any knowledge with PTL.</p> <p>A letter from Peter McCombs is attached to this evidence</p> <p>PTL seek removal of this additional breakwater from the significant surf breaks.</p>
	Submitter seeks amendment to Schedule 7A of the Plan to delete the "Breakwater" surf break from the list of regionally significant surf breaks, and delete references to it on associated maps.		Officers assume that the submitter's concern relate to the levels of protection afforded to regionally significant surf breaks and the operational implications of recognising the "breakwater" as a regionally significant surf break. Officers suggest these issues are recognised and have been addressed in Policy 19(b) which recognises that strict avoidance of effects on regionally significant surf breaks by regionally important infrastructure such as the Port might not always be practicable (in which case a mitigation hierarchy to manage effects applies).	

Port zone

1359	Amend	Accept	Support the Officers' recommendation.
	Submitter seeks amendment to Schedule 8 of the Plan (and associated maps) to include the wharves in the Port Air Zone and correspond to the online maps for the Port Air Zone.	Officers recommend amending Schedule 8 to include wharves within the Port Air Zone to be consistent with the areal extent of maps online.	

Maps

	PTL was unaware of the identification of the breakwater surf break and does not support its inclusion as a regionally significant surf break.	As per comments for schedule 7A above	As per comments for schedule 7A above
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Attachment B – Letter from Mr McComb – Main Breakwater Surf Break



7 July 2019

Guy Roper, CEO
Port Taranaki Limited
2-8 Bayly Road
New Plymouth 4340

Dear Guy

RE: comments on the proposed RCP

Thank you for bringing to my attention the matter of the regionally significant surf break designated at the end of the Main Breakwater within the proposed Taranaki Regional Coastal Plan.

I am familiar with this break, having surfed it frequently during my years of PhD research on the wave and sediment dynamics adjacent to Port Taranaki. Indeed, one of the research topics published during those years was the way the breakwater shoal evolved between the dredging cycles, and what was the evidence for the accretionary process that we suspected was the dominant mechanism for this area¹. In later work for the Port, with colleagues we succeeded in developing a numerical model to simulate the growth of the shoal, and we used that model to examine alternative dredging patterns and control structures in the tip area. So, it is fair to say I know the wave physics and sediment dynamics of this spot quite well, plus have had the opportunity to enjoy some waves out there as well.

The Main Breakwater tip and the adjacent shoal plays a governing role in the harbour wave climate. Swell waves typically enter the harbour due to the processes of refraction and diffraction in the vicinity of the tip. The presence of the shoal actively enhances wave refraction because of the bulbous nature; causing a localised rotation of the swell wave direction and partial breaking on the shallow areas. Wave energy is directed into the harbour by this process, and also modified along the eastern side of the entrance too. For example, during low tides and SW swells, the heights measured at the wave tower tend to increase due to the effect of refraction on the tip shoal. I include a snapshot from a numerical simulation of this general process in Figure 1.

The surf break is located just inside the harbour entrance, where the waves have rotated some 100-120 degrees. Depending on the tide level and the wave period, energy is further directed into the harbour and also dissipated against the inside of the Main Breakwater wall. The surf break is entirely dependent on the combined presence of the Main Breakwater and the tip shoal, the latter of which has a considerable subtidal extent.

¹ McComb, P., Black, K., Atkinson, P., Lim, Y. and Healy, T. (1999). The accretion of a breakwater-tip shoal following dredging. Pacific Coasts and Ports '99, Perth, Australia, pp. 420-425.

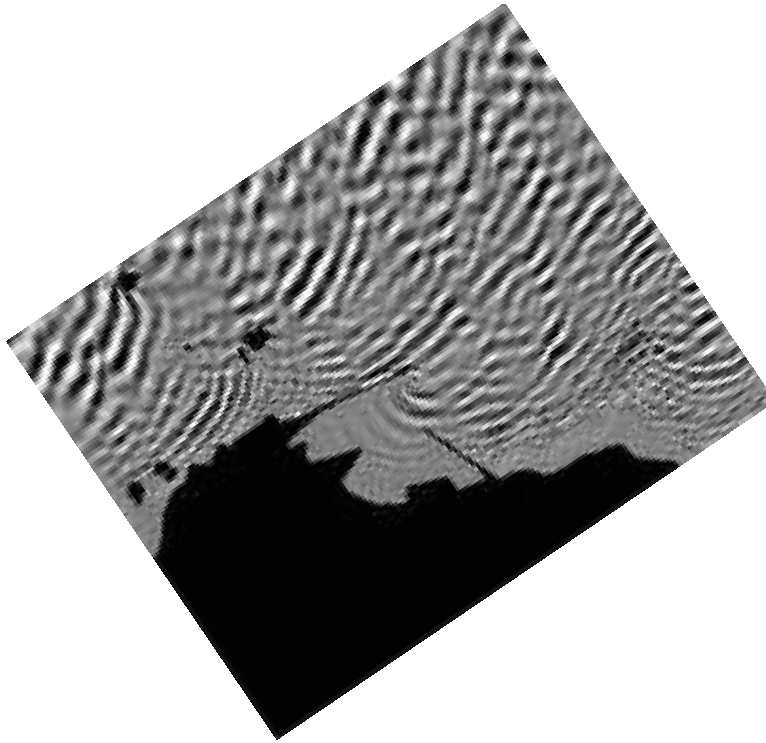


Figure 1. Numerical simulation of the swell wave transformations near Port Taranaki.

I was surprised to see the Breakwater surf break proposed for regionally significant status. My own opinion of the break is that it certainly has unique character, and provides the occasional opportunity to surf under certain conditions, but it is very inconsistent and does not merit a level of regional significance that puts it on a par with the likes of adjacent breaks at Belt Rd or Bog Works, for example. Wave uniqueness is defined as a recognition of the importance of the location to the regional surf resources in conditions when other breaks are not favourable. For the Breakwater tip, this is typically in long period swell conditions when W-SW winds make other breaks unfavourable. Tide is a factor here too, as the break is often better on the lower tides when the adjacent breaks like Belt Rd are not.

I note that 3.55% of the online survey respondents recorded this break (i.e. 12 people). Orchard (2017) details ten attributes that contribute to a surf break being important, and the results from five of those categories are presented in his report to Council (wave quality, wave consistency, wave uniqueness, wilderness, naturalness). Wave quality is considered the most essential attribute for regional significance. However, for the purposes of the Coastal Plan review it was recommended that Council adopt a cut-off value of 3.4 from at least one of the five attributes to produce the list of regionally significant surf breaks.



From the online survey, the Breakwater surf break had mean scores as follows:

- Quality 3.083
- Consistency 1.833
- Uniqueness 3.417
- Wilderness 2.000
- Naturalness 1.667

In the review, surf breaks with a mean score of 3.4 or higher are considered to best reflect those surf breaks that have an elevated status and are superior examples when compared to others within the Taranaki region. With the exception of uniqueness, the Breakwater surf break does not meet that threshold.

Wave quality has quite specific definitions (i.e. length of ride, wave shape characteristics, wave power characteristics, wave height range, and performance aspects under optimum conditions), and all of those attributes are influenced by the dredging regime. While the wave is short and sometimes intense and powerful, the measures of quality are strongly affected by the shape of the shoal – both at the breaker location and over the full extent of the hemispherical morphology. Dredging actively cuts away at the base of the shoal, particularly along the main axis of accretion (i.e. heading of ~150 degT from the tip) as well as in the regions where the shoal has encroached upon the shipping channel.

Good management of the shoal is an important aspect of sustainable dredging practice as it provides a significant reservoir for the natural sediment fluxes and the opportunity for harbour-bypassing through nearshore deposition. With some 75% of the annual harbour dredging volumes located within the shoal, for effective management the Port needs to retain the flexibility to dredge this area in a manner that suits the current and future operational requirements. It's my professional opinion that it would be inappropriate to have surfing amenity at this spot potentially govern the future dredging practices - not just because most of the key surf break indices lie well below the threshold of significance, but because there are other important regional benefits that stem from the Port having a sustainable dredging practice. The break is entirely anthropogenic and only exists in its present form because of the regular dredging.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Peter McComb", with a stylized flourish at the end.

Dr Peter McComb
Managing Director, Oceanum Ltd

**BEFORE THE PROPOSED COASTAL PLAN FOR TARANAKI
HEARINGS PANEL**

TARANAKI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Coastal Plan for Taranaki

**STATEMENT OF REBECCA DAVIES
ON BEHALF OF NEW ZEALAND DEFENCE FORCE
SUBMITTER 33
16 July 2019**

STATEMENT OF REBECCA DAVIES ON BEHALF OF THE NEW ZEALAND DEFENCE FORCE (NZDF) – SUBMITTER 33, FURTHER SUBMITTER 33

INTRODUCTION

- 1 My name is Rebecca Davies and I am employed by New Zealand Defence Force, (NZDF) within Defence Estate and Infrastructure as Senior Environmental Officer (Statutory Planner). My role is national and “tri-service” which is to say I manage and engage in Resource Management Act statutory processes on behalf of Army, Navy and Air Force throughout New Zealand in relation to on-base and off-site infrastructure and activities.
- 2 NZDF is a government department, an element of the Crown, and provides military capability as required by Government. NZDF is empowered and authorised in its activities by The Defence Act 1990 and by output agreements with Government.
- 3 Today I would like to make a short statement, providing background to NZDF’s submission and evidence.
- 4 I am familiar with NZDF’s submissions and further submissions on the proposed Coastal Plan for Taranaki (pCPT) having directed consultants in preparation of those.

SUMMARY OF STATEMENT

- 5 Temporary military training activities (TMTA) are essential and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 6 Noise resulting from discharge of ammunition or explosives is the only unique effect of temporary military training activities that warrants specific management through the pCPT.
- 7 NZDF has obtained specialist advice and has developed modern, effective and efficient controls for that noise. Those controls have been adopted by twelve District Councils in the review of their District Plans and a number

of Regional Coastal Plans, and are proposed for adoption in the Taranaki Coastal Plan.

- 8 The Council Officer has recommended more stringent noise standards than as sought through NZDF's submission. This is unwarranted and extremely problematic for NZDF because TMTA are an essential activity as explained below.

TEMPORARY MILITARY TRAINING ACTIVITIES - GENERAL

- 9 Section 5 of the Defence Act 1990 provides for the raising and maintenance of armed forces for various purposes, including for the defence of New Zealand, to protect the interests of New Zealand, to assist the civil power in times of emergency, and in the provision of any public service. Training is essential for the "maintenance" of armed forces.
- 10 NZDF undertakes Temporary Military Training Activities across the country as part of its function of maintaining the nation's security and providing for the well-being, health and safety of communities. TMTA are essential in maintaining capability so that NZDF is ready to respond to a wide range of national and international situations, including providing aid and assistance following emergencies such as earthquakes and major storm events, for example, the 2010 Christchurch and 2016 Kaikoura earthquakes and the flood event in Edgecumbe and Whakatane in 2017.
- 11 Training activities are carried out "off-base" for a variety of reasons and two of the important reasons are diversity and realism. Skills that are learned and practiced "on-base" must be tested or extended in unfamiliar contexts "off base". Training activities that are specifically military in nature are carried out "off-base" for a variety of reasons and one of the important reasons is diversity and the ability to train in a variety of simulated deployed environments. If personnel are unable to practice their skills in a variety of coastal and marine environments, they cannot do the job we all expect them to be able to do.

- 12 Many district and regional plans around the country have or are currently being reviewed and NZDF has engaged in those review processes to ensure that where training activities might be subject to control through a plan the controls are, as far as practicable, consistent and that compliance is simply achieved and simply assessed. In the last six years NZDF has made formal requests or submissions to 30 Councils including to Taranaki Regional Council in respect of the pCPT.
- 13 The proposals that NZDF has submitted to Council do not pre-empt a change in the nature or quantity of training likely to be conducted in the Taranaki region. Rather, we are seeking to simplify and modernise the rules applying to TMTA and to ensure that activities that are carried out in the area remain lawful. We have raised these issues now not because we want to change what we do, but rather in response to the proposed plan.
- 14 Live and blank firing activities are much less likely to take place than other essential, but rather more mundane, activities. Live and blank firing are included as part of a standard rule that NZDF is seeking be used consistently in Plans throughout the country.
- 15 Training activities may include the use of powered machinery, vehicles or aircraft and may involve weapons firing and the use of explosives, in addition to the deployment of personnel. In some exercises weapons may be carried or set up for realism but not fired. TMTA may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night, but typically an exercise would only take place in one locality for a period of a few days.
- 16 Larger exercises of greater duration are generally mobile; moving though the country in accordance with an exercise scenario. Such an exercise might begin with coastal activities and amphibious activities such as landings at a port or coastal area, move hundreds of kilometres over a period of days or weeks exercising various skills on the way; and might

conclude at an NZDF training area where live firing might be conducted. Exercise Southern Katipo is an international exercise which is the largest exercise of this type and is carried out every two years or more. The last two Exercise Southern Katipos were undertaken within the top quarter of the South Island, and reconnaissance work is being carried out to identify the area of the next Exercise, to be carried out in 2020.

TEMPORARY MILITARY TRAINING ACTIVITIES - COASTAL

- 17 To better reflect 'real world' scenarios, NZDF may need to undertake training activities in a wide range of environments – including the coastal environment. It is vital that training activities (which may include weapons firing/ explosives) are able to be undertaken at any time during both day and night to simulate real life scenarios. Many training activities carried out "off-base" by NZDF personnel are essentially similar to training activities conducted by other public service or commercial organisations such as NZ Police, Fire and Emergency NZ and various ambulance services.
- 18 Coastal activities may include beach landings by amphibious vehicles, use of portable water treatment units, helicopter landings, and, occasionally, live or blank weapons firing and the use of explosives.
- 19 As an example, a tri-service (that is, Army, Air Force, Navy) exercise, known as Exercise Joint Waka is carried out annually and is specifically aimed at training and testing NZDF's capabilities for amphibious operations.
- 20 Exercise Joint Waka was carried out in the Canterbury region in 2016, Whangaparaoa, Auckland in 2017 and around Devonport, Auckland this year. The exercise generally takes place over two weeks and involves Navy ships and support vessels, soldiers from various brigades, and Air Force helicopters and aircraft. It includes activities such as mock medical situations. The 'big picture' purpose of such exercises is to ensure that NZDF has a successful deployed joint force that can deal with any of the

contingencies NZDF faces at home and overseas including natural disasters and humanitarian crises.

- 21 Operation Hiko Ano is an example of a Navy training programme. This year, it involved Navy training activities in various areas such as the Hauraki Gulf, Coromandel, Marlborough Sounds and Napier. It included a simulated humanitarian and disaster relief mission, as well as navigation and communications training and weapons firing such as small arms live firing. These activities took place both during the day and night to simulate various scenarios, and included night-time gunnery.
- 22 Navy units include a Charge Clearance Diving Group, which is required to provide a Maritime Explosive Ordnance Disposal capability at 6 hours' notice to move in accordance with Defence Output requirements. Activities such as training with Improvised Explosive Device Disposal Disruptors are vital to the maintenance of this capability. The Disruptors are essentially a tube which contains water. The charge is electrically fired and propels the water at such speed that it "disrupts" the timing and power unit of the Improvised Explosive Device before it has time to detonate. It makes some noise, but significantly less than a normal shotgun.
- 23 It is essential that individuals qualifying as Maritime Improvised Explosive Device Disposal Operators are able to fire live weapons at the training devices in order to fully assess the operator's skills. An exercise using the Disruptors recently took place at Devonport, but the unit needs to be able to train in this activity anywhere, and at various times of day and night.
- 24 While those exercises did not take place in Taranaki, they serve as useful examples of activities that NZDF may need to undertake in Taranaki in the future.

NOISE MANAGEMENT

- 25 Activities involving discharge of ammunition generate noise that has quite specific characteristics and require specific management to avoid unnecessary effects on nearby residences. NZDF wishes to make sure that the noise standards included in the pCPT are up-to-date, appropriate for the type of noise generated, and are reasonably simple to understand, to plan for compliance and to assess compliance with. This includes ensuring that the pCPT enables weapons firing and use of explosives at night-time as this can be an essential component of training to simulate certain real-life scenarios.
- 26 To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from Temporary Military Training Activities. Mr Humpheson will provide detailed evidence on the acoustic standards proposed by NZDF. Based on specialist acoustic advice, NZDF has developed proposed permitted activity standards that provide a holistic means of managing and mitigating all the types of noise that might be generated by Temporary Military Training Activities conducted anywhere in the country, both on land and in the Coastal Marine Area. NZDF has been successful in having the proposed permitted activity standards adopted through plan review processes in various districts and is currently engaged in many plan reviews with that end in mind.
- 27 In summary our proposal achieves the following:
- a. Compliance with accepted noise limits to protect residential and other sensitive activities
 - b. Simplicity, transparency, effectiveness and efficiency in planning, management and compliance.
- 28 NZDF has been successful in having these bespoke permitted activity standards adopted through plan review processes in several District and Regional Coastal Plans (e.g. District Plans for Auckland, Southland,

Horowhenua, Rotorua and South Waikato, and Regional Coastal Plans for Auckland and Northland) and is currently engaged in many plan reviews with that end in mind. Thames Coromandel District Council decided that there was no need for any controls at all on noise from military training activities. Queenstown Lakes District Council also took this view.

- 29 The effect of NZDF's proposed planning approach is that for assessment of compliance, the compliance officer would simply have to measure the distance between the site of the activity and the site in relation to which the complaint has been made. This is very easily done either using a paper map or internet based tools such as the Council's own GIS. The compliance officer would not need a noise meter, would not have to attempt to measure a noise long gone, and would not need any acoustic knowledge.
- 30 In devising a training activity involving weapons firing or explosives use, NZDF's exercise planners generally prefer to select a location that complies with the first tier setback distances. This is not only easier from a practical perspective, but is also straightforward for a member of the public to determine whether the activity complies with the district plan rules, based simply on the location of the activity.
- 31 A further advantage to the setbacks is that weather conditions do not need to meet the prescribed standards for undertaking noise measurements.
- 32 The recommendation by the Council Officer to essentially adopt New Plymouth District Council's proposed noise standards does not appear to be a robust technical assessment of NZDF's proposals.
- 33 NZDF's proposal is different, but in our view, and in the view of the Councils which have already adopted it, the standards are entirely appropriate.

BIOFOULING

- 34 NZDF acknowledges that hull biofouling is a significant issue for New Zealand and participated over a period of several years in consultation with

the Ministry of Primary Industries (MPI) as they developed the Craft Risk Management Standard “Biofouling on Vessels Arriving to New Zealand” (CRMS). On 15 May 2018 the CRMS came into force and NZDF has committed to, and planned for, development and implementation of a Craft Risk Management Plan (CRMP) under section 24(k) of the Biosecurity Act to manage risk to the equivalent degree as required under the CRMS for its vessels.

- 35 However, NZDF’s Naval fleet contains a number of large and diverse vessels with unique operating profiles. With the introduction of pathway management plans around the country and restrictive regional cleaning rules in place in a number of locations, the ability to clean ships of biofouling outside of Auckland in accordance with regional rules is becoming a significant issue for NZDF.
- 36 The Council Officer has made recommendations on biofouling which are of concern to NZDF. NZDF requests that permitted activity standards (d) and (e) of Rule 9 be deleted and, instead, standards that better align with the recommendations contained in the Anti-fouling and In-Water Cleaning Guidelines 2013, page 12 should be included.
- 37 These Guidelines do not require cleaning to be limited to light fouling, and recommend that fouling be captured only in certain scenarios where that fouling would present a risk to the local marine environment. The Guidelines recommend that¹:

- a. *“Microfouling, regardless of origin, may be removed without the need for full containment of biofouling waste, provided the cleaning method is consistent with the coating manufacturer’s recommendations. Where microfouling is removed using a gentle, non-abrasive*

¹ Anti-fouling and In-Water Cleaning Guidelines 2013, page 12, “Recommendations for decision making on in-water cleaning”

cleaning technique, the contamination risk is likely to be acceptable.

- b. Macrofouling of regional origin (as defined by the relevant authority) may be removed without the need for full containment of biofouling waste provided the cleaning method is consistent with the coating manufacturer's recommendations and the contaminant discharges meet any local standards or requirements.*
- c. Macrofouling of domestic origin may be removed without the need for full containment of biofouling waste following risk assessment by the relevant authority. If the relevant authority determines containment of biofouling waste is required, the guidance provided in point 8 (above)² should be used. In either case, the cleaning method must be consistent with the coating manufacturer's recommendations and contaminant discharges must meet any local standards or requirements.*
- d. Macrofouling derived from international locations should only be removed using cleaning methods that minimise release of all organisms, or parts of organisms, and anti-fouling coating debris, using the guidance described in point 8 (above). The cleaning method must be consistent with the coating manufacturer's recommendations and contaminant discharges must meet any local standards or requirements."*

² Point 8 of the Guidelines states that "When in-water cleaning involves removal of macrofouling of domestic or international origin, methods to ensure minimal release of biological material into the water should be used. In-water cleaning technologies should aim to, at least, capture debris greater than 50 micrometres (µm) in diameter, which will minimise release of viable adult, juvenile and larval stages of macrofouling organisms. Any cleaning debris collected must be disposed of on land and in compliance with the waste disposal requirements of the relevant authority."

- 38 The Guidelines are risk based, in that fouling that is already located in the region can be cleaned without containment, as it would not pose a threat of new invasive species being introduced. Fouling of domestic origin can also be cleaned following a risk assessment by the relevant authority, if the assessment concludes that capture and containment is not necessary.
- 39 The standards recommended by the Council Officer add additional restrictions around what can be cleaned off the hulls of ships. E.g. standard (d) states that cleaning will only be permitted if the fouling on the ship is less than or equal to LOF2 (i.e “light fouling”) and standard (e) requires all fouling above 50 microns to be captured (aside from goose barnacles and microfouling).
- 40 With numerous regions around New Zealand introducing pathway management plans and some requiring clean hulls on entry to their waters, rules need to allow for ships to be able to clean local and low-risk macrofouling, so that ships can enter subsequent regions with a clean hull. This aims to isolate fouling to the location in which it is found and limit the transfer of marine pests between regions. The rules recommended for adoption in the pCPT are too restrictive as currently drafted and are unworkable for NZDF, creating a risk to NZDF’s operations and capability.

CONCLUSION

- 41 Temporary military training activities are essential and in many respects are identical to training activities carried out by other emergency services and commercial organisations.
- 42 NZDF has obtained specialist advice and has developed modern, effective and efficient controls for noise. Those controls have been adopted by several District and Regional Councils in the review of their Plans and are proposed for adoption in the pCPT.
- 43 Biofouling is a significant issue for NZDF. Overly stringent and impractical rules create a significant risk to NZDF’s operations and capability. The

rules in the pCPT are too restrictive as currently drafted and are unworkable for NZDF.

Rebecca Davies

16 July 2019

**BEFORE THE PROPOSED COASTAL PLAN FOR TARANAKI
HEARINGS PANEL**

TARANAKI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Coastal Plan for Taranaki

**STATEMENT OF EVIDENCE OF DARRAN HUMPHESON
ON BEHALF OF NEW ZEALAND DEFENCE FORCE
SUBMITTER 33
16 JULY 2019**

STATEMENT OF PRIMARY EVIDENCE OF DARRAN HUMPHESON ON BEHALF OF THE NEW ZEALAND DEFENCE FORCE – SUBMITTER 33

INTRODUCTION

- 1 My full name is Darran Humpheson. I am a Senior Acoustics Specialist at Tonkin & Taylor Ltd (T+T).
- 2 I hold a Bachelor of Science degree with Honours in Applied Physics and a Master of Science degree in Environmental Acoustics. I am a Member of the Acoustical Society of New Zealand and a Member of the United Kingdom's Institute of Acoustics. I am a New Zealand representative of the International Standards Organisation (ISO) technical committee ISO/TC 43 SC1 "Noise".
- 3 I have been employed in acoustics since 1991, and I have previously held positions as a consultant for international firms AECOM (Associate Director 2013-2019), Bureau Veritas (Technical Director 2012-2013), RPS Group plc (Technical Director 2002-2012) and as a UK Ministry of Defence scientist working with the Royal Air Force (Head of the RAF's Noise and Vibration Division 1991-2002).
- 4 I have specialist experience of military training noise, specifically aviation and weapon noise.

CODE OF CONDUCT

- 5 I advise that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

SUMMARY OF STATEMENT

- 6 I have been engaged by the New Zealand Defence Force (NZDF) to provide expert acoustics advice in relation to the proposed Coastal Plan

for Taranaki (pCPT). I am familiar with NZDF's original submission and further submission on this Plan.

- 7 Within its submission, NZDF has sought to standardise the noise rules included in proposed plans around New Zealand so that they maintain consistency across plans, are wholly relevant to the range of noise sources associated with Temporary Military Training Activities (**TMTA**), provide an appropriate level of amenity protection with respect to noise effects and provide certainty that the noise effects can be complied with. These noise standards equally apply to activities carried out within the authority of regional and district councils as the noise character will be similar regardless of whether the activities occur within or outside the coastal marine area (**CMA**). These noise controls have been adopted by twelve District Councils and a number of Regional Councils in the review of their plans and are proposed for adoption in the pCPT as outlined in NZDF's February 2019 submission (see Annexure 1).
- 8 The Council's s42A report recommends that the NZDF proposal be amended to promote integrated management between the Regional Council's general noise standard 8.6.3 (see Annexure 2) and the corresponding provisions from the proposed district plan for New Plymouth.
- 9 As I will explain, and as noted in the statements of Ms Davies and Ms McMillan, these recommendations are extremely problematic for NZDF because, if adopted, the permitted activity standards for noise would unnecessarily restrict certain forms of military training occurring within Taranaki's CMA. There is also the matter that unlike the NZDF submission, the s42A recommendation for weapon noise and use of explosives will fail to protect residential amenity value by adopting the wrong noise descriptor. Though not related to this hearing, these restrictions would equally apply to TMTA within the jurisdiction of New Plymouth District Council.
- 10 The proposed NZDF noise standards detailed in Annexure 1 should therefore be included un-amended within the pCPT.

TEMPORARY MILITARY TRAINING ACTIVITIES

- 11 NZDF has military interests throughout New Zealand including coastal areas. NZDF may undertake TMTA within the Taranaki district and specifically within the CMA as part of its duties to maintain the nation's security, maintaining NZDF operational capacity and providing for the well-being, health and safety of New Zealand's communities.
- 12 TMTA can include a range of exercises from indoor training to activities which mimic real-life situations such as military exercises which may utilise the CMA. These exercises can range in size and can involve training in search and rescue, infrastructure support, delivery of humanitarian aid, explosives and ordnance training, blank weapon firing and the deployment of personnel and equipment in a range of simulated military scenarios. Noise resulting from discharge of ammunition or explosives is the only unique effect of TMTA that warrants specific management through the pCPT.
- 13 Ms Davies recognises that TMTA is not a regular occurrence within Taranaki, but future training exercises, such as Exercise Waka, could occur. These training exercises could involve land, sea and air assets, beginning within naval activities, followed by beach landings, then shore and land based training.
- 14 TMTA by definition is temporary in nature and can vary in duration from a couple of hours to a number of weeks depending upon the scale of the exercise. Within the Taranaki district, TMTA in the coastal area is likely to also include land based activities too, as described by Ms Davies.

NOISE SOURCES

- 15 Not all TMTA include impulsive noise associated with weapon firing, grenades and "battle simulation" pyrotechnics. For much of the time, the noise associated from TMTA may be low level with occasional periods of higher levels of noise. TMTA is often undertaken in rural areas where there

is often a large setback or separation distance from the noise generating activities and neighbouring noise sensitive receivers (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). These same principles apply to activities in the coastal area.

- 16 The noise generated by TMTA may be categorised by the following:
 - a. Mobile sources, such as amphibious vehicles, land based vehicles and earth moving equipment;
 - b. Fixed sources, such as power generators and water pumps;
 - c. Impulsive sources, such as live and blank firing and explosions; and
 - d. Helicopter landings.
- 17 These four categories of noise may occur in isolation or in combination and each category of noise has its own characteristics in terms of noise level (magnitude), duration (transient or continuous) and frequency (low or high frequency/pitch). The character of each noise source means that different noise assessment methods are relevant when controlling and assessing noise effects.
- 18 The scope of the NZDF proposal is limited to noise generated 'in air'; underwater noise is not considered as currently there is no proposal to set limits for underwater noise.
- 19 The following sections consider each type of noise category and the relief sought by NZDF.

Mobile noise sources

- 20 TMTA mobile sources can include amphibious vehicles, earthmoving equipment and personnel which are typically intermittent and infrequent. They will typically be present during daytime hours and have the same noise characteristics as vehicles and plant (earthmoving equipment) used on construction sites.

- 21 The standardised noise limits that NZDF uses to rate mobile TMTA sources are derived from the construction noise standard, NZS 6803:1999. This is because of the temporary nature of these sources, not only in terms of the definition of TMTA (i.e. temporary) but also the duration and variability in location during the training exercise. As part of pre-hearing engagement with Council, NZDF agreed that the noise limits in the notified pCPT for mobile noise sources were not inconsistent with NZS 6803 and were acceptable.
- 22 The s42A recommendation seeks to rate mobile sources, not as temporary sources, but by applying the same noise limits used to control permanent sources of noise (rule 8.6.3). Table 1 compares the noise limits in the notified pCPT (and agreed to by NZDF during pre-hearing engagement) and the amended limits proposed in the s42A report.

Table 1: Comparison of noise limits for mobile sources

Source	time period	L _{Aeq(15min)}	L _{Amax}
pCTP (notified)	0630 – 0730	60	75
	0730 – 1800	75	90
	1800 – 2000	70	85
	2000 – 0630	45	75
pCPT (s42A)	0700 – 1900	50	-
	1900 – 2200	45	-
	2200 – 0700	40	70

- 23 The NZDF noise limits are based on the same assessment periods of NZS 6803 as sensitivity to noise will vary with time of day and the limits apply at 1m from the residential façade. The s42A recommendation is between 5 dB (night time) and 25 dB more restrictive than that sought by NZDF (using the same assessment location).

Fixed noise sources

- 24 A fixed source could be a generator or water pump which has a static location. These types of sources are more easily controlled through careful selection and siting of the equipment on site, and through noise control methods such as screening. The noise effects from these sources are typically negligible.
- 25 The NZDF's noise standards (Annexure 1) seek to apply the same noise limits as for mobile sources. This approach is based upon the temporary nature of these sources and ensures consistency.

Weapons firing and/or the use of explosives

- 26 Live and blank firing activities are relatively infrequent and are recognised as being a unique source of noise, specific to certain forms of TMTA. Weapon firing and the detonation of explosives are typically performed

within designated training areas; however, firing of blank ammunition on land controlled by a private or public owner or in the CMA does occur and will more commonly be from small arms (rifles). Blank firing does not produce the same noise character as live firing (typically not as impulsive and at a perceptibly lower level of noise).

- 27 The s42A recommendation seeks to manage weapon firing and explosions using the $L_{Aeq(15min)}$ noise metric and to restrict this activity to 0700 – 1900 hrs. I set out below why this approach is not appropriate.
- 28 Unlike other sources of impulsive noise which commonly occur in the wider Taranaki district (bird scarers, alarms etc), impulsive noise from TMTA warrants a different assessment approach. In comparison to general environmental noise sources, TMTA impulsive noise has a strong low frequency component, has a very fast rise time and very short decay (very short duration), has a much greater magnitude and typically only lasts for a short period.
- 29 Weapon firing and explosions is therefore not a continuous sound. It includes short, sharp 'blasts' of noise. The use of an average weighted noise metric, such as L_{Aeq} , is therefore inappropriate because weapon noise and/or explosions will seldom breach the limits applied to average weighted metrics¹.
- 30 Limiting weapon firing and explosions to a limit of 70 dB $L_{Aeq(15min)}$ when measured 1m from a building used for accommodation will be considerably less restrictive than that being sought by NZDF's requested amendment (Annexure 1).
- 31 A single firing or detonation of explosives resulting in 120 dBC² measured at a dwelling would roughly equate to 48 dB $L_{Aeq(15min)}$. The 22 dB 'headroom' (70 dB – 48 dB) could mean a further 160 firings or explosions

¹ due to the inability of these averaged weighted metrics to respond quickly to the fast rise time and short duration of impulse noise.

² This is the absolute limit specified in NZS 6803:2008 - Construction Noise.

(within a period of 15 minutes) would be allowed for before exceeding 70 dB $L_{Aeq(15min)}$. In my opinion, this situation would be wholly unacceptable and result in a significant loss of residential amenity.

- 32 As I will explain, NZDF are seeking a more restrictive control than that sought by the s42A recommendation.
- 33 Impulse noise from weapons and explosions is better measured using the C-weighted peak level, $L_{peak,C}$. Clause 1.2 of NZS 6802:2008 Acoustics – Environmental Noise sets out how that Standard was not designed to assess impulse type sounds such as gunfire and explosions. This New Zealand standard is used as the starting platform for setting regional and district plan noise limits within New Zealand. Of relevance to TMTA, NZS 6803:1999 Acoustics – Construction Noise sets out a guideline maximum “peak” sound level due to explosions. NZS 6803:1999 states at clause 8.1.4:

“Noise from use of explosives is also a special case. The adoption of good blasting practices will reduce the inherent and associated impulsive noise and vibration. Practices should conform with the provisions of documents such as AS 2187:Part 2 [Explosives—Storage and use Part 2: Use of explosives 2006], provided that the airblast noise limit shall be a peak sound level of 120 dBC measured at a suitable location as specified in 6.1.”

- 34 Malcolm Hunt Associates (MHA)³, on behalf of NZDF, prepared a noise report on TMTA weapon firing and use of explosives, which proposed the use of a separation distance to assist both in the planning of TMTA and for use within regional and district plans. Lower peak sound levels were proposed than that recommended in NZS 6803. Day time and night time

³ Re-Assessing Noise from Temporary Military Training in New Zealand District Plan Recommendations, Malcolm Hunt Associates, January 2013.

peak sound pressure levels of 95 dBC and 85 dBC were recommended to protect residential amenity.

- 35 For typical TMTA weapon firing during the day, a separation distance of 500 m corresponded to 95 dBC. During the night (1900 – 0700) a more rigorous setback of 1,250 m, corresponding to 85 dBC, is recommended. These distances are based on worst case positive downwind sound propagation conditions. In practice the resulting sound levels will be lower than these due to more favourable propagation conditions.
- 36 The s42A recommendation seeks to control weapon firing, firing of blanks and use of explosives by a dual set of controls; average weighted sound level of 70 dB $L_{Aeq(15min)}$ and a separation distance of 500 m. As I have explained, L_{Aeq} is the wrong noise descriptor to measure and rate impulse noise and separation distance of 500 m relates solely to a peak sound pressure level of 95 dBC. Using a similar calculation to the 120 dBC example above, a single event level of 95 dBC could mean that there would be almost 300 of these ‘events’ before exceeding 70 dB $L_{Aeq(15min)}$, which in my opinion would result in a significant loss of amenity.
- 37 Furthermore, there is no evidence to justify the use 70 dB $L_{Aeq(15min)}$ in combination with a separation distance of 500 m.
- 38 Noise from weapon firing is restricted within the s42A recommendation to the hours of 0700 to 1900, i.e. no provision for evening or night time. Night time training exercises are an essential part of TMTA as is the ability to fire weapons and use explosions after 1900 hrs. The inability to undertake weapon firing and use explosives will be a restriction as explained by Ms Davies.
- 39 Impulsive noise sources at night can lead to sleep disturbance. Sleep quality is dependent upon the sound level, frequency of events and the cumulative effects over multiple nights. A single night of ‘noise’ has been

shown by the World Health Organisation⁴ to have a negligible effect on sleep quality. Whereas multiple exposures will result in a gradual reduction in sleep quality. This observation also applies to general TMTA noise.

- 40 NZDF proposes to control the negative effects of weapon noise and use of explosives by adopting peak sound level limit of 95 dBC from 0700 to 1900 hrs and 85 dBC from 1900 to 0700 hrs and the use of corresponding separation distances of 500 m and 1,250 m. This approach allows NZDF personnel with no acoustics knowledge to plan where firing may occur without resulting in unreasonable noise. The use of separation distances also provides certainty to councils as the distance at which an activity can occur can be measured without the need to undertake compliance noise monitoring. A further advantage to the use of separation distances is that weather conditions do not need to meet prescribed standards for undertaking noise measurements.
- 41 The night time peak sound level limit is, in my opinion, sufficient to prevent loss of sleep quality and the use of a separation distance of 1,250 m, when planning TMTA provides additional assurance that this peak level will be achieved.

Helicopter Landings

- 42 Councils do not have the power to control noise from overflying aircraft when aircraft are not in the vicinity of a landing area. In these situations, Section 29A of the Civil Aviation Act 1990 can be used by the Civil Aviation Authority (CAA) to control noise from overflying aircraft. Councils do however have the power as consent authorities to control the movement of aircraft by managing the effects of aircraft noise in the vicinity of landing areas. For temporary landing areas (fewer than ten flights in any month) specific controls are not required as the effects are considered acceptable.

⁴ WHO, Environmental Noise Guidelines for the European Region, 2018.

- 43 For helicopter movements (above the noise levels quoted above and regardless of the number of movements) NZS 6807:1994 will apply. The NZDF and s42A recommendations adopt the use of this standard and compliance with NZS 6807:1994 will, in my opinion, result in reasonable levels of noise such that the noise effects from temporary helicopter landing areas will be acceptable.

OTHER MATTERS

- 44 The s42A recommendation requires noise to be measured, assessed and managed and controlled in accordance with the construction noise standard, NZS 6803. Although this standard is relevant to 'measure' and 'manage', if noise is 'assessed' using the standard, then the relevant noise limits would be those requested by NZDF (Annexure 1) and not the restrictive limits of the s42A recommendation.
- 45 The normal convention when measuring noise is to refer to the NZS 6801:2008 Acoustic – Measurement of environmental sound and not NZS 6803 (as proposed by the NZDF recommendation). Therefore the wording of the NZDF requested amendment is necessary.

CONCLUSION

- 46 NZDF is seeking to apply a standard set of rules to TMTA noise that can be consistently used in regional and district plans throughout the country.
- 47 Parts of the s42A recommendation fails to recognise the unique characteristics of TMTA in terms of the temporary nature of the noise sources and especially the impulsive nature of weapon firing and the use of explosives.
- 48 There is no allowance for night time firing or weapons or the use of explosives which will unnecessarily restrict the training benefit to NZDF personnel. The NZDF proposal includes appropriate controls to ensure that this activity can occur at night without resulting in adverse effects.

- 49 The proposed NZDF noise standards detailed in Annexure 1 should therefore be included un-amended within the pCPT.

Darran Humpheson

16 July 2019

Annexure 1 – NZDF’s requested amendment – February 2019

Temporary military training activities in the coastal marine area shall not create noise that exceeds the following when measured 1 m from any side of any building used for accommodation:

- (i) All activities (other than live weapons firing, firing of blanks, and use of explosives):

time (any day)	Limits (dB)	
	L _{Aeq}	L _{Amax}
0630 - 0730	60	75
0730 - 1800	75	90
1800 - 2000	70	85
2000 - 0630	45	75

- (ii) Noise resulting from live weapons firing, firing of blanks, and the use of explosives:

time (any day)	Limits (dBC)	Separation distance (metres)
0700 – 1900	95	500
1900 – 0700	85	1,250

- (iii) Noise resulting from helicopter landing shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Noise must be measured in accordance with the requirements of New Zealand Standard NZS6801:2008 Acoustics – Measurement of Sound

General standards 8.6.3 Noise - Officers s42A recommendation – June 2019

Temporary military training activities in the coastal marine area will not create noise that exceeds the following noise limits when measured 1m from any side of any building used for accommodation:

- (i) All activities (other than live weapons firing, firing of blanks, and use of explosives):

Time (any day)	Limits (dB)	
	L _{Aeq} (15min)	L _{Amax}
0700 - 1900	50	-
1900 - 2200	45	-
2200 - 0700	40	70

- (ii) Noise resulting from live weapons firing, firing of blank or use of explosives:

time (any day)	Limits (dB)		Separation (meters)
	L _{Aeq} (15min)		
0700 – 1900	70		500

- (iii) Noise resulting from helicopter landing shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Noise must be measured, assessed, managed and controlled in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise, as if the Temporary Military Training Activity noise was construction noise.

**BEFORE THE PROPOSED COASTAL PLAN FOR TARANAKI
HEARINGS PANEL**

TARANAKI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Coastal Plan for Taranaki

**STATEMENT OF EVIDENCE OF SARA MCMILLAN
ON BEHALF OF NEW ZEALAND DEFENCE FORCE
SUBMITTER 33
16 JULY 2019**

**STATEMENT OF PRIMARY EVIDENCE OF SARA MCMILLAN ON
BEHALF OF THE NEW ZEALAND DEFENCE FORCE – SUBMITTER 33**

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is Sara Kristy McMillan. I am a Senior Planner at Tonkin & Taylor Limited, and have thirteen years of planning experience in New Zealand. I hold the qualifications of a Bachelor of Science (Geography) and Master of Science (Environmental Science) with first class honours from the University of Auckland.
- 2 I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 3 My experience spans most aspects of planning with a particular emphasis on policy advice and preparation of submissions on plan changes around New Zealand, and the preparation of resource consent applications. I have particular experience in the matter of temporary military training activities (**TMTA**) having given evidence to a number of Councils on this matter.

CODE OF CONDUCT

- 4 I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses set out in the Environment Court's Code of Practice Note 2014. Although this matter is not before the Environment Court, I agree to comply with this Code. I confirm that the issues addressed in this statement of evidence are within my area of expertise and that I have not omitted to consider any material facts known to me that might alter or detract from my opinions expressed in this evidence.

SCOPE OF EVIDENCE

- 5 I have been engaged by the New Zealand Defence Force (**NZDF**) to provide expert planning advice in relation to the proposed Coastal Plan for Taranaki (**pCPT**). I am familiar with NZDF's original submission and further submission on this Plan.

- 6 I am familiar with the pCPT to which these proceedings relate. I have read the section 42A report¹ as it relates to NZDF's submission.
- 7 Ms Rebecca Davies has explained the background to NZDF's original submission, including the nature of TMTA that NZDF may undertake within the coastal marine area (**CMA**). Mr Darran Humpheson has presented technical noise evidence explaining the noise standards requested by NZDF. My evidence relies on the evidence statements of both Ms Davies and Mr Humpheson.
- 8 My evidence addresses the key matters raised in NZDF's submission and further submission, as follows:
- i) Temporary military training activities;
 - ii) Biofouling; and
 - iii) Discharge of water and minor contaminants to the CMA.

SUBMISSION POINTS ACCEPTED IN SECTION 42A REPORT

- 9 Where NZDF has sought retention of proposed provisions or suggested amendments, and the section 42A report recommends accepting these submission points, I have generally not addressed these any further as no specific changes are required beyond what is recommended in the section 42A report.

INTRODUCTION TO TEMPORARY MILITARY TRAINING ACTIVITIES

- 10 Section 5 of the Defence Act 1990 provides for the raising and maintenance of armed forces for various purposes, including for the defence of New Zealand, to protect the interests of New Zealand, to assist the civil power in times of emergency, and in the provision of any public service. Proper training is absolutely fundamental to ensuring capability is maintained across a multitude of scenarios.

¹ Section 42A Report on Decisions Requested, dated 28 June 2019

- 11 Ms Davies has provided a description of the nature of TMTA in her evidence. In order to maintain capability for real-life situations, Ms Davies has explained the importance of training being undertaken in a range of environments and locations, including the Taranaki foreshore or territorial sea, during both the day and night. These training activities could involve amphibious beach landings, use of portable water treatment units, helicopter landings, and, occasionally, live or blank weapons firing and the use of explosives.
- 12 As Ms Davies has described, NZDF is undertaking a nationwide project to achieve consistency in TMTA planning rules, particularly in relation to noise. Aside from the operational difficulties created by variation in TMTA provisions nationwide, from a planning perspective I consider there to be little merit in each Plan having its own set of rules for TMTA. A nationally consistent approach, as promoted by NZDF, is in line with the Government's recent legislative reforms to the RMA that introduced a tranche of nationwide templates and strengthened national planning tools.
- 13 NZDF's requested noise standards for TMTA have been incorporated into the planning documents for a number of territorial authorities (with or without minor modifications), including the regional coastal plan provisions in the Auckland Unitary Plan and Proposed Regional Plan for Northland.

TEMPORARY MILITARY TRAINING ACTIVITIES – RULES 31 AND 32

- 14 Rule 31 of the pCPT permits temporary military training activities in most coastal management areas², subject to compliance with conditions. The section 42A report recommends a number of changes to these permitted activity conditions in response to NZDF's submission. With the exception of the general standards for noise

² Estuaries Unmodified, Estuaries Modified, Open Coast, and Port

(8.6.3 (c)), which I will discuss later, I consider the recommendations to be appropriate.

- 15 The Officers recommend changes to the wording of Rule 31 that I consider requires improvement. My suggested changes to the Officers' recommended wording is as follows (with deletions shown as strikethrough, and additions underlined):

Temporary ~~exclusive occupation of the common marine and coastal area including placement of a temporary structure for the purpose of military training activities that do not involve mechanical excavation or use of underwater explosives except for the firing of blank rounds which are not excluded~~, and any associated:

(a) Occupation of space in the common marine and coastal area;

(b) Temporary structures;

(c) Noise;

(d) Disturbance of the foreshore or seabed;

(e) Deposition in, on or under the foreshore or seabed; and

(f) Discharge of sediment.

- 16 I consider that the readability of the rule is improved by listing 'occupation' and 'structures' with the other associated authorisations, rather than within the rule itself.
- 17 During pre-hearing engagement with Council, Council Officers clarified that explosives are proposed for exclusion from the permitted activity rule because of their potential noise effects. However, as airborne noise is already managed when Rule 31 standard (g) is met³, I consider weapons firing and the use of airborne explosives should be permitted. It would, however, be appropriate for *underwater* explosives use to be excluded from the permitted activity rule so that Council can

³ Rule 31 standard (g) requires compliance with the general noise standards in 8.6.3

assess these effects and impose appropriate consent conditions. My suggested wording to Rule 31 reflects this.

- 18 Rule 32 of the pCPT provides for TMTA that do not come within or comply with Rule 31 as a controlled activity. I generally support this rule. However, similar to Rule 31, I suggest the following changes to the wording that the Officers recommend:

~~Temporary exclusive occupation of the common marine and coastal area for the purpose of military training activities involving placement of temporary structures and any associated:~~

(a) Occupation of space in the common marine and coastal area;

(b) Temporary structures;

(c) Noise;

(d) Disturbance of the foreshore or seabed;

(e) Deposition in, on or under the foreshore or seabed; and

(f) Discharge of sediment.

- 19 A number of other submitters sought changes to Rules 31 and 32 that I consider would unnecessarily and excessively restrict NZDF from undertaking its essential training activities. I support the Officers' recommendations to decline the relief sought in those submission points.

TEMPORARY MILITARY TRAINING ACTIVITIES – NOISE STANDARDS

- 20 Rule 31 of the pCPT requires TMTA to comply with the noise standards in 8.6.3 (c) in order to qualify as a permitted activity.
- 21 NZDF's submission⁴ sought that the standards in 8.6.3 (c) be replaced with the noise standards that NZDF developed specifically for TMTA,

⁴ Submission point 1157

and that it seeks be included consistently in District and Regional Coastal Plans nationwide.

- 22 In the section 42A report, the Officers recommend accepting NZDF's requested relief only in part. The fundamental content of NZDF's noise standards is not recommended for adoption, and in fact some of the noise limits are recommended to be substantively reduced or altered from the notified version⁵. Rather than having a technical acoustic basis for the recommended change, the reason provided in the section 42A report is that it "*promotes integrated management through the management of noise between the Council and New Plymouth District Council*". While I strongly support the principle of consistency in noise provisions between Councils, I consider the adoption of NZDF's specific TMTA noise standards a more efficient and effective means of achieving national consistency. Furthermore, as New Plymouth District Council's Proposed District Plan is yet to be notified, the adoption of NZDF's requested noise standards in the Coastal Plan for Taranaki would not preclude the Officers' desire for integrated noise management with the District Council. On behalf of NZDF, I am currently seeking continued engagement with New Plymouth District Council in regard to its proposed TMTA noise standards, and I understand that NZDF intends to submit on this matter once the Plan is notified.
- 23 Mr Humpheson has explained the technical basis for his finding that the recommended noise standards would unnecessarily restrict certain TMTA from occurring within the Taranaki CMA. He has also explained that the recommended noise standards for weapon noise and use of explosives will fail to protect residential amenity value by adopting the wrong noise descriptor (L_{Aeq} rather than dBC).
- 24 I will now discuss the individual components of the noise standards in 8.6.3 (c) that I consider need to be changed. The replacement

⁵ Notably, the noise limits for activities other than weapons firing or use of explosives is recommended to be reduced by as much as 25 dB, and the unit of measurement for explosions to be changed from dBC to L_{Aeq}

standards that NZDF proposes, and that I support, are attached to my evidence as Annexure 1.

Mobile and fixed noise sources

- 25 In relation to noise from sources other than weapons firing and the use of explosives, NZDF's typical approach (and as requested in its submission) is to specify different limits for mobile and fixed noise sources. However, as part of pre-hearing engagement with Council, NZDF agreed that the noise limits in the notified pCPT for these noise sources⁶ were not inconsistent with those it requested in its submission and were acceptable. However, in the section 42A report the Officers now recommend significant reductions in these noise limits that Mr Humpheson considers fails to recognise the temporary nature of the activities. On this basis, I am of the strong opinion that either the notified version of standard 8.6.3 (c) (i) or the noise standards in NZDF's submission should be adopted, but that the Officers' recommended change to this standard be rejected.

Noise from live firing, firing of blanks, and use of explosives

- 26 I understand that weapons firing and the use of explosives is an infrequent but essential component of some training exercises. Mr Humpheson has explained that noise generated by such activities is unique in its characteristics, having a strong low frequency component and short, sharp blasts of noise, and it will therefore seldom breach limits applied to average weighted noise metric such as L_{Aeq} . The impulsive nature of these noise sources is therefore more appropriately controlled by the C-weighted peak level as proposed by NZDF in its submission.
- 27 Ms Davies has explained the importance of NZDF being able to undertake training involving weapons firing or the use of explosives at any time of day or night. Provided an activity complies with appropriate

⁶ 8.6.3 (c) (i)

noise standards, I see no planning basis to require a resource consent be obtained to enable this activity to be undertaken after 7pm.

- 28 NZDF proposes to control the negative effects of weapon and explosives noise through compliance with both a noise limit and a corresponding separation distance (500 m during the day, and 1,250 m at night). The inclusion of separation distances is not only easier for the exercise co-ordinators, but is also straightforward for Council or a member of the public to determine whether the activity complies with the Plan requirements, based simply on the location of the activity.
- 29 As part of pre-hearing engagement with Council, NZDF proposed an alternative version of notified standard 8.6.3 (c) (ii) that was also consistent with the noise limits sought in its submission. For the reasons I have set out, I consider that either that NZDF's proposed version of standard 8.6.3 (c) (ii) (refer Annexure 1) or the noise standards in NZDF's submission should be adopted.

Noise from helicopter landings

- 30 The section 42A report recommended standard 8.6.3 (c) (iii) requires noise resulting from helicopter landing to comply with the New Zealand Standard for helicopter landing areas (NZS6807:1994). Mr Humpheson considers this will adequately control the noise of temporary helicopter landing areas, and I support the s42A recommendation on this basis.

Management and measurement of noise

- 31 The notified and section 42A recommended versions of standard 8.6.3 (c) requires noise to be measured, assessed, managed and controlled in accordance with the New Zealand Standard for construction noise (NZS6803:1999). As Mr Humpheson has explained, this should instead require noise to be measured in accordance with the New Zealand Standard for measurement of sound (NZS6801:2008), as per NZDF's proposed standards (refer Annexure 1).

BIOFOULING

- 32 From time-to-time, NZDF may need to undertake in-water cleaning of vessel hulls within Taranaki's Port coastal management area. This activity is permitted by Rule 9 of the pCPT, subject to compliance with the listed conditions. In its submission, NZDF broadly supported Rule 9 and its permitted activity conditions.
- 33 The Officers recommend a number of substantive changes to these conditions in response to the Ministry for Primary Industries' submission⁷. Ms Davies has outlined that these changes are too restrictive, unworkable to NZDF, and would create a risk to NZDF's operations and capability.
- 34 Despite the Officers' recommended insertion of Note 2 that refers to the Anti-fouling and In-water Cleaning Guidelines (June 2013) for further guidance in relation to this rule, Ms Davies has explained that the recommended conditions impose restrictions that are above and beyond those in the Guidelines. In particular, I understand that the Guidelines do not require cleaning to be limited to light fouling (as is required by recommended condition (d)), and the Guideline requirements for capture relate to the origin of the macrofouling rather than its size (as is required by recommended condition (e)). In its recommended form, the pCPT would not permit macrofouling of regional origin to be undertaken (that is, macrofouling acquired in the same region that the in-water cleaning is proposed) without full containment of biofouling waste, despite there being no risk of introducing invasive species not already present in Taranaki waters.
- 35 On this basis, I consider that permitted activity conditions (d) and (e) recommended in the section 42A report be deleted (as per the notified pCPT) and replaced with conditions that better align with the Guidelines.

⁷ Submitter 16, submission point 736

DISCHARGE OF WATER AND MINOR CONTAMINANTS TO THE CMA

- 36 In response to NZDF's submission⁸, the section 42A report recommends a new rule (Rule 1A) that permits the discharge of water and minor contaminants to the foreshore, seabed and waters of the coastal marine area.
- 37 I support this rule and its permitted activity conditions as efficient and effective plan-making. I consider the conditions will appropriately limit the potential adverse effects of discharges to the CMA, while enabling discharges of minor contaminants (such as from NZDF's portable water treatment units) to occur without the need for a resource consent.

CONCLUSION

- 38 TMTA undertaken by NZDF contribute to maintaining the nation's security and ultimately provide for the well-being, health and safety of people and the community. In my opinion, the recommendations contained in the section 42A report together with the amendments requested above will enable NZDF to meet its obligations under the Defence Act 1990 while giving effect to the objectives and policies of the pCPT and Part 2 of the Resource Management Act.

Sara McMillan

16 July 2019

⁸ Submission point 776

Annexure 1 – NZDF’s requested noise standards for Temporary Military Training Activities (standard 8.6.3 (c))

Temporary military training activities in the coastal marine area shall not create noise that exceeds the following when measured 1 m from any side of any building used for accommodation:

- (i) All activities (other than live weapons firing, firing of blanks, and use of explosives):

time (any day)	Limits (dB)	
	LAeq	L _{Amax}
0630 - 0730	60	75
0730 - 1800	75	90
1800 - 2000	70	85
2000 - 0630	45	75

- (ii) Noise resulting from live weapons firing, firing of blanks, and the use of explosives:

time (any day)	Limits (dBC)	Separation distance (metres)
0700 – 1900	95	500
1900 – 0700	85	1,250

- (iii) Noise resulting from helicopter landing shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

Noise must be measured in accordance with the requirements of New Zealand Standard NZS6801:2008 Acoustics – Measurement of Sound

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

The Proposed Taranaki Regional
Coastal Plan

**STATEMENT OF EVIDENCE OF CAMERON MARSHALL MADGWICK
ON BEHALF OF
THE PETROLEUM EXPLORATION AND PRODUCTION ASSOCIATION OF
NEW ZEALAND**

12 JULY 2019

INTRODUCTION

1. My full name is **CAMERON MARSHALL MADGWICK**.
2. I am the Chief Executive of the Petroleum Exploration and Production Association of New Zealand ("**PEPANZ**").
3. I have a Bachelor of Laws and a Bachelor of Arts from Victoria University of Wellington. I practised law in private practice and in-house for around 15 years with a focus on the energy sector before moving into a community engagement role in the oil and gas sector. Following that I was appointed the Chief Executive of PEPANZ.
4. PEPANZ represents the companies that explore for, and produce, New Zealand's natural hydrocarbon resources. PEPANZ's membership produce an estimated 95 percent of New Zealand's petroleum. Operators produce this petroleum under licence from the Crown, which owns New Zealand's petroleum resources.
5. My statement is given on behalf of PEPANZ in relation to our submission on the Proposed Taranaki Coastal Plan.

EXECUTIVE SUMMARY

6. The petroleum industry is integral to, has shaped, and continues to shape the communities in the Taranaki Region. It provides highly-skilled and well paid jobs and is a cornerstone of the region's economy.
7. Furthermore, hydrocarbons provide about half of New Zealand's total energy needs. Natural Gas and LPG are used extensively by businesses and around 400,000 households. Hydrocarbons are predicted to still account for more than half of all global energy consumption in 2040.
8. The petroleum sector is subject to robust and comprehensive regulation. The industry also adopts international good practice health, safety and environmental requirements to compliment this regulation.
9. The key driver for PEPANZ's involvement in the hearing for Proposed Coastal Plan is to ensure that the Taranaki Regional Council's planning regime continues to provide for the petroleum industry and the benefits it delivers, while at the same time ensuring appropriate management of the environment.

SCOPE

10. My statement addresses the following matters:
- (a) an explanation of who PEPANZ represents, its role and purpose;
 - (b) an overview of the petroleum industry in the Taranaki Region and New Zealand;
 - (c) socio-economic considerations;
 - (d) some background information about seismic surveys: and
 - (e) a short conclusion.

OVERVIEW OF THE PETROLEUM INDUSTRY IN TARANAKI

History of development of the petroleum industry in Taranaki

11. The petroleum industry in the Taranaki region has a long history, commencing in 1865, when the Alpha well was drilled near New Plymouth. This was one of the first in the world.
12. Today there are approximately twenty producing hydrocarbon fields in New Zealand, all of them located in Taranaki.
13. The advancement of new technologies, such as seismic surveying and deep rotary drilling, resulted in the discovery of the large onshore Kapuni gas-condensate field in South Taranaki in 1959. This discovery encouraged further exploration (including the large offshore Māui gas-condensate field in 1969) and resulted in the development of a North Island gas transmission network, bringing gas directly to homes and businesses in nine urban centres including Auckland, Wellington and other regional centres.
14. The discovery of the McKee Oil Field in 1979 altered the perception that New Zealand was only rich in gas. McKee remains in production today and has produced almost 48 million barrels of oil to date. The offshore Maari and Tui oil discoveries were made more recently, in 1998 and 2003, respectively.
15. High quality 'sweet' and 'light' condensates that predominate in New Zealand conditions find premium prices on the international market, and are almost entirely exported - mostly to refineries in Australia and Singapore, where they are refined into petroleum.

16. 'Sweet' means the oil is relatively free of sulphur compounds, and 'light' means it flows freely and is light in colour – a relatively pure oil.
17. While the benefits of the petroleum industry are enjoyed throughout New Zealand, production is based solely in Taranaki, although exploration efforts are regularly carried out in other regions of New Zealand.
18. Given the New Zealand industry's reliance on Taranaki, it is critical that the region's planning provisions appropriately recognise and provide for it.

Operations in the Taranaki coastal marine area

19. There are a number of important petroleum exploration and production operations located in Taranaki's Coastal Marine Area, namely:
 - (a) OMV operates the aforementioned Maui field, which has been in production since 1979, and operates beyond the region's boundaries in the exclusive economic zone. Its pipeline runs to shore through the coastal marine area.
 - (b) OMV also operates the Pohokura gas field, which has been in production since 2006 and is located in the coastal marine area. The operation involves a wellhead platform and a subsea pipeline to shore.
 - (c) Beach Energy operates the Kupe gas field, which commenced production in 2009, and straddles the coastal marine area and exclusive economic zone. It utilises an unmanned offshore platform outside the coastal marine area with a subsea pipeline to shore that runs through the coastal marine area.
 - (d) Todd Energy operates petroleum exploration permit 60094, which was granted in 2015 for exploration. It straddles the exclusive economic zone and coastal marine area.
 - (e) Westside Corporation operates the Kaheru petroleum exploration permit, which was granted in 2017. This is in the coastal marine area and is adjacent to Westside's onshore Kauri and Rimu petroleum mining operations..

Continued role for the petroleum industry

20. Hydrocarbons provide about half of New Zealand's total energy needs and are predicted to still account for more than half of all global energy consumption in 2040. PEPANZ acknowledges and accepts the worldwide push to transition to a lower-emissions future. That is a worthy goal, but one that has to recognise the realities of

the journey ahead of us and that natural gas have lower emissions than some other traditional energy sources such as coal.

21. Despite some of the rhetoric, demand for petroleum is projected to increase significantly in the decades ahead as global demand for most sources of energy continues to increase, and alternatives are still maturing, particularly at the commercial scale.
22. A recent report by the International Energy Agency predicts demand for natural gas will increase by 45 percent by 2040.¹ Natural Gas is displacing higher emissions energy sources and is accordingly in high demand. It is predicted that \$US8.6 trillion of investment is required in the global gas supply to 2040 to ensure a secure and reliable supply.
23. In New Zealand, oil and gas have a wide variety of uses including transport (road, rail, air and ship), power generation, and manufacturing. Almost 400,000 households also directly use natural gas or LPG for heating and cooking.
24. The by-products of oil and gas are used in a huge range of products and services, including cosmetics, medical products, and appliances. They are essential in making our modern lifestyles possible and will continue to do so for the foreseeable future.

SOCIO-ECONOMIC CONSIDERATIONS

Regional and local economy

25. The petroleum industry generates investment into the regions in which it operates. Many millions of dollars are required to discover a hydrocarbon field, and then many millions more to turn it into production. This investment pays for the development of local support infrastructure: production stations, buildings, roads, piping, reticulation structures, and salaries of staff and support workers.
26. In the Taranaki region, the industry accounts for around 30 percent of regional Gross Domestic Product and directly generates around 7000 jobs for the region. It is a key reason that Taranaki has the second highest regional GDP per person in New Zealand of \$68,427, compared to a national average of \$58,778².
27. Supply of reliable natural gas is essential for many industries in Taranaki, including methanol production (produced by the two Methanex plants in North Taranaki), and

¹ International Energy Agency – World Energy Outlook 2017 <https://www.iea.org/weo2017/>

² Regional incomes: [Statistics New Zealand](https://www.stats.govt.nz/information-releases/regional-gross-domestic-product-year-ended-march-2017) March 2018 <https://www.stats.govt.nz/information-releases/regional-gross-domestic-product-year-ended-march-2017>

urea fertiliser for agriculture (produced by the Ballance Agrichemical plant at Kapuni in South Taranaki) and as a fuel to support dairy processing (at a co-generation plant at Fonterra's Whareroa plant in South Taranaki). These industries are all almost entirely dependent on a ready supply of reliable natural gas. Equally, contractors and suppliers are employed to maintain and provide materials for the sector. Finally, staff, contractors, and suppliers live, provide services and support local communities and schools.

28. In Taranaki the energy industry also plays a strong social investment role in sponsoring and supporting a range of community initiatives, including Coastguard Taranaki, the WOMAD festival, the Len Lye centre, Taranaki rugby and community services (including scholarships and learning to swim programmes), facilities (including the TSB Hub in Hawera) and conservation efforts throughout the province (for example the Paper4Trees, Taranaki Mounga Project, and East Taranaki Environment Trust).
29. Companies in the sector work hard to build and maintain durable and constructive relationships with iwi and hapū, landowners and the wider communities in which they operate.

National economy

30. The upstream petroleum industry is a significant contributor to New Zealand's economy, contributing on average annually around \$2.5 billion to New Zealand's Gross Domestic Product. Oil exports are, on average, worth approximately \$1.5 billion per year.
31. Approximately 42 percent of all profit from new producing fields is returned to the New Zealand Government in the form of royalties and income tax. As a result, the Government earns approximately \$500 million in royalties and tax from the sector every year.
32. The industry generates around 11,000 jobs nationally, many of which are highly skilled and specialised. Local workers earn twice the national average salary and create seven times the average income earned per annum, resulting in money spent in local communities.
33. Natural gas is also crucial to electricity systems as it provides backup cover for renewable generation at times when demand exceeds supply, or when hydro lakes are low. Gas-fired power stations ensure New Zealand's electricity supply is reliable and reduces the possibility of blackouts. By way of illustration, the gas-fired McKee

Peaker Plant can provide electricity to approximately 70,000 homes. This is roughly the population of Taranaki.

34. Gas is also critical to a range of other economic activities that require heat, such as furnaces, milk drying and timber processing.
35. By way of summary, the development of New Zealand's petroleum resources over the last fifty years has generated income for New Zealand and New Zealanders, underpinned New Zealand's energy system, and enabled the development of a range of nationally significant industries.

OUR SUBMISSION OF THE PROPOSED TARANAKI REGIONAL COASTAL PLAN

36. Drilling and seismic surveys may be needed in future to facilitate continued development and expansion of the producing assets, and seismic surveys and exploration drilling are likely needed if the exploration operations are to make discoveries and be developed.
37. PEPANZ accepts the need for regulation of these activities under the RMA, and, as Dr Mitchell explains in his planning evidence, we support the vast majority of the Proposed Taranaki Regional Coastal Plan
38. PEPANZ considers that several amendments should be made, as also set out in Dr Mitchell's evidence.
39. One matter that has attracted some comment from submitters relates to seismic surveys and their environmental effects. To assist the Panel, the following paragraphs provide a succinct summary of the factual situation.

Overview of seismic surveying

40. Seismic surveying is a geophysical technique used to produce detailed images of the earth's subsurface to deliver information about the location and scale of oil and gas reservoirs.
41. Marine seismic surveys involve a specialised vessel with an acoustic source releasing bubbles of compressed air. When these bubbles collapse, a directionally focused low frequency sound wave is sent towards the seafloor – and the returning soundwave is picked up by hydrophones attached to 'streamers' which are towed behind the vessel.
42. Seismic surveying is an established scientific technique that has been used worldwide for more four decades of use and has been the subject of many research

projects (both in New Zealand and world-wide) to assess environmental effects, particularly those relating to marine mammals – a subject that is sometimes cited in the media. The reality of the situation is that the industry is required to comply with the Department of Conservation’s Code of Conduct for minimising acoustic disturbance to marine mammals, and does so willingly.

43. Under the Code of Conduct, operators undertaking a seismic survey are required to:
- (a) Undertake a Marine Mammal Impact Assessment
 - (b) have present two independent trained marine mammal observers and two passive acoustic monitoring operators.
 - (c) record all observations/sightings of marine mammals before and during operations.
 - (d) have regard to the mitigation zones. 1.5km radius for species of concern with young, 1km for species of concern without young, and 200m for all other species. The acoustic source must be stopped if any marine mammals enter the relevant mitigation zones.
 - (e) use the lowest practical acoustic source volume for the survey that will still achieve survey objectives.
 - (f) conduct 30 minutes of pre-observation prior to commencing the soft-start procedures, which slowly builds up the source volume over a period of 20 minutes.
44. These measures have and continue to be effective, and PEPANZ and its members are committed to continuing to work closely with the Department of Conservation and others on these matters.

CONCLUSION

45. The petroleum industry is integral to, has shaped, and continues to shape the communities in the Taranaki Region. It provides highly-skilled and well paid jobs and is a cornerstone of the region’s economy.
46. Furthermore, hydrocarbons provide about half of New Zealand’s total energy needs. These are used extensively by businesses and around 400,000 households use natural gas or LPG directly. Hydrocarbons are predicted to still account for more than half of all global energy consumption in 2040.

47. The key driver for PEPANZ's involvement in the hearing for Proposed Coastal Plan is to ensure that the Taranaki Regional Council's planning regime continues to provide for the petroleum industry and the benefits it delivers, while at the same time ensuring appropriate management of the environment.
48. PEPANZ supports the vast majority of the Proposed Taranaki Regional Coastal Plan but considers that several amendments should be made, as set out in Dr Mitchell's evidence.

Cameron Marshall Madgwick
16 July 2019

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

The Proposed Taranaki Regional
Coastal Plan

PRIMARY STATEMENT OF EVIDENCE OF PHILIP HUNTER MITCHELL

ON BEHALF OF

**THE PETROLEUM EXPLORATION AND PRODUCTION ASSOCIATION OF
NEW ZEALAND**

12 JULY 2019

1. INTRODUCTION

1.1 My full name is Philip Hunter Mitchell.

QUALIFICATIONS AND EXPERIENCE

1.2 I hold the degrees of Bachelor of Engineering (Hons) and Doctor of Philosophy, both from the University of Canterbury.

1.3 I am employed by Mitchell Daysh Limited, an environmental consulting practice with offices in seven locations around New Zealand that I co-founded in 2016. Previously I was a Director of Mitchell Partnerships Limited, an environmental consultancy I established in 1997, and which was merged with another firm to form Mitchell Daysh Limited. Prior to that, I was the Managing Director of Kingett Mitchell & Associates Limited, a firm that I co-founded in 1987.

1.4 I am a past president and founding executive committee member of the Resource Management Law Association, a full member of the New Zealand Planning Institute and in 2015 was a recipient of the New Zealand Planning Institute's Distinguished Service Award.

1.5 I have practiced in the field of resource management for the past 34 years during which time I have had a lead resource management role in many significant projects throughout New Zealand, a number of which are in the Taranaki Region.

1.6 I have acted on several Ministerial advisory panels established to review aspects of the Resource Management Act 1991 ("**RMA**") and was a member of the Technical Advisory Group established to review sections 6 and 7 of the RMA.

1.7 My principal areas of practice include providing resource management advice to the private and public sectors; facilitating public consultation processes; undertaking planning analyses; managing resource consent acquisition projects; and developing resource consent conditions.

- 1.8 I have acted as a Hearings Commissioner on some 40 occasions, many in the role of Chair, for both resource consent and planning hearings.
- 1.9 I was appointed jointly by the Minister for Canterbury Earthquake Recovery and the Christchurch City Council as a Hearings Commissioner for the replacement of the Christchurch City District Plan (the district plan that is intended to facilitate the rebuilding of Christchurch), and have recently been appointed to chair the upcoming hearings on the Proposed Waikato District Plan.
- 1.10 I have been involved in many resource consent and plan review processes and have presented evidence in relation to such activities on many occasions. In that role I have been involved in numerous resource consent applications for energy and industrial related activities, including a significant number in the Coastal Marine Area ("**CMA**").
- 1.11 Whilst I note that this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I agree to comply with that Code. Other than where I state I am relying on the evidence of another person my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SCOPE OF EVIDENCE

- 1.12 I have been asked by the Petroleum Exploration and Production Association of New Zealand (**PEPANZ**) to provide evidence in relation to their submissions and further submissions on the Proposed Taranaki Regional Coastal Plan (**Proposed Plan**).
- 1.13 My evidence is relatively brief because:
- The Proposed Plan, as notified, generally made appropriate provision for the matters relating to the activities undertaken by PEPANZ's members (**oil and gas sector**); and

- Many of the matters raised in PEPANZ's submission and further submission have been incorporated into the revised version of the Proposed Plan contained in the Council's section 42A report.

1.14 Accordingly, my evidence is confined to addressing the following matters:

- Briefly summarising the general approach that the Proposed Plan has taken in managing the activities undertaken by the oil and gas sector;
- Identifying those few matters where I consider that some further amendment is required; and
- Explaining the specific amendments I consider to be appropriate and the rationale for them.

2. OVERVIEW OF THE PROPOSED PLAN (AS IT RELATES TO THE OIL AND GAS SECTOR)

2.1 It is clear to me that the authors of the Proposed Plan and the section 42A report have acknowledged the importance of the oil and gas sector to the Taranaki Region and New Zealand as a whole, while at the same time recognising that the environmental effects of the sector's activities need to be appropriately assessed, managed and monitored.

2.2 In that regard, the Proposed Plan contains various objectives, policies and rules that apply to the sector's activities, noting that where I refer to the Proposed Plan in my evidence, I am referring to the version contained in the section 42A report, unless stated otherwise.

Overall Objectives and Policies Framework

2.3 There are a large number of objectives and policies in the Proposed Plan that frame how the various uses of the coastal environment and the environment itself will be assessed and managed.

2.4 By way of summary, they address matters that include:

- Integrated management of the coastal environment;
- Safeguarding the mauri and life supporting capacity of the coastal environment;
- Preserving and protecting natural character;
- Protecting natural features and landscapes;
- Maintaining and enhancing biodiversity and protecting areas of significant biodiversity;
- Taking the principles of the Treaty of Waitangi, including: mai te maunga Taranaki kite tai a Kupe, whakapapa, kaitiakitanga, manaakitanga, whanaungatanga, kawanatanga and rangatiratanga;
- Protecting cultural and historic heritage;
- Maintaining and enhancing public use and enjoyment of the coastal environment; and
- Managing coastal hazard risks.

2.5 Additionally, there are a series of policies that relate to discharges; structures and occupation of space, disturbance, deposition and extraction on the seabed; reclamation and drainage; management of using water, heat and energy; and noise.

Objectives and Policies of Direct Relevance to Oil and Gas-related Activities

2.6 The Proposed Plan contains the following objectives and policies that directly relate to activities undertaken by the oil and gas sector:

Objective 2 Which contemplates the efficient use and development of natural and physical resources in the coastal marine area

- Objective 3** Which recognises the use and ongoing operation of regionally important infrastructure and other lawfully established activities should be protected from “reverse sensitivity” effects.
- Policy 5** Which further articulates the requirements of Objective 2.
- Policy 6** Recognises the benefits of regionally important infrastructure, as per Objective 3.
- Policy 29** Which addresses how the impacts of drilling and production activities are to be managed.
- Policy 36** Which provides for the maintenance and minor extensions to existing structures and how effects are to be managed.
- Policy 37** Which provides for major alterations or extensions to existing structures and how effects are to be managed.
- Policy 38** Which relates to the removal of coastal structures and which generally requires removal once operations cease.
- Policy 39** Which requires structures and activities to not unreasonably restrict public access.

Rules of Direct Relevance to Oil and Gas-related Activities

- 2.7 Although oil and gas-related activities would be subject to a variety of rules in the proposed plan, those of direct relevance are:

**Rules 12, 12A
and 13**

Which manage bathymetric and seismic surveys.

Rules 26 and 27 Which manage exploration drilling activities.

Rule 29 Which manages petroleum production installations.

- 2.8 As already stated, PEPANZ considers that the overall thrust of the Proposed Plan is appropriate, as are the vast majority of the specific provisions that have been proposed. I agree.
- 2.9 Therefore, the balance of my evidence addresses where I consider that some refinements are needed, all of which relate to policies and rules, rather than the objectives.

3. **POLICY 14A**

- 3.1 The notified version of the Proposed Plan included one policy (Policy 14) that addressed the topic of “Indigenous Biodiversity”. That policy stated:

Policy 14: Indigenous biodiversity

Protect significant indigenous biodiversity in the coastal environment by:

- (a) 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) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) areas containing nationally significant examples of indigenous community types; and
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- (b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:
 - (i) areas of predominantly indigenous vegetation in the coastal environment;
 - (ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:
 - i. estuaries;
 - ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);
 - iii. areas that provide passage for diadromous species;
 - iv. marine mammal resting, feeding and breeding areas; and

- v. bird roosting and nesting areas;
- (iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as identified in Schedule 4B;
- (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- (v) habitats, including areas and routes, that are important to migratory species; and
- (vi) ecological corridors and areas important for linking or maintaining biological values identified under this policy.

3.2 That policy essentially mirrors Policy 11 of the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”). It therefore “gives effect to” the NZCPS, as section 67(3)(b) of the RMA directs it must.

3.3 In response to submissions, the Proposed Plan now:

- Has amended Policy 14 so that it now on refers to “**Significant** Indigenous Biodiversity”;
- Made several consequential wording changes to Policy 14;
- Added a new Policy 14A that deals with “Indigenous Biodiversity”; and
- Added a new Policy 14B that deals specifically with “Taonga Species”, to which I have no objection.

3.4 My concern is confined to the new proposed Policy 14A, which states:

Policy 14A: Indigenous biodiversity

Maintain and enhance indigenous biodiversity generally in the coastal environment by:

- (a) as far as is practicable, avoiding, remedying and mitigating the adverse effects of activities on indigenous biodiversity; and
- (b) when assessing adverse effects on indigenous biodiversity, having regard to the extent of effects, including consideration of:
 - (i) the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;
 - (ii) the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;

- (iii) the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that;
 - i. the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;
 - ii. discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and
 - iii. activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible.

3.5 In my opinion, proposed Policy 14A goes well beyond “giving effect to” the NZCPS, and, instead serves to place indigenous biodiversity on an inappropriately high pedestal, such that virtually any activity in the coastal environment, and particularly the CMA, will fall foul of the policy.

3.6 Given the wide-ranging definition of “indigenous biodiversity”, and the requirement in proposed Policy 14A to “maintain and enhance” it, any proposal that occurs in proximity to any native species will, in my opinion, be compromised, unless the effects are “transitory”, “not long term” and/or “reversible”. This concern is exacerbated by proposed Policy 3, which directs that a precautionary approach should be taken, where the effects of activities are uncertain, as is often argued in situations in the CMA.

3.7 For all these reasons, Policy 14A should, in my opinion, be deleted, and the consequential changes made to Policy 14.

3.8 In addition, I note that clause (a) of proposed Policy 14A requires that adverse effects on indigenous biodiversity are to be “**as far as practicable**, avoid[ed], remed[ied] or mitigate[d]”. Section 5 of the RMA directs that all effects on the environment are to be avoided, remedied or mitigated, with mitigation being accepted as requiring a “lessening of the severity” of effects, not mitigated “as far as practicable”. In my opinion, the “as far as practicable” wording goes beyond what the RMA requires, and if Policy 14A was to be maintained those words would need to be deleted.

4. POLICY 29

- 4.1 The section 42A report version of Proposed Policy 29, has changed the types of activities that it relates to and includes a new clause (aa). The relevant aspects of the proposed policy are as follows:

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

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

....

(aa) in relation to offshore production activities, adopting adequate separation and buffer distances having regard to the values and sensitivity of the environment;

- 4.2 As notified, this policy specifically referred to “offshore petroleum drilling and production” but the reference to offshore petroleum has been removed in the section 42A report version, so that the policy now also relates to all drilling and production. I understand the rationale for this change, but in my opinion, greater clarity would be provided if Policy 29 only related to offshore petroleum activities, as it did originally, and a separate, more general policy was drafted to address all other (i.e. non-oil and gas) activities.
- 4.3 In my opinion clause (aa) goes too far in requiring “adequate separation and buffer distances” for offshore production activities. That wording implies that a separation distance AND a buffer distance both be provided. As such, once a proposed activity was sited an appropriate distance from important resources/values/activities, an additional buffer distance would also be required.
- 4.4 In my opinion, these two terms are interchangeable, in that they are designed to achieve the same purpose – i.e. to locate activities an appropriate distance from important resources/values/activities that need to be protected. Requiring both a separation distance and a buffer distance is therefore superfluous and, unduly onerous. In my opinion, use of the term “separation distance, to the extent necessary” is the preferred term and the reference to “buffer distances” should be deleted.

5. POLICY 38

5.1 The revised version of Policy 38 in the section 42A report states:

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.

When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply:

- (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, is permanent (32) or has reuse value that is considered appropriate in accordance with Policy 5;
- (d) the removal of the structure is technically unfeasible; or
- (e) the removal of the structure poses unreasonable risk on human health and safety.

5.2 I accept and agree with the intended approach to this policy – that being that once an activity has concluded, adverse effects on the environment should cease. That said, proposed Policy 38 should, in my opinion, be amended to do two complementary things:

- Remove the reference to “removal generally being required”, so as to make the requirement less directive; and
- Include a new clause (f), to the effect that removal of all or part of a structure is not needed if the retention of all or part of the structure has either beneficial, or minimal adverse, effects on marine ecology and coastal processes – one example being retention of a structure below the seabed.

5.3 My suggested wording is as follows:

Policy 38: Removal of coastal structures

~~Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.~~

When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply:

- (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, is permanent or has reuse value that is considered appropriate in accordance with Policy 5;
- (d) the removal of the structure is technically unfeasible; ~~or~~
- (e) the removal of the structure poses unreasonable risk on human health and safety; or
- (f) the structure, or part of the structure, will have either beneficial, or minimal adverse, effects on marine ecology and coastal processes.

6. RULES 12 AND 12A

Introduction

- 6.1 The notified version of the Proposed Plan contained a permitted activity rule for seismic and bathymetric surveys (Rule 12), and a discretionary activity rule (Rule 13) that applied to seismic and bathymetric surveys that did not meet the permitted activity standards.
- 6.2 The section 42A report has:
 - 6.2.1 Modified permitted activity Rule 12 so that it only now applies to bathymetric surveys;
 - 6.2.2 Deleted the permitted activity status for seismic surveys and added a new Rule 12A that makes seismic surveys a controlled activity; and
 - 6.2.3 Retained Rule 13 with minor modifications (i.e. essentially unchanged), that ascribes discretionary activity status to activities that do not meet the permitted or controlled activity standards.
- 6.3 I do not oppose the approach of including a controlled activity rule for seismic surveys, but consider that the current wording of Rules 12 and

12A requires amendment in order to be comply with the requirements of the RMA, for reasons I will now explain.

- 6.4 First and foremost, the standards that must be complied with if an activity is to be assessed as a either a permitted activity or controlled activity, must be clear, unambiguous and certain. Also, standards must not reserve a determination of what the standard requires to a subsequent decision-maker.

Rule 12

- 6.5 The notified version of permitted activity Rule 12 achieved that requirement, in that for a seismic or bathymetric survey to be a permitted activity:

- Compliance was required with the *2013 Code of Conduct for Minimising Disturbance to Marine Mammals from Seismic Survey Operations* – administered by the Department of Conservation; and
- The operator was required to provide prior notice to the Council.

- 6.6 The standards applicable to the modified Rule 12 contained in the section 42A report has deleted both these matters and replaced them with the following:

- (a) 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];
- (b) the activity **does not have a significant adverse effect on** the values associated with taonga species identified in Schedule 4C [Taonga species]. **[My emphasis]**

- 6.7 In respect of a) in paragraph 6.6 above, what constitutes an “adverse effect on any threatened ... species” (or any of the other matters listed) requires a values-based assessment, and an opinion to be made, firstly by the person proposing the activity and secondly by the Council, if a Certificate of Compliance was sought. Furthermore, even if the Council

determined that an effect was not adverse, it could be subject to review in the High Court.

- 6.8 The same issue arises in respect of b) in paragraph 6.6.
- 6.9 In my opinion, the standards in the notified version of Rule 12 (which now only relates to the very low impact activity of bathymetric surveys) should be retained. However, it would be appropriate for the rule to be amended by adding a clause (c) to the effect that permitted activities would only apply in the Open Coast and Port coastal management areas (i.e. those identified as not having any special qualities) and not in the Outstanding Value, or either of the two Estuaries coastal management areas.

Rule 12A

- 6.10 Notwithstanding that a controlled activity rule is now proposed for seismic surveys, I note that the operative Taranaki Regional Coastal Plan contains a permitted activity rule that has, in my understanding, successfully managed seismic surveys in Taranaki's CMA over the past 20 plus years. I am not aware of any definitive technical reason justifying a departure from permitted activity status for seismic surveys.
- 6.11 While I do not oppose the use of a controlled activity rule, the same problems arise with standards (b) and (c) of proposed controlled activity Rule 12A. They state:

Standards/Terms/Conditions

- (a) The activity complies with *2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations*.
- (b) 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
- (c) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and
- (d) the activity complies with the general standards in Section 8.6.

- 6.12 In my opinion, clause (b) should be deleted altogether and clause (c) replaced as follows, or to similar effect:

- ~~(b) 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~~
- (c) The activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species] occur within 1000 metres of Mean High Water Springs; and

- 6.13 I expect that provisions of this type would achieve the same overall result as that contemplated in the section 42A report's version of Rule 12A's standards but would do so in a way that was sufficiently certain and enforceable.

7. RULE 26

- 7.1 Proposed Rule 26 is a controlled activity rule that relates to the drilling of exploration or appraisal wells. I support the use of a controlled activity rule for these activities, but similar issues arise in respect of the "standards" as discussed in Section 6 above.

- 7.2 As currently drafted, two of the standards in proposed Rule 26 that a controlled activity must satisfy (one being clause (d) and the second a new clause (da) recommended in the section 42A report), state:

- (d) 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];
- (da) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];

- 7.3 In my opinion, those clauses should be deleted, as they are uncertain and subjective, noting also that:

- 7.3.1 There are various other definitive standards that an activity must satisfy in order to be controlled; and

- 7.3.2 The list of matters over which control is reserved for the decision-maker to decide is extensive and wide-ranging.

7.4 I do not oppose the matters of control listed in proposed Rule 26.

8. RULE 27

8.1 As drafted currently, any drilling activity that does not meet one or more of the standards in Rule 26 becomes a discretionary activity under proposed Rule 27.

8.2 The issues that need to be assessed when considering drilling activities are well-understood and comprise those matters over which control has been reserved in proposed Rule 26. However, if an activity does not meet one or more of the standards in proposed controlled activity Rule 26, proposed Rule 27 (as a fully discretionary activity rule) provides no limitation on, nor guidance about, the matters that should / can be considered.

8.3 In my opinion, a new Rule 26A should be included to the effect that if an activity does not meet any one of the standards in proposed Rule 26, the activity would become a **restricted discretionary** activity, with the matters over which discretion is restricted being the same the same list of matters over which control has been reserved in proposed Rule 26. In that way, the assessment of drilling operations will be required to remain focussed on the specific matters that need to be assessed, rather than those that may be extraneous.

9. CONCLUSIONS

9.1 In my opinion, the Proposed Plan, as notified, has generally made appropriate provision for the matters relating to the activities undertaken by the oil and gas sector.

9.2 Additionally, many of the matters raised in PEPANZ's submission and further submission have been incorporated into the revised version of the Proposed Plan contained in the Council's section 42A report.

9.3 Accordingly, my evidence has focused on identifying those few matters where I consider that some further amendment is required, and then

explaining the specific amendments I consider to be appropriate and the rationale for them.

- 9.4 In my opinion, the amendments I have proposed are necessary to achieve the purpose of the RMA, give effect to the NZCPS and ensure that the policies and rules are the most appropriate, efficient and effective way to achieve the Proposed Plan's objectives, as required by section 32 of the RMA.

**BEFORE THE HEARING COMMISSIONERS
AT NEW PLYMOUTH**

IN THE MATTER of the Resource Management Act 1991
(**the Act**)

AND

IN THE MATTER of the Proposed Taranaki Regional
Coastal Plan

**LEGAL SUBMISSIONS ON BEHALF OF PETROLEUM EXPLORATION AND
PRODUCTION ASSOCIATION OF NEW ZEALAND (PEPANZ)**

1 AUGUST 2019



ATKINS | HOLM | MAJUREY

Mike Holm
PO Box 1585
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INTRODUCTION

1. The following submissions are made on behalf of the Petroleum Exploration and Production Association of New Zealand (**PEPANZ**).
2. The relevant legal framework pursuant to the Resource Management Act has been addressed in detail in the Section 42A Report and it is not proposed to repeat the analysis outlined.
3. The overall purpose of the Resource Management Act 1991 is worth repeating, as it most importantly establishes the overall legal context and perspective for this Coastal Plan hearing.
4. Section 5(1) states that the purpose of the Act is "to promote the sustainable management of natural and physical resources."
5. Section 5 makes it clear that included in the meaning of sustainable management is the "use" and "development" of natural and physical resources...which enables "people and communities"...to "provide for their economic wellbeing."
6. In addition, and again to provide broad legal context, it is worth noting that the RMA does not mandate a "no risks" approach to sustainable management of natural and physical resources. Nor does the Act prohibit adverse effects on the environment or require that all environmental effects be 'internalised'.
7. Finally, it is relevant to note that fears and perceptions are not effects. Any party asserting an effect needs to provide supporting probative evidence. Fears and perceptions are not probative evidence of an effect and can be given no weight by decision makers.

THE ECONOMIC IMPORTANCE OF THE OIL AND GAS INDUSTRY

8. The Chief Executive of PEPANZ has submitted a statement which outlines the national and regional importance of the oil and gas industry to Taranaki and New Zealand.
9. To briefly highlight salient points:
 - (a) In the Taranaki region, the oil and gas industry accounts for approximately 30% of regional GDP and directly generates around 7,000 jobs for the region. It

is the key reason that Taranaki has the second highest GDP per person in New Zealand.

- (b) The upstream petroleum industry makes a significant contribution to New Zealand's economy – contributing on average annually around \$2.5 billion to New Zealand's GDP. The Government earns approximately \$500 million in royalties and tax each year. Some 11,000 jobs are generated nationally.
 - (c) The development of New Zealand's petroleum resources, both on and offshore, based in Taranaki, over the last fifty years has generated substantial jobs; underpinned New Zealand's energy system; and enabled development of a range of nationally significant industries.
10. As noted by Mr Madgwick, drilling and seismic surveys will be needed in future in Taranaki coastal waters to facilitate continuing development and expansion of existing wells. Seismic surveys and exploration drilling are also likely to be needed if currently authorised exploration activities are to make discoveries and be developed. Such activities are subject to comprehensive environmental management in the Proposed Plan policies and rules.
 11. In general, oil and gas exploration and development activities and operations have had minimal long term environmental effects in Taranaki coastal waters where many years of exploration and development has taken place. This includes operational installations for oil and/or gas recovery such as Maui (EEZ and coastal marine area), Pohokura (coastal marine area) and Kupe (EEZ and coastal marine area), as well as exploration activities such as drilling and seismic surveys in coastal waters.
 12. Seismic surveying is a well-established scientific technique that has been used worldwide for more than 70 years and has been the subject of many research projects to assess environmental effects – particularly those related to marine mammals. As noted by Mr Madgwick, the industry willingly complies with Department of Conservation Code of Conduct for minimising acoustic disturbance to marine mammals.

THE NEED FOR REGULATORY CERTAINTY

13. The exploration and development activities undertaken by the oil and gas industry are capital intensive and involve

considerable financial outlays and risks. While careful and responsible environmental management is accepted as an essential and integral part of all activities, it is crucial to the success of the industry that there is certainty in relation to environmental regulatory requirements and obligations.

14. Any lack of clarity and precision, or unpredictable subjectivity, in regulatory rules or requirements can potentially create scope for a costly and unpredictable decision making process - particularly delay - to unfold in practice.
15. Similarly, a lack of certainty or precision, or open ended subjective decision making discretions, present an open invitation to determined third parties to delay decision making through appeals and/or review litigation.

ENVIRONMENT CONCERNS BEYOND RMA JURISDICTION

16. It is important that any concerns in relation to the potential for climate change to require limitations on the oil and gas industry are not considered legally relevant to this Coastal Plan hearing. Greenhouse gas emissions of petroleum operations are managed and accounted for under the Emissions Trading Scheme.
17. Any decisions in relation to future regulatory or policy curbs or restrictions on the future of the existing oil and gas industry in New Zealand are solely matters for central government of the day policy/political decisions.
18. This hearing is not the forum for debate or decision making in relation to the future of the oil and gas industry, or whether New Zealand is now, or in the future, regarded as in some form of transition from fossil fuels to other sources of energy.

SPECIFIC POLICIES AND RULES WHERE LACK OF CERTAINTY AN ISSUE

19. As noted in the evidence of Dr Mitchell, the authors of the Proposed Plan and the associated S42A Report have acknowledged the importance of the oil and gas sector to the Taranaki Region and New Zealand – while at the same time recognising that the environmental effects of the sector's activities need to be appropriately assessed, managed and monitored.
20. As also noted by Dr Mitchell, the Proposed Plan has a comprehensive environmental management framework applying to users of the coastal environment, such as the oil

and gas industry. While at times there may have been principled debate between the industry and regulators, this has largely been in relation to detail – in particular matters of clarity and certainty – rather than any questioning of the industry's fundamental obligations to adopt responsible environmental protection in its various operations and accept a comprehensive regulatory environmental management regime.

21. As noted in Dr Mitchell's evidence, the differences over detail in relation to the Proposed Plan largely turn on the very important issue of whether a particular activity or operation is regulated as a "controlled" or "discretionary" activity.
22. In essence, a "controlled" activity status provides a far larger measure of certainty and timeliness on decision making over a "discretionary" activity status.
23. A controlled activity status allows a resource user in coastal waters to know well in advance what considerations will be relevant to a particular activity or operation, and enables preparation and planning in advance without the prospect of public notification and associated delays or other litigation.
24. Dr Mitchell covers in his evidence specific policies and rules of direct relevance to oil and gas related activities. He makes a number of recommendations for amendments.
25. With respect to Policy 14A, Dr Mitchell notes that the Policy, as written, appears to go beyond the scope of the RMA and the New Zealand Coastal Policy Statement 2010.
26. In brief:
 - (a) Rules 12, 12A and 13 – Seismic and Bathymetric Surveys;
 - (b) Rules 26 and 27 – Exploration drilling;
 - (c) Rule 29 – Petroleum production installations;
 - (d) Policy 14A – Indigenous Biodiversity;
 - (e) Policy 29 – Buffer distances; and
 - (f) Policy 38 – Removal of Coastal Structures.
27. It is submitted that given the comprehensive broad framework of environmental management requirements embedded in the Proposed Plan, the changes Dr Mitchell suggests do not in

any way fundamentally change or diminish the level of responsible environmental protection and management of the natural resources and environmental qualities of coastal waters.

28. The changes are basically about improving clarity, certainty and avoiding unnecessary delays in decision making – recognising the fundamental economic importance of the industry to Taranaki and New Zealand.

DATE: 1 August 2019



Mike Holm

Counsel for **Petroleum Exploration and
Production Association of New Zealand (PEPANZ)**

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

The Proposed Taranaki Regional
Coastal Plan

SUPPLEMENTARY STATEMENT OF EVIDENCE OF

PHILIP HUNTER MITCHELL

ON BEHALF OF

**THE PETROLEUM EXPLORATION AND PRODUCTION ASSOCIATION OF
NEW ZEALAND**

5 AUGUST 2019

1. INTRODUCTION

1.1 My full name is Philip Hunter Mitchell.

QUALIFICATIONS AND EXPERIENCE

1.2 My experience and qualifications were set out in Section 1 of my primary evidence dated 12 July 2019, prepared on behalf of the Petroleum and Exploration Association of New Zealand ("**PEPANZ**").

1.3 Although this is not an Environment Court hearing, I confirm that I have read and am familiar with the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. I agree to comply with that Code. Other than where I state I am relying on the evidence of another person my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. SCOPE OF SUPPLEMENTARY EVIDENCE

2.1 The purpose of my evidence is to address one minor drafting issue in proposed **Rules 12A and 13** that arises from the way Council staff have recast these Rules in the redlined version of the proposed Taranaki Regional Coastal Plan ("**Proposed Plan**"), and which I did not address in my primary evidence. These rules relate to the management of seismic surveys.

3. THE ISSUE

3.1 The notified version of the Proposed Plan used the term "seismic surveying" in the activity description column of the rules table. As such, the rules related to the entire operation of seismic surveying.

3.2 In the redlined version of the Proposed Plan, the activity description in Rules 12A and 13 were amended to relate only to the "discharge of energy from the activity of seismic surveying". That is logical, insofar as it is the emission of sound that has potential effects on the environment, and which is the activity that needs to be carefully managed.

- 3.3 The unintended consequence of this change is that any activity other than the “discharge of energy” is now no longer covered by the proposed rules. The concern in that regard is that the rules now no longer provide for any placement of “geophones” on the seabed, these being the devices used to measure the returned acoustic signals from that release of energy/sound, and which are, therefore, essential elements of a seismic survey.
- 3.4 Geophones are only placed on the seabed in very limited circumstances – they are usually towed behind the survey vessel and, as such do not require resource consent – and are only ever placed on the seabed for a very short time, have minimal effects on the seabed, and are removed once the survey has been completed.
- 3.5 I have therefore proposed some minor redrafting of Rules 12A and 13, as set out below.

4. PROPOSED REDRAFTING

- 4.1 Given the above, I propose the following amendments to Rules 12A and 13, using the base document as the version of the rules that were set out in my primary evidence and with the latest changes shown in redlining. Please note that I have only included those aspects of the rules table that require amendment, and not those that do not.

Table 1 Proposed amendments to Rules 12A and 13

Activity	Rule Number	Classification	Standards/Term Conditions
Discharge of energy for the purpose of seismic surveying into water in the coastal marine area; and any associated noise; and the placement and use of associated monitoring equipment.	12A	Controlled	<p>(a) The activity complies with <i>2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations</i>; and</p> <p>(b) the activity discharge of energy does not occur within 1000 metres of Mean High Water Springs; and</p>

			(c) the activity complies with the general standards in Section 8.6.
Discharge of energy / water or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 19 to 12A, any other Rule in this Plan excluding discharges regulated by <i>the Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5); and includes the placement and use of associated monitoring equipment.	13	Discretionary	

- 4.2 The only point I consider I need to emphasise is that the reason for the amendment to the “standard” in Rule 12A is to only limit the discharge of energy to a location more than 1 km from Mean High Water Springs, but not to limit the placement of geophones in that area.

5. CONCLUDING COMMENT

- 5.1 I trust the above is clear, but if the Hearings Committee or Council staff have any questions, I would be happy to address them.

**BEFORE THE HEARING COMMISSIONERS
AT STRATFORD**

IN THE MATTER of the Resource Management Act 1991
(**the Act**)

AND

IN THE MATTER of the Proposed Taranaki Regional
Coastal Plan

**LEGAL SUBMISSIONS ON BEHALF OF TRANS-TASMAN RESOURCES
LIMITED**

30 July 2019



ATKINS | HOLM | MAJUREY

Vicki Morrison-Shaw
PO Box 1585
Shortland Street
AUCKLAND 1140

INTRODUCTION AND OVERVIEW

1. Coastal areas are of fundamental importance to an island nation like New Zealand. They are places where people live, work and play. They are also places of rich resource, which, when sustainably managed, can provide for New Zealanders' wellbeing both now and into the future. This is particularly true for Taranaki, which in addition to its significant gas and petroleum resources, also has a world class iron sand resource, with enormous and currently untapped economic potential. These resources are key elements to transitioning to low carbon emissions energy production.
2. The proposed Taranaki Coastal Plan (**Proposed Plan**) seeks to strike a balance between enabling people to make use of such coastal resources while at the same time, managing the potential effects of such uses on the environment. Trans-Tasman Resources Limited (**TIR**) considers that the Taranaki Regional Council (**Council**) has largely got that balance right. TIR does however consider that further changes are required to ensure that the Proposed Plan has a sufficient evidential basis, is clear, consistent and effects based, and appropriately provides for both existing and planned future activities.

Evidence and legal submissions

3. TIR has provided evidence (in affidavit format) from Mr Daniel Govier, the Technical Discipline Manager – Marine Science at SLR in support of its position. While Mr Govier is unable to attend the hearing in person, Mr Govier has undertaken to respond to any questions the Commissioners may have in writing and/or to make himself available by phone.
4. Similarly, these legal submissions are being tabled by counsel, rather than counsel attending in person. However, counsel is available to respond to any questions the Commissioners may have by phone, skype or email.

Outline

5. These submissions are organised as follows:
 - (a) TIR overview and position;
 - (b) remaining concerns; and

(c) conclusion.

TIR OVERVIEW AND POSITION

6. TIR is a New Zealand based and managed company established in 2007 to explore and develop New Zealand's offshore mineral sand deposits.
7. TIR holds three minerals mining permits (under the Crown Minerals Act 1991) for areas within the South Taranaki Bight.¹
8. Permit 55581 is for the extraction of iron sand from a 65.67km² area of the exclusive economic zone (EEZ).² The Environmental Protection Authority granted TIR marine and discharge consents (under the EEZ and Continental Shelf (Environmental Effects) Act 2012) for the iron sand mining activity in this area in August 2017. While the grant of these consents has been challenged, and appeals are still in train,³ TIR wishes to ensure that the Proposed Plan appropriately provides for its planned future activities in the coastal marine area (CMA). These activities include:
 - (a) monitoring – including the placement of mooring structures housing in-situ instruments to monitor a suite of environmental parameters and telemeter back to shore in real time;
 - (b) benthic grab sampling - to collect sediment samples for macro fauna analysis and sediment physical and chemical characteristics; and
 - (c) resource definition – this involves taking core samples of the seabed to understand the quality and composition of the sand.
9. While a minerals mining permit is held for an area within the CMA,⁴ TIR has not applied for resource consents for iron sand extraction within this area. Accordingly, the relief sought by TIR is to facilitate the monitoring, sampling and resource

¹ Mining Permit 55581. TIR also holds mineral mining permits for adjoining areas within the EEZ (50753 and 60510.01) but marine and discharge consents have not been sought for these areas.

² Mining Permit 55581. TIR also holds mineral mining permits for adjoining areas within the EEZ (50753 and 60510.01) but marine and discharge consents have not been sought for these areas.

³ Appeals to the Court of Appeal are scheduled to be heard in September this year.

⁴ Mining permit 54068.

definition work required as part of its proposed activities within the EEZ.

TIR position

10. TIR made a submission and further submissions on the Proposed Plan on 23 April 2018 and 2 August 2018 respectively. These submissions supported many of the Proposed Plan provisions but also sought a number of amendments.
11. The officers' s.42A report (**s.42A Report**) has recommended changes to a number of the provisions that TIR submitted on. TIR is comfortable with many of the changes proposed, and in particular supports those relating to the following:
 - (a) 3.2.6 – as the additional text ("*where and when it is appropriate to do so*") provides an important qualifier to public access and use of the coast;
 - (b) objective 12 – as the addition of the word "*appropriate*" provides an important qualifier to public access;
 - (c) policies 5(b), (f), and (g) – as the changes to these policies are consistent with what TIR sought in its submissions;
 - (d) policy 11 – as the changes more clearly recognise the differences between "enhance" and "maintain";
 - (e) policy 20 – as this is consistent with what TIR sought in its submissions;
 - (f) policy 29 – as the changes have broadened the policy to recognise that drilling is not just limited to offshore petroleum activities; and
 - (g) the deletion of the definition for "adaptive management" given the inherent difficulties in appropriately defining such a term.
12. TIR does however consider that some further changes are necessary to ensure that the Proposed Plan:
 - (a) is sufficiently certain and clear;
 - (b) has a robust evidential base; and

- (c) appropriately provides for activities such as TTR's planned monitoring, sampling and resource definition work, which have negligible effects, but which are necessary to reap the economic and social benefits of iron sand extraction within the EEZ.

REMAINING CONCERNS

Policy 44: Extraction or deposition of material

13. In its further submission, TTR opposed the submission of Ms Pratt, who sought that an additional clause be added to prevent extraction or deposition of material in biodiversity hotspots.
14. The s.42A Report accepted this request in part and included the additional clause of "(ba) *not occur close to moderate or high relief offshore reefs*".⁵
15. As the evidence of Mr Govier notes the inclusion of this provision creates uncertainty since there are no definitions or guidance provided as to what the terms "close" or "moderate or high relief offshore reef" mean.⁶
16. TTR considers that clause (ba) should be deleted or amended to:
 - (a) replace the term 'close' with a set distance – with the exact distance to be based on clear evidence as the likelihood of effect; and
 - (b) delete reference to the term 'moderate or high relief offshore reef' and replace it with reference to the existing reefs identified in Schedule 2.

Rule 12: Bathymetric analysis

17. TTR supports the recommendation in the s.42A Report to include separate rules for bathymetric analysis and seismic surveying.⁷
18. TTR maintains support for the permitted activity status of the Bathymetric rule, as Mr Govier's evidence confirms that the

⁵ S.42A Report p 210.

⁶ Affidavit of Daniel Govier on behalf of TTR, 16 July 2019, at [81].

⁷ S.42A Report p 268.

collection and analysis of bathymetric data will have no adverse effect on the marine environment.⁸ However, TIR is concerned with the changes made to the standards for this rule. In particular:

- (a) while TIR accepts bathymetric activities should not have adverse effects on species which are threatened, at risk, or regionally distinctive, and ecosystems which are rare or uncommon; the requirement in this standard goes further than that. It requires that the activity have no adverse effects on all of the species identified in Schedule 4A – some of which are categorised as non-resident native, not threatened, data deficient, and not listed.⁹ If TIR's relief in relation to Schedule 4A is not accepted (refer below), TIR considers this standard should be amended to refer to only those species within Schedule 4A that are threatened, at risk, or regionally distinctive, as well as the ecosystems which are rare or uncommon.
- (b) as Mr Govier's evidence notes the requirement that the activity does not have a significant adverse effect on the values associated with taonga species, lacks certainty as to how effects on the values are to be determined and by whom.¹⁰ TIR is also concerned with the sheer number of taonga species included, and questions whether there is a sufficient evidential basis to justify the inclusion of all such species. As noted by Justice Williams, in the Wai 262 report, taonga species are not all species, but are specific species for which there is a "kōrero tuku iho":¹¹

"First, we do not consider the environment as a whole to be a taonga, in the sense that the term is used in the Treaty.

⁸ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019 at [46].

⁹ **Non-resident native:** far-eastern ew, humpback whale; **Not threatened:** the grey-faced petrel, New Zealand fur seal, short-beaked common dolphin, banded kokopu, coastal kowhai, coastal tree daisy, coastal woodrush, flat-leaved rush, kauri sedge, koromiko, Ngaio, parahebe, paritūtū korokio, peperomia, pinatoro, saltmarsh ribbonwood, shore hard fern, koromiko; **Data deficient:** fin whale, sperm whale, pygmy blue whale; and **Not listed:** Otakeho woollyhead.

¹⁰ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019, at [88].

¹¹ Waitangi Tribunal, A report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Wai 262, Volume 1, Waitangi Tribunal Report 2011, at page 269.

Such an all-encompassing interpretation devalues the status of taonga and the rights and obligations that flow from them. In mātauranga Māori, the environment is the manifestation of the atua themselves – Ranginui, Papatūānuku, Tāne-mahuta, Hāumiā-tiketike, and so on – who transcend and have dominion over taonga. Thus, taonga are the particular iconic mountains or rivers, for example, or specific species of flora and fauna. Whether a resource or a place is a taonga can be tested, as it can for taonga species (we have discussed this in chapter 1, too, in relation to taonga works). Taonga have mātauranga Māori relating to them, and whakapapa that can be cited by tohunga. Certain iwi or hapu will say that they are kaitiaki. The tohunga will be able to say what events in the history of the community led to that kaitiaki status and what obligations this creates for them. In sum, a taonga will have kōrero tuku iho (a body of inherited knowledge) associated with them, the existence and credibility of which can be tested."
[my emphasis]

Accordingly, TIR considers that this standard should either be deleted or amended to include just those species for which there is a sufficient evidential basis (such as those recognised in Deeds of Settlement as suggested in the s.42A Report)¹² and to address the uncertainty in the wording.

Rule 20: Mooring structure placement

19. TIR continues to support the permitted activity classification recommended in the s.42A report for this rule, which Mr Govier's evidence has confirmed is appropriate.¹³ However, for the reasons given above, TIR remains concerned about the inclusion of a standard relating to effects on values associated with taonga species. TIR considers that this standard should either be deleted or amended as noted above.

(new) Rule 26A: Disturbance of the seabed by drilling/core sampling

20. In its submission, TIR sought the inclusion of an additional rule enabling drilling/core sampling as a permitted activity. The s.42A Report declined the new rule, stating that such an activity is already provided for under Rule 26. The Report also

¹² S.42A Report pp 495-6.

¹³ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019 at [94].

noted that it would not be appropriate to enable drilling for seabed mining as a permitted activity.¹⁴

21. The s.42A Report appears to have misunderstood the purpose of the rule. The rule is intended to provide for the taking of core samples of the seabed to understand the quality and composition of the sand. The activity is for sampling purposes only - and is distinct from both the activities provided for in Rule 26 and seabed mining. Such activities are required to be undertaken as part of the work programme associated with the minerals mining permit.
22. Mr Govier's evidence confirms that at this scale of disturbance there should be no adverse effects on the marine environment, given the footprint of disturbance would be negligible, and given the standards proposed by TIR.¹⁵ If such a rule is not included, there will be a lacuna in the rules, since the other discretionary and non-complying drilling rules are related to petroleum activities. TIR therefore considers that it is both necessary and appropriate to provide for such sampling as a permitted activity. TIR also suggests that the rule be renamed to "core-sampling" to make it more explicit what activities the rule covers.

Rule 52: Collection of benthic grab samples

23. TIR continues to support a permitted activity status for benthic grab sampling, and Mr Govier's evidence confirms that such a classification remains appropriate.¹⁶ However, for the reasons given above, TIR remains concerned about s.42A recommendation for the inclusion of a standard relating to effects on values associated with taonga species. TIR considers that this standard should either be deleted or amended as noted above.

Rule 65: Take or use of water

24. The s.42A Report has retained the permitted activity status for the taking and use of coastal water but added two additional standards:

¹⁴ S.42A Report p 328.

¹⁵ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019 at [97] and [98].

¹⁶ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019 at [112].

- (a) that the taking or use is not at a quantity or rate that would cause significant adverse environmental effects; and
 - (b) the activity does not have an adverse effect on the values associated with taonga species.
25. Mr Govier's evidence is that given the volume of the ocean, no activity is foreseeable that would result in significant adverse effects.¹⁷ Accordingly, TIR considers that this standard is not necessary. TIR's concerns regarding the effects on values associated with taonga species has been noted above.

Schedule 4A: significant species and ecosystems

26. The s.42A Report has explained the reasons why such a Schedule has been included – to better manage effects and to be consistent with higher order policy documents. While TIR generally accepts this rationale, TIR remains concerned that the list:
- (a) is overly broad – given it currently includes species which are non-resident native, not threatened, data deficient, and not listed; and
 - (b) may become out of date - given the threat classification status of species are reviewed every three years whereas the coastal plan is expected to have a 10-year life span.
27. TIR considers amendments should be made to remove any non-resident native, not threatened, data deficient, and not listed species, and to advise plan users (by way of advice note) of the potential for classifications to change over the life of the Plan.

CONCLUSION

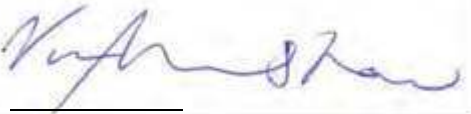
28. The Proposed Plan is the rulebook that will apply to coastal activities in Taranaki for the next 10 years. It is therefore important that the Proposed Plan is fit for purpose, is clear, certain and robust, and that it caters for existing activities as

¹⁷ Affidavit of Daniel Govier on behalf of TIR, 16 July 2019 at [118].

well as planned future activities which provide for people's economic and social wellbeing.

29. Making the changes sought by TIR will ensure that the Proposed Plan achieves these aims and that ultimately the sustainable management purpose of the Act is met.

DATE 30 July 2019



Vicki Morrison-Shaw
Counsel for the Applicant
Trans-Tasman Resources Limited

**BEFORE THE HEARING COMMISSIONERS
AT STRATFORD**

IN THE MATTER of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER of the Proposed Taranaki Regional
Coastal Plan

**AFFIDAVIT OF DANIEL GOVIER ON BEHALF OF TRANS-TASMAN
RESOURCES LIMITED
(MONITORING)
AFFIRMED 16 JULY 2019**



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DG

EXECUTIVE SUMMARY

1. My evidence covers an assessment of the policies and rules associated with environmental monitoring in the s42A Officers Report on the Proposed Coastal Plan for Taranaki. This assessment also considers the submission by Trans-Tasman Resources Limited (TTR) and the environmental monitoring requirements they have within the South Taranaki Bight. Other submissions of relevance were also considered.
2. Four Rules within the Proposed Coastal Plan for Taranaki are directly relevant to environmental monitoring within the Coastal Marine Area (CMA) and were included in my assessment. In addition TTR proffered a new rule for inclusion. However, this rule was declined within the s42A Officers Report, which I also discuss.
3. The four rules considered as part of my assessment of the Proposed Coastal Plan for Taranaki include:
 - (a) Rule 12 – Bathymetric analysis;
 - (b) Rule 20 – Placement or erection of a mooring structure for monitoring or sampling equipment that does not require mechanical excavation of the foreshore or seabed;
 - (c) Rule 52 – Benthic grab sampling; and
 - (d) Rule 65 – Take or use of water.
4. I discuss the types of activities associated with each of these rules, the potential environmental effects from these activities and conclude with my opinion on the classification.
5. To summarise, for each of the rules I considered, there was general agreement with the recommendations made

within the s42A Officers Report and the Proposed Coastal Plan.

6. There are some new inclusions of standards, terms and conditions incorporated into the Proposed Coastal Plan for Taranaki based on submitter's requests. However, I have made some recommendations on these conditions within my evidence based on the uncertainty they currently create.

I, **Daniel Govier, of Nelson, Technical Discipline Manager – Marine Science**, solemnly and sincerely affirm:

INTRODUCTION

Qualifications and experience

1. My full name is Daniel Govier.
2. I hold a Bachelor of Science (Zoology) and a Post Graduate Diploma in Marine Science, University of Otago, 2000. I hold a Master of Science (Marine Science), University of Otago, 2002.
3. I am the Technical Discipline Manager – Marine Science at SLR Consulting New Zealand Ltd (SLR). SLR is an environmental consultancy that specialises in Impact Assessments (IAs), consent applications and marine environmental monitoring.
4. Prior to joining SLR, I held a number of relevant roles. I was the Managing Director of Environmental Offshore Services (2013-2014), specialising in IAs of the offshore marine environment around New Zealand. Environmental Offshore Services was acquired by SLR in October 2014.
5. I was an environmental consultant at Resource and Environmental Management Ltd (2010-2013), where I prepared a number of IAs for activities in New Zealand's offshore marine environment. During this time I was involved with reviewing, presenting and interpreting environmental monitoring programmes and results for offshore petroleum operators.
6. I was the Operations Manager at Challenger Scallop Enhancement Company (2009-2010). This role involved the management of the commercial dredge scallop fishery at the top of the South Island and scallop stock assessments through dredge surveys.

7. I was a Marine Ecologist at the Cawthron Institute in Nelson (2006-2008). In this role I completed a number of IAs for the aquaculture industry and completed many ecological monitoring programmes for marine farms. During this time I was involved in the monitoring of all salmon farms in the Marlborough Sounds. This monitoring included water physicochemical testing and sediment physical and chemical properties to evaluate the occurrence and effects from the deposition of excess food and excrement at distances away from the farms. I undertook extensive subtidal surveys utilising van-van grabs, sediment cores, drop-camera technology, remotely operated vehicles, acoustic doppler current profilers (ADCPs), diver transect/quadrat surveys, side-scan and bathymetric surveys, and produced a number of scientific reports utilising these results largely for the purpose of compliance monitoring.
8. I was a Marine Ecologist at the Taranaki Regional Council (TRC) (2002-2006). At TRC I led all the marine ecological compliance monitoring programmes along the entire Taranaki coastline which included intertidal reefs, subtidal habitats and estuaries. I established and managed a monitoring programme for near-shore sand dispersal (part of a capital and maintenance dredging programme within Port Taranaki). Fine sand was dispersed into a near-shore environment to introduce the sand into the natural littoral drift in an attempt to replenish the sand levels on the beaches to the north of Port Taranaki. The monitoring programme involved subtidal and intertidal ecological surveys using both qualitative and quantitative methodologies.
9. In summary, I have undertaken numerous subtidal and intertidal marine ecological surveys over a diverse range of habitats and regions which include Taranaki, Marlborough

Sounds, Golden Bay, Tasman Bay, Fiordland, Dunedin and Stewart Island. As a result I have a very good understanding of the different monitoring methodologies available and which should be used for compliance monitoring.

10. I confirm the contents of this evidence are true and correct to the best of my knowledge and belief.

Background to my involvement

11. I was engaged by TIR to prepare a Pro-Commencement Environmental Monitoring Plan (**PCEMP**) and the Environmental Monitoring and Management Plan (**EMMP**) for its South Taranaki Offshore Iron Sand Extraction and Processing Project within the Exclusive Economic Zone (**the Project**).
12. The intention of the PCEMP is to validate information in the IA, to collect further data to complement baseline data and to refine the methodologies, 'Response Limits' and 'Compliance Limits' proposed in the **EMMP** which would be implemented once iron sand extraction commences.
13. I was asked to provide some guidance to TIR on the monitoring methodologies proposed within the PCEMP and EMMP, specifically those that were proposed for implementation within the Coastal Marine Area (**CMA**) as part of the submission process on the Proposed Coastal Plan for Taranaki.
14. I have prepared this statement of evidence at the request of TIR.
15. In preparing this evidence I have reviewed the following:
- (a) TIR's submission on the proposed plan change;
 - (b) Operative Regional Coastal Plan for Taranaki;

- (c) TRC Officers Report on decisions requested – proposed Coastal Plan for Taranaki;
- (d) Section 42A report for the hearing – proposed Coastal Plan for Taranaki; and
- (e) Track changes version for the hearing – Proposed Coastal Plan for Taranaki.

Purpose and scope of Evidence

- 16. I was engaged by TTR to review the Proposed Coastal Plan for Taranaki in regard to the activity rules associated with environmental monitoring within the CMA.
- 17. In my evidence I will focus on TTR's submission in regard to environmental monitoring and assess the reporting officer's responses within my area of expertise. This assessment and scope of evidence is based on my previous experience conducting and managing extensive environmental monitoring surveys in the offshore marine environment, particularly of relevance to this hearing, in the Taranaki region.
- 18. I have structured my evidence into the following sections:
 - (a) TTR's environmental monitoring requirements;
 - (b) Existing environment;
 - (c) Environmental monitoring under the Operative Regional Coastal Plan for Taranaki;
 - (d) Environmental monitoring under the Proposed Coastal Plan for Taranaki; and
 - (e) Review of s42A report.
- 19. TTR were granted Marine Consents and Marine Discharge Consents in accordance with the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ

Act, in August 2017 for the activities associated with extraction and processing of seabed material containing iron ore. Those consents were subsequently appealed and TTR are still going through an appeal process. Therefore, I will not discuss the appeal process or the Project within my scope of evidence and will only focus on environmental monitoring requirements accepted during the Marine Consent application process.

Code of conduct

20. I confirm that I have read the expert witness code of conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Court. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

TTR'S ENVIRONMENTAL MONITORING REQUIREMENTS

21. The PCEMP will run for two years to confirm the current understanding of seasonality and natural variability of environmental parameters that will be monitored in the South Taranaki Bight (STB).
22. Environmental data collected will be used to validate the Operational Sediment Plume Model (OSPM) to predict the sediment transportation processes in the STB. The OSPM will determine background suspended sediment concentration (SSC) levels in the STB.
23. To collect a continuous data set, in-situ instruments are placed on the seabed to monitor a suite of environmental parameters (i.e. sedimentation, light levels and oceanographic conditions), and telemetered back to

shore in real time. These results are compared with modelled predictions to enable regular calibration of the OSPM.

24. Five monitoring stations were identified for collecting continuous environmental data to monitor for compliance and OSPM calibrations. Mooring structures will be required to house these in-situ monitoring instruments at each monitoring station, all of which are located within the CMA. Mooring structures for environmental monitoring is discussed in **Paragraphs 47-60**.
25. Continuous monitoring at these locations will be supplemented with synoptic surveys, which include grab sampling and water column sampling and are discussed in **Paragraphs 62-69** and **Paragraphs 70-77** respectively.
26. TTRs environmental monitoring programmes were developed on recognition of the key habitats and ecosystem components of the STB (both within the Exclusive Economic Zone (EEZ) and CMA) and their interactions with the primary impact sources from the Project (i.e. turbidity and sedimentation).
27. A wide range of monitoring programmes and methodologies are included within the PCEMP and EMMP. These programmes were specifically designed to capture spatial and temporal components of the Project at geographic and ecological scales appropriate for the subsequent assessment of potential effects.
28. Monitoring locations are specific for each environmental parameter; however, a number of locations overlap, enabling a full suite of environmental data to be collected from each site.
29. Monitoring stations were selected based on NIWA sediment plume modelling. This incorporated the extent, gradients

and intensity of the sediment plumes linked to the Project in terms of suspended sediment concentrations (SSC) and sediment deposition within the STB.

30. In addition, monitoring stations were allocated to ensure representation of the different benthic community types (i.e. worm fields, inshore reefs, offshore biogenic habitats) and to reflect the different environmental parameters being monitored (i.e. benthic communities, water column characteristics, sensitive sites etc.).
31. Based on the sampling design and allocation of monitoring stations, environmental monitoring will take place in the waters of the EEZ and the CMA within the STB.
32. The NIWA SSC plot during iron sand extraction activities taking place with the monitoring stations overlaid is provided in **Appendix A**. The CMA boundary is also shown.
33. An overview of TTR's environmental monitoring programmes is provided in **Appendix B**. This summarises the key indicators and parameters that will be assessed.

EXISTING ENVIRONMENT

34. The STB is a high energy environment exposed to southerly and westerly storms that travel across the Tasman Sea resulting in large swells, initiating active bed transport and resuspension of sediments. Wave heights in excess of 2 m are routinely experienced throughout the STB (TTR, 2016) which contribute to the high coastal erosion and natural sand inundation events that occur along the Taranaki coastline.
35. Rainfall is moderate in the Taranaki region due to the influence of Mount Taranaki. Four large rivers flow into the STB, (i.e. Patea, Whanganui, Rangitikei and Manawatu) which can provide significant inputs of sediment into the

marine environment during the rainfall events, increasing SSC and reducing optical water quality.

36. The STB is subject to regular storm-related disturbance, and biota in the water column and benthic assemblages are relatively tolerant to the dynamic and exposed environment in which they live, where benthic communities are often exposed to sedimentation.
37. In the STB soft sediment habitats and mudstone outcrops are characteristically low in species abundance and diversity, while the harder rock outcrops support more abundant and diverse macrobenthic assemblages.
38. Within the operative Regional Coastal Plan for Taranaki, the North and South Traps are recognised as an area of Outstanding Natural Character (ONC) in the STB. I note that the Project Reef has been included as an ONC within the Proposed Coastal Plan for Taranaki.
39. Diver surveys conducted on the North and South Traps have indicated they are characterised by rocky outcrops and ridges dominated by sea urchins and low growing red and brown macroalgae and fish species. No rare or vulnerable ecosystems or habitat of threatened species have been identified at the North and South Traps.

ENVIRONMENTAL MONITORING UNDER THE PROPOSED COASTAL PLAN FOR TARANAKI

40. I have reviewed the Proposed Coastal Plan for Taranaki and the rules that I have considered within my evidence include:
 - (a) Rule 12 – Bathymetric analysis;
 - (b) Rule 20 – Placement or erection of a mooring structure for monitoring or sampling equipment

that does not require mechanical excavation of the foreshore or seabed;

- (c) Rule 52 – Disturbance and removal of the foreshore or seabed for the purpose of the collection of benthic grab samples for scientific or monitoring purposes; and
- (d) Rule 65 – Taking or use of coastal water.

Summary of conclusions

41. In my opinion the following will have no adverse environmental effects on the marine environment or associated biota:

- (a) The collection of bathymetric data;
- (b) the deployment or erection of a mooring structure;
- (c) the collection of seabed samples using grab samplers; and
- (d) the collection of seawater for scientific monitoring purposes, given relatively small volumes are required.

Rule 12 – Bathymetric analysis

42. Bathymetric surveys are primarily used for mapping of the seabed and can be undertaken using both single beam and multi-beam echo sounders (MBES). MBES emits a fan of multiple high energy soundwaves that reflect off the seafloor and return back to the transducer on the vessel. The delay between sending and receiving the signal provides a measurement of the depth of water, which then enables an accurate image of the seafloor. This information is then collated to provide a swathe of the

seafloor in high resolution, enabling high resolution mapping of the seabed features.

43. MBES is most commonly used for acquiring bathymetry data. Higher frequencies are used in shallower water depths (i.e. within the CMA), as this creates a better return signal and produces higher resolution data. Higher frequency sound waves dissipate much faster in the water column than low frequencies, and higher frequencies tend to have less interference with marine mammal communications systems and echolocation.
44. Large parts of New Zealand's EEZ and extended continental shelf have had MBES data acquired. This has primarily been conducted by NIWA, as shown in **Appendix C**. **Appendix C** also shows a schematic of a MBES taking place, and the typical seabed bathymetry images.
45. Seabed bathymetry can influence water currents and waves that move past any significant seabed feature. TTR's EMMP requires MBES to be conducted to ensure the pits and deposition mounds do not influence the oceanographic conditions within the SIB.
46. In my opinion the collection of bathymetric data will have no adverse environmental effects on the marine environment.

Rule 20 – Placement or erection of a mooring structure for monitoring or sampling equipment that does not require mechanical excavation of the foreshore or seabed.

47. The use of standardised, long-term data sets on coastal water quality and environmental conditions are critical to assessing and monitoring the health of coastal receiving waters and are used to identify any potential environmental changes that may be occurring in response to a range of anthropogenic stressors (Ellis et al., 2012).

- Obtaining long term data sets is achieved through permanently deployed instruments on mooring structures. The use of mooring structures for deploying scientific instruments is widely used around New Zealand and has deepened the understanding of the marine environment.
48. Ellis *et al.* (2012) undertook a review of all deployed moored instruments within the CMA for the purpose of obtaining continuous, long-term data on physical and biological parameters. It was found that approximately 30 monitoring locations have such monitoring take place, as indicated in **Appendix D**.
49. Placing mooring structures in high energy environments requires sufficient weight to hold the scientific instruments and surface buoy in place during adverse conditions. Insufficient weight or a mooring chain too short (or light) can result in the mooring 'bunny hopping' away from the mooring location due to the buoyancy contained within the surface buoy, lifting the weight from the seabed.
50. Railway wheels are commonly used to deploy moorings in the marine environment, as they settle into the seabed making them less prone to horizontal movement. Each railway wheel weighs ~1,000 kg and has a benthic footprint of ~0.6 m². Depending on the size of the surface buoy a mooring array can commonly have two railway wheels with a bridle arrangement to moor the surface buoy. Alternatively concrete blocks specifically made for deployment under water can be used.
51. A review of moorings in the Marlborough Sounds by Morrissey *et al.* (2018) concluded that the relatively small size, low profile of mooring weights, mean that mooring weights tend to have very localised and negligible influences on water circulation within the Marlborough Sounds. These water depths are similar to what is found

within the STB CMA, so similar conclusions can be assumed on water circulation.

52. A typical mooring configuration with a telemetered surface buoy is provided in **Appendix E**
53. The mooring in **Appendix E** has heavy ground chain from the mooring weight which is then attached to a lighter-gauge medium chain. The medium chain is attached to a lighter chain and then a swivel, which then transitions to a heavy nylon rope going up to the surface buoy. The weight of the chain reduces the angle of pull on the mooring weight, and dampens the force of waves, currents and wind on the surface buoy impacting on the mooring weight.
54. There may be some chain scour on the seabed surrounding the anchor location but there does need to be an allowance for tidal rise and fall, as well preventing lift and shock loading from the surface buoy. There may be a circular area around the mooring weight where the chain sweeps, but how much is present will depend on the mooring design and the use of sub-surface floats.
55. There are currently no national or regional marine-industry standard designs for moorings in New Zealand; however, a number of Councils have collaborated to develop mooring guidelines (Morrisey et al., 2018).
56. Installation of mooring weights on the seabed used for the deployment of scientific instrument may provide settlement habitat for benthic invertebrates in an otherwise homogenous seabed. However, the areas of available habitat will depend on the size and type of mooring weight and whether it settles into the substrate. In some areas of the Taranaki CMA where high sediment transportation is present, the abrasive nature of mobile iron sand is unlikely to allow the establishment of biota on any mooring

structure due to scouring or smothering effects. Similarly, the deployment of a mooring array would have a very small impact on the seabed habitat, even with two wagon wheels it only equates to 1.2 m² plus some additional area for the chain depending on what the mooring design is.

57. The surface buoy on mooring systems used for monitoring purposes generally have to be large enough to house batteries to power instruments on the seabed, appropriate radar reflectors, special lights (flashing yellow), communication systems for real time communication and data transfer and be large enough to handle the environmental conditions. A typical monitoring buoy required for deployment in the offshore Taranaki CMA is provided in **Appendix F**.
58. Within TIR's environmental monitoring programmes there are five proposed permanent mooring locations within the Taranaki CMA. Each mooring would have an array of scientific instruments deployed for monitoring water quality and water column parameters as well as sediment characteristics. The permanent mooring locations are placed at sites to assess for compliance with SSC thresholds as shown in **Appendix G**.
59. Regular servicing of moorings ensures high quality data is collected, and equipment is working correctly. It also reduces the risk of gear failure through regular maintenance programmes.
60. Any mooring deployed would have a Notice to Mariners issued through fortnightly New Zealand Notices to Mariners published by Land Information New Zealand. This notifies all maritime users of the mooring locations that are signed up to receive the notices or the notice can be heard on the broadcast warnings that are included as part of weather updates on VHF radio.

61. In my opinion the deployment or erection of a mooring structure will have no adverse environmental effects on the seabed or marine biota.

Rule 52 – Benthic Grab Sampling

62. Benthic grab sampling is commonly used around the world to collect sediment samples for macrofauna analysis and sediment physical and chemical characteristics.
63. A modified double Van-Veen grab sampler (**grab sampler**) is typically used for collecting sediment samples, where the double grab allows two undisturbed samples to be collected side by side, reducing the number of deployments at each sample location. This enables sediment physico-chemical samples and infauna/macrofauna samples to be collected from independent buckets without reducing the volume of either set of samples required. A typical grab sampler is shown in **Appendix H**.
64. To provide scientific rigour and replication for statistical analysis and comparison purposes, triplicate sampling is commonly undertaken at each sampling station. Three samples for biological analysis and three samples for sediment physical and chemical analysis.
65. As an example for the area of disturbance, the grab sampler shown in **Appendix H** has been used to calculate the area of disturbance and volume of sediment removed when undertaking sampling. Each deployment disturbs an area of seabed of approximately 0.21 m² (0.32 m x 0.44 m) and removes approximately 0.026 m³ of sediment.
66. For triplicate sampling, this results in 0.63 m² of seabed disturbance and 0.078 m³ of sediment removed per sampling station.

67. TTR's proposed environmental monitoring programmes have grab sampling undertaken at the monitoring stations indicated in **Appendix A**.
68. Triplicate sampling during TTR's proposed environmental monitoring programme within the CMA (i.e. 19 sample stations) will disturb approximately 11.97 m² of seabed, and remove approximately 1.48 m³ of sediment per monitoring event. However, ~90% of the sediment removed by the grab is not retained (due to sub-sampling and sample sieving), and is deposited back over the site close to where it was collected.
69. In my opinion the collection of seabed samples using grab samplers, in a relatively high energy and mobile seabed environment will have no adverse environmental effects on the seabed or marine biota.

Rule 65 – Take or use of water

70. Monitoring water quality within the marine environment requires the taking of water for analysis of different parameters to further understand the state of the environment or for compliance monitoring. Water column monitoring provides a 'snap shot' of data for what is happening at that time point in time, and is the reason it dovetails so well with long term monitoring programmes, as it enables validation of permanently moored scientific instruments. To gain an understanding of seasonality with point source data, monthly sampling would be recommended.
71. Water quality monitoring is undertaken all around the New Zealand coastline, in both marine and freshwater environments. This monitoring is conducted for compliance monitoring, state of the environment monitoring, baseline monitoring, and scientific research.

72. Water samples can be collected just above the seabed (i.e. 1 m), just below the sea surface, and depending on the depth of the water column, samples are collected throughout the water column. Rosette samplers or van dorn samplers are used for water column sampling, and can be triggered manually or electronically to collect water samples at the required water depth. The captured water sample is returned to the surface for sub-sampling and sample preservation for analysis. Images of typical water sampling instruments are provided in **Appendix I**.
73. Large volumes of sea water are not required to conduct a full suite of analyses for all parameters that would be tested for any compliance monitoring or research programme.
74. A standard suite of parameters commonly tested include metals, nutrients, chlorophyll-a, pH, SSC, dissolved oxygen, ecotoxicology, and acid volatile sulphide.
75. TTR would undertake water column monitoring at both surface and near-seabed locations at each of the monitoring locations shown in **Appendix A**.
76. At each station it is estimated that approximately 10 L of seawater is required per sample station, per sampling event (includes surface and seabed samples). This equates to 190 L of seawater taken from across the STB CMA every month for water quality analyses.
77. In my opinion the collection of seawater for scientific monitoring purposes, given relatively small volumes are required, will have no adverse environmental effects on the marine environment or associated biota.

REVIEW OF S42A REPORT

78. I have reviewed the s42A report for the hearing and the recommended changes for the Proposed Coastal Plan for

Taranaki. I have addressed those rules that are relevant to the environmental monitoring requirements of TTR in the above evidence and summarised the proposed environmental monitoring stipulated in TTR's conditions that would be classified under those rules.

79. I wish to comment on the s42A report in relation to TTR's submission, on matters relating to environmental monitoring. It is noted that TTR's submission was focused on ensuring the Proposed Coastal Plan for Taranaki appropriately provides for their current and future monitoring and sampling activities in the CMA that will be required as part of the commitments to the mining permit TTR hold within the STB.
80. I will provide the relevant policy or rule as a sub-heading below and my discussion will follow.

Policy 44 – Extraction or deposition of material

81. TTR submitted in support of Policy 44, with the exception of Clause (f), which they requested was deleted. However, TTR provided a further submission that opposed the submission of Ms Pratt, who sought amendments for additional considerations of extraction or deposition around moderate to high relief offshore reefs or unique geological features within the STB.
82. The Officers Report accepted this request in part and included the additional clause of "not occur close to moderate or high relief offshore reefs".
83. In my opinion there is uncertainty around this additional clause without any definitions around what defines 'close' and what defines 'moderate or high relief offshore reef'. There needs to be more certainty about how this policy would be applied if it is going to stay within the Coastal Plan for Taranaki.

84. The offshore marine environment within the STB is already addressed by the existing clauses with the main offshore reefs included under Clause (b), but uncertainty arises for the rest of Taranaki's CMA where reefs are more common, but not classified under Clause (b).
85. In my opinion, Clause (ba) is ambiguous, and essentially it is already addressed across all of the existing clauses. The addition of Clause (ba) without any further criteria could create uncertainty for decision makers in the future.

Rule 12 – Seismic surveying and bathymetric testing

86. TTR submitted in support of Rule 12, stating that surveys and tests are important for some existing and proposed activities within the coastal environment, the effects are minor and transitory, and the surveys and tests are useful in establishing or monitoring key aspects in the coastal environment.
87. The Officers Report recommended that Rule 12 be split in two and subsequently Rule 12 was developed for bathymetric surveys (classified as permitted), and Rule 12A for seismic surveying which is now classified as controlled.
88. TTR will need to undertake bathymetric surveys to accurately map and monitor the seabed post-extraction activities as discussed within **Paragraphs 42-45**. I agree with the Officer Reports recommendation, that given the environmental effects on the marine environment and associated receptors are negligible from MBES, the permitted activity classification is appropriate.
89. The Officers Report accepted in part some of the submissions received, which resulted in two new standards, terms and conditions to Rule 12, which include:

- (a) 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
 - (b) The activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C (taonga species).
- 90. The new clause around taonga species is very ambiguous in the way it is currently written and appears subjective. In my opinion, this provision requires greater certainty around how to apply the criteria, and the criteria need to be defined. Particularly, what is a significant adverse effect on the values associated with taonga species, and who determines that the effects on those values are significant.
- 91. I note that this clause has been used throughout a number of the rules within the Proposed Coastal Plan for Taranaki, but in my opinion, there needs to be more certainty and more defined criteria around this clause so that it is clear that an activity can comply with this, and that the activity can be classified as Permitted.

Rule 20 – Mooring structure placement

- 92. TTR submitted in support of Rule 20 as this rule recognises that some monitoring and sampling activities may require mooring structures, and appropriately provides for them as a permitted activity.
- 93. The Officers Report noted TTR's support and retained Rule 20, subject to minor amendments as requested by other submitters; however, it was the reporting officers opinion that it did not change the Rule's scope.

94. This amended Rule 20 now includes the additional clause that the activity does not have any significant adverse effects on the values associated with taonga species identified in Schedule 4C. However, as discussed in **Paragraphs 89-91**, there is ambiguity in this clause, no definition and uncertainty as to who determines the level of significance for an adverse effect on the values associated with taonga species.
95. I have discussed the activities associated with deploying moorings in **Paragraphs 47-60** and how this relates to TTR's proposed environmental monitoring programmes. However, my evidence in relation to Rule 20 is applicable to any environmental monitoring programme where permanent moorings are deployed.
96. Based on my experience from deploying many scientific moorings, I consider that the classification of permitted for such an activity is appropriate. Therefore, I support the recommendations made within the officer's report and what is provided in the Proposed Coastal Plan for Taranaki – track changes version, noting the issue raised in **Paragraph 94**.

Rule 26A – Disturbance of the seabed by drilling

97. TTR sought an amendment to the Proposed Coastal Plan for Taranaki by introducing Rule 26A - disturbance of seabed by drilling. Rule 26A was proposed to define offshore mineral resources within Permit Areas.
98. The Officers Report declined the proposed rule and stated that this rule was not necessary as Rule 26 already addressed the activity. In addition, the reporting officer does not consider that drilling for seabed mining should be a permitted activity.

99. TTR's submission proffered clauses for the area and volume of seabed disturbance, location of disturbance, and ensuring no significant ecological effects result on ecologically important sites. TTR's proposed clauses of particular relevance to reducing environmental effects on the marine environment include:
- (a) Spacing between drilling locations (other than a re-drill or twinning of a hole) at the same location is not less than 0.5 km;
 - (b) Recurrent drilling (other than twinning of a hole) at the same location does not occur more frequently than once every other two months;
 - (c) The volume of material removed from a drilling location does not exceed 0.3 m³; and
 - (d) The area of seabed disturbance at a drilling location does not exceed 3 m².
100. If these clauses are complied with, at this scale of disturbance there should be no adverse effects on the marine environment, as the footprint of disturbance would be negligible. Essentially there would be no difference to the scale of seabed disturbance to what would result from grab sampling.
101. Classifying this activity as 'seabed mining' as stated in the Officers Reports response as a reason for not providing it with a permitted activity status, does not seem appropriate. As I understand it, what TTR is proposing, is that the drilling be used for sampling purposes only to define the resource, so effectively taking core samples of the seabed to understand the quality and composition of the iron sand.
102. The temporal and spatial clauses proposed between sampling events will ensure seabed disturbance will have

disappeared, in what is a high energy, mobile seabed environment in the iron sand deposit areas of the STB.

103. Within the waters of the EEZ, similar activities are classified as 'Exploration' under the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2012 (**Permitted Activities**).
104. Within the Permitted Activities Regulations, exploration:
- (a) Is any activity (including research) undertaken for the purpose of:
 - i. Identifying mineral deposits or occurrences;
 - ii. Evaluating the feasibility of mining particular deposits or occurrences of one or more minerals; and
 - (b) Includes any drilling except drilling for petroleum, any dredging, or any excavation (whether surface or subsurface) that is reasonably necessary to determine the nature or size of a mineral deposit or occurrence; but
 - (c) Excludes seismic surveying.
105. Under the Permitted Activities Regulations, low impact activities do not require Marine Consent if they comply with the thresholds set in the regulations, and as such are classified as permitted as long as the notification and reporting requirements are adhered to.
106. To summarise this assessment of the EEZ Act, it shows that activities similar to what TTR proffered in Rule 26A can be undertaken as permitted activities in the EEZ but under the Proposed Coastal Plan for Taranaki, they are a controlled activity within the CMA.

107. For the activities that would be included under Rule 26A (i.e. seabed core samples and drilling), I do not consider any potential disturbance related impacts from these activities should be classified under Rule 26 - Drilling of an exploration or appraisal well, and be subject to the same matters of control and discretion.
108. The amount of environmental disturbance associated with drilling or core sampling in accordance with the clauses of Rule 26A would have a negligible environmental effect on the marine environment.
109. Based on significant experience in consenting and monitoring of both petroleum and mineral exploration activities, I consider that Rule 26A, if it was reconsidered, should be considered a permitted activity under the Proposed Coastal Plan for Taranaki. This is based on the fact that there is likely to be minimal seabed disturbance and negligible environmental effects on the marine environment and surrounding biota as a result of those activities.

Rule 52 – Collection of benthic grab samples

110. TTR submitted in support of Rule 52 as this rule appropriately enables monitoring of effects on benthic communities. This is achieved by providing for the removal of benthic material using a grab sampler as a permitted activity where it is for scientific or monitoring purposes, and meets the terms set out in the rule. TTR proposed one change to Clause (g) around the species classifications, which was declined in the Officers Report due to not being considered consistent with the Regional Policy Statement.
111. I have discussed benthic grab sampling activities, and typical areas of seabed disturbance and volume of seabed removed from a single grab sample deployment in

Paragraphs 62-69. Triplicate sampling is commonly undertaken to provide replication and scientific rigour when conducting either compliance monitoring or scientific studies so the area and volume of seabed disturbance is scaled up accordingly to enable comparison to the standards, terms and conditions provided in Rule 52.

112. TTR would undertake benthic grab sampling for assessment of effects as part of their environmental monitoring programme. Grab sampling is a robust way of determining whether activities are having any adverse impacts on the receiving environment beyond the Permitt Area.
113. This rule now includes the additional clause that the activity does not have any significant adverse effects on the values associated with taonga species identified in Schedule 4C. However, as discussed in **Paragraphs 89-91**, there is ambiguity in this clause.
114. Based on my experience from conducting benthic grab sampling programmes around New Zealand and similarly observing seabed effects after such sampling events through video observations, I consider that the classification of permitted for such an activity is appropriate. Therefore, I support the recommendations made within the officer's report and what is provided in the Proposed Coastal Plan for Taranaki – track changes version, noting the issue raised in **Paragraph 113**.

Rule 65 – Taking or use of water, heat or energy

115. TTR submitted in support of Rule 65 as this rule appropriately provides for the taking and use of coastal water as a permitted activity where the taking and use would not affect significant sites, species or ecosystems.

116. The officer's report noted this support and Rule 65 was retained with some amendments provided to offer relief to other submitters concerns.
117. Those amendments include two additional clauses:
- (a) The taking or use of water is not at a quantity or rate that would cause significant adverse environmental effects; and
 - (b) The activity does not have an adverse effect on the values associated with taonga species identified in Schedule 4C (Taonga species).
118. I do not foresee any issue with the additional clarification to the clause around take or use; however, given the volume of the ocean I could not foresee any activity that would require a water take that the volume or rate of the take would result in significant adverse effects.
119. Similarly, in regard to the taonga species, this rule now includes the additional clause that the activity does not have any adverse effects on the values associated with taonga species identified in Schedule 4C. However, as discussed in **Paragraphs 89-91**, there is ambiguity in this clause.
120. TTR will need to collect water samples as part of the environmental monitoring requirements, as discussed within **Paragraphs 70-77**. However, given the volumes of water required per sampling station (i.e. 10 L), which is at the upper end of any typical water quality monitoring programme, this rule is trivial for the requirements of most water quality monitoring programmes for compliance monitoring, state of the environment monitoring or scientific research that would be conducted in the Taranaki CMA.
121. Based on my experience from collecting many water samples around New Zealand, especially around the

Taranaki coastline. I consider that the classification of permitted for such an activity is appropriate. Therefore, I support the recommendations made within the officer's report and what is provided in the Proposed Coastal Plan for Taranaki – Track changes version, noting the issue raised in **Paragraph 119**.

ADDITIONAL OBSERVATIONS

122. Whilst it is not an issue raised by TTR as part of their submission or further submission, during my review of the Proposed Coastal Plan for Taranaki – Track Changed Version, I noted a small typo on Schedule 4B – Sensitive marine benthic habitats on page 170.
123. Table 2 notes the sensitive marine benthic habitats found within or in the vicinity of the Taranaki CMA, and the right hand column of the table heading is "Present within 200 m of the Taranaki Coastal Marine Area". This should be present within 200 km of the Taranaki Coastal Marine area (Johnston, 2016).
124. As discussed in **Paragraphs 89-91**, the new clause has been added to a number of the rules around taonga species. However, there is a discrepancy between the wording on a number of these clauses. For example in Rule 47 Clause (aa) states: the activity does not have an adverse effect on the values identified in Schedule 4C (Taonga species).
125. Whereas in Rule 52, Clause (ga) states: the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C (Taonga species).
126. As I have already discussed there is a lot of uncertainty with this clause, but to have differences between adverse effects and significant adverse effects creates even more ambiguity. Including significant in this clause requires there

to be some form of statistical analysis to demonstrate compliance.

CONCLUSIONS

127. Following an extensive review of the s42A Officers Report and the Proposed Coastal Plan for Taranaki, I completed a detailed assessment of the environmental monitoring policies and rules, as well as the submissions and responses.
128. TTR have environmental monitoring requirements as part of their (appealed) Marine Consent conditions, and these span the waters the EEZ and CMA within the SIB. TTR submitted on the Proposed Coastal Plan for Taranaki, and I focused on the environmental monitoring components of this submission where relevant to my expertise.
129. The s42A Officer Report included a new standard for a number of the rules for Taonga species (**Paragraph 89(b)**). However, more certainty is required if such a clause is to be included, as there is no criteria currently defined as to what is considered a significant adverse effect on the values associated with taonga species.
130. Following my assessment of the rules within the Proposed Coastal Plan for Taranaki associated with environmental monitoring, the potential for the marine environment and associated biota to be exposed to any significant adverse effects from these activities would be negligible.
131. As such, I consider that the classification of permitted activity status is appropriate for the activities associated with environmental monitoring (i.e. Rules 12, 20, 52 and 65).
132. Therefore I support the classification recommendations made within the s42A Officer's Report and the Proposed Coastal Plan for Taranaki – track changes version for the rules mentioned above.

133. In addition, I do not consider that environmental monitoring within the CMA will result in any significant adverse environmental effects if undertaken in accordance with the standards, terms and conditions defined within the Proposed Coastal Plan for Taranaki.

AFFIRMED at Nelson
This 16th day of July 2019

) 
)
) Daniel Govier

before me:



A solicitor of the High Court of New Zealand

Hamish Kennedy
Solicitor
Richmond

REFERENCES

Ellis, J., Barter, P., Cornelisen, C., 2012. Coastal Monitoring Using Moored Platforms: Regional to National Considerations. Prepared for Hawke's Bay Regional Council, Cawthron Report No. 2199, 28 p., plus appendix.

Johnston, O. 2016. Sensitive Habitats and Threatened Species in the Taranaki Coastal Marine Area (TCMA) – Database Investigation.

Morrissey, D., Cameron, M., Newcombe, E., 2018. Effects of moorings on different types of marine habitat, Marlborough District Council, Cawthron Report No. 3098, 41 p., plus appendix.

TIR, 2016. South Taranaki Bight Offshore Iron Sand Extraction and Processing Project. Impact Assessment. Trans-Tasman Resources.

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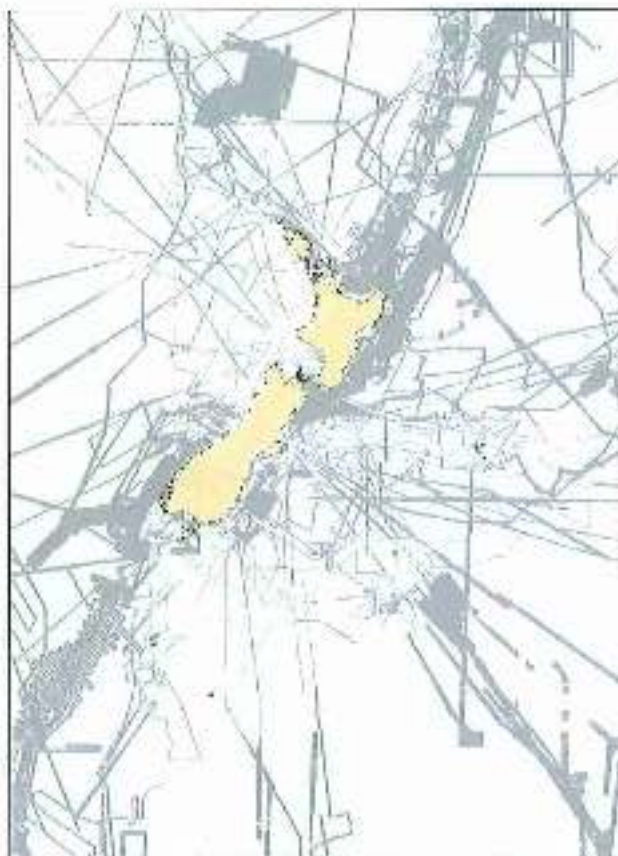
APPENDIX B – OVERVIEW OF TTR MONITORING PROGRAMMES AND METHODOLOGIES

Monitoring Programme	Objectives	Methods
Water Quality and Sedimentation	<p>Provide an early warning indicator of potential for impact on sensitive receptors due to deteriorating water quality.</p> <p>Provide contextual water quality and sedimentation data in the investigations of recorded impacts on benthic and reef ecosystems.</p> <p>The continued collection of water quality data in conjunction with the PCEVP that accounts for spatial and temporal variability of turbidity, typical for the STB.</p> <p>Monitoring of sedimentation rate.</p>	<p>Deployed Mooring</p> <p>Turbidity</p> <p>PAR</p> <p>Temperature</p> <p>Conductivity</p> <p>Depth</p> <p>Gross Sedimentation (settlement tubes)</p>
Model Validation	<p>Provide high quality data for the validation of the sediment plume model results.</p> <p>Provide calibration and validation data for the enhancement of the Hydrodynamics and Sediment Transport models that will be run in Hindcast mode to simulate actual conditions during the Project – the OSPM.</p> <p>Provide high quality temporal and spatial resolution of the currents and turbidity characteristics during the Project to support validation of numerical models under a range of conditions.</p> <p>Obtain time-series of in-situ suspended sediment concentrations, particle size distributions and settling velocity along with current and wave measurements to allow determination of critical shear-stresses for re-suspension and settling as well as differentiation between background and extracted material suspended sediment concentrations.</p>	<p>Turbidity / moored sensors and profiles</p> <p>Sedimentation</p> <p>Currents / moored and vessel based transects</p> <p>Waves / moored instruments</p> <p>Particle size and settling velocity / moored instruments and profiles</p>
Oceanography	<p>Detect changes or trends in oceanographic processes that could not be identified via coastal processes.</p> <p>Detection of any significant negative coastal processes attributable to the Project.</p>	Deployment of ADCP for measuring waves

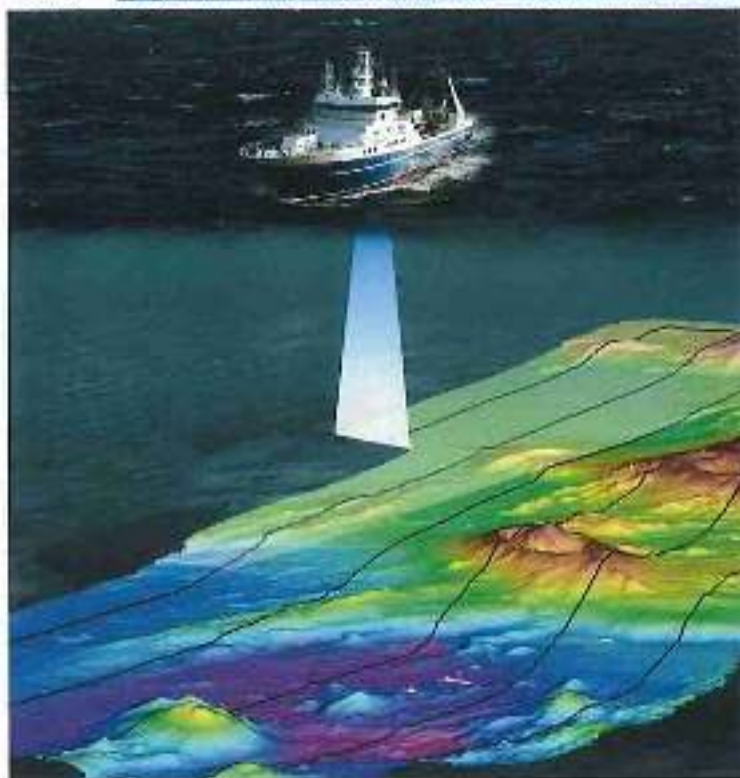
Monitoring Programme	Objectives	Methods
	<p>Early detection of any significant coastal processes to allow the Project to be adapted or the implementation of management measures;</p> <p>Validation of the sediment plume transport model and informing the real-time sediment plume model during the iron sand extraction phase of the project; and</p> <p>Provision of a long-term data set of oceanographic data within the STB.</p>	Deployment of AWAC for measuring currents
Primary Productivity	<p>Investigate the potential effects of iron sand extraction and deposition on primary productivity by plankton.</p> <p>Determine how primary productivity indicators respond to gradient of effect with distance from operational Project areas.</p>	<p>Phytoplankton community composition, Chlorophyll-a levels in the water column, micro-zooplankton community composition, chlorophyll-a in surficial sediments,</p> <p>Light availability - PAR logger</p> <p>Turbidity - NTU logger</p>
Zooplankton	<p>Assess the potential effects of iron sand extraction on the biomass, abundance and diversity of zooplankton communities.</p> <p>Assess the potential effects of iron sand extraction on water colour, clarity, and compare data to zooplankton abundance, diversity and biomass results.</p>	<p>Zooplankton diversity, abundance and distribution</p> <p>Surface water colour and clarity</p>
Subtidal Benthos	<p>Investigate the potential effects of iron sand extraction on the abundance and diversity of soft-bottom infauna and epifaunal communities within and surrounding the extraction area;</p> <p>Determine whether there are significant changes in sediment characteristics (sediment grain size, redox potential (ORP) and pH) following iron sand extraction; and assess how any changes affect abundance and diversity of soft bottom communities; and</p> <p>Follow the subsequent recovery of any infauna and epifauna communities that may be impacted and relate this to depth of sedimentation, nature of sediment and ORP.</p> <p>Determine the recolonisation of the de-oiled sediment after it has been deposited back on the seabed.</p>	<p>Ecological benthic sampling programme</p> <p>Abundance and diversity of infauna and epifauna</p> <p>Sediment physico-chemical characteristics</p> <p>Microphytobenthos</p>

Monitoring Programme	Objectives	Methods
Subtidal and Intertidal Reefs	Investigate the potential effects of iron sand extraction on the abundance and diversity of selected subtidal and intertidal reef communities in the STB. Investigate the levels of sand inundation/depletion around selected intertidal reef systems and by conducting beach profile surveys along the STB coastline.	Intertidal and subtidal ecological surveys using both quantitative and qualitative methods. Drop camera photoquads. Diver surveys Beach profile surveys
Marine mammals	To ground-truth the predicted impacts of iron sand extraction on marine mammals; and To conduct surveys to describe the variability of marine mammal relative abundance and distribution in the STB during and after iron sand extraction.	Incidental sightings Systematic observations Aerial surveys Acoustic surveys Vessel strike monitoring Post-mortem examinations Fur seal counts
Underwater Noise	Establish underwater noise characteristics at selected locations within STB relative to the noise contour established by way of marine consent condition.	Fixed-point underwater noise surveys Underwater noise: vessel surveys
Recreational Fish	Monitor and report on impacts to key recreationally targeted fish species to determine if changes to recreational fishing and fish catch occur from the Project.	Catch per unit effort, total abundance, size, Vessel counts
Biofouling and Biosecurity	Early detection of new marine pests introduced into the STB. To allow implementation of marine pests emergency response where any Introduced Marine Pests are detected.	Invasive species presence or absence

APPENDIX C – MULTIBEAM BATHYMETRIC SURVEY AND MULTIBEAM SWATHS AROUND NEW ZEALAND WATERS

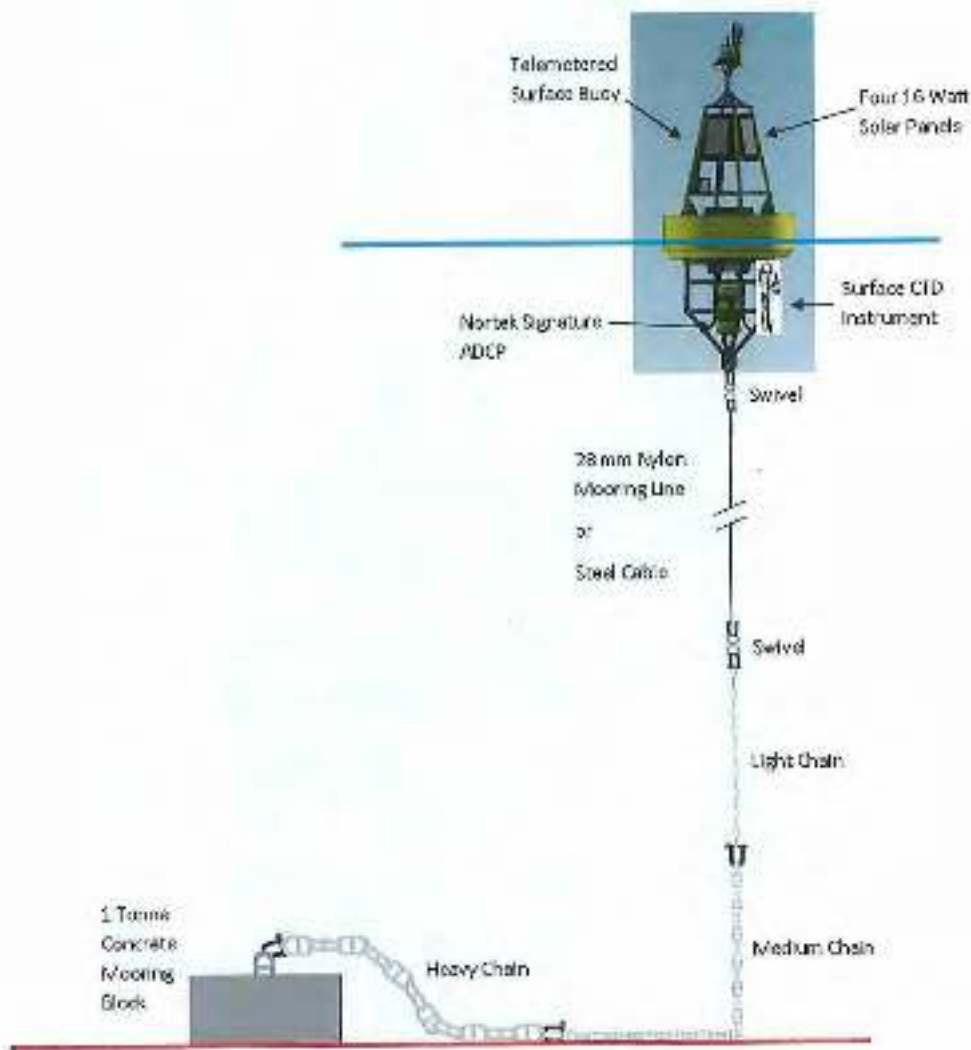


Source: <https://www.niwa.co.nz/our-science/ccsna/bathymetry/further-information>



Source: <https://www.niwa.co.nz/our-science/ccsna/bathymetry/further-information>

APPENDIX E – TYPICAL OFFSHORE MOORING CONFIGURATION



APPENDIX F – MONITORING BUOY DIAGRAM



APPENDIX G – FIXED MOORING LOCATIONS



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APPENDIX H – DOUBLE VAN-VEEN GRAB SAMPLER



APPENDIX I – ROSETTE WATER SAMPLER & VAN DORN WATER SAMPLER



Source: European Geosciences Union



Source: www.insciencetech.com

SP D6

BEFORE THE TARANAKI REGIONAL COUNCIL

**HEARING ON THE PROPOSED COASTAL PLAN FOR TARANAKI TO BE HELD ON
22nd and 24th July 2019 at the TARANAKI REGIONAL COUNCIL OFFICES,
STRATFORD**

UNDER the Resource Management Act
1991

IN THE MATTER of the proposed Coastal Plan for
Taranaki

**WRITTEN STATEMENT TO HEARING ON THE PROPOSED COASTAL PLAN
FOR TARANAKI**

INTRODUCTION AND BACKGROUND

1. First Gas owns and operates more than 2500 kilometers of high pressure gas transmission pipelines and stations that supply natural gas from Taranaki to industrial consumers throughout the North island. Their gas distribution network supplies more than 60,000 commercial and residential customers.
2. As a key Network Utility Provider, these pipelines are nationally and regionally significant infrastructure.
3. First Gas made a submission on the Proposed Coastal Plan for Taranaki on 27 April 2018 because the First Gas network crosses through the Coastal Marine Area in places – generally at river mouths and within estuaries – and accordingly these Network Utilities may be affected by the proposed plan.
4. The key theme of the submission was that First Gas seeks differentiation of their transmission activities from petroleum installations because the transmission network serves a different purpose to that of petroleum prospecting, exploration and production. The infrastructure serves downstream communities, and the plan needs to cater to network operational and maintenance activities in a timely manner.

CONSULTATION

5. First Gas appreciate the efforts made by officers of the Taranaki Regional Council (TRC) to consult on the submissions made, and to consider and make changes to address the concerns raised.

SUBMISSION TO HEARINGS PANEL

6. In the following paragraphs, the Submission Points referred to are those in the *"S42A report on decisions requested Proposed Coastal Plan for Taranaki"* dated 28 June 2019. The rules referred to are as numbered in the *"Proposed Coastal Plan for Taranaki, Track Changes Version for the Hearing"*.

SUBMISSION POINT 941

7. First Gas sought amendment to Rule 34 of the Plan to make network utility underground pipelines or pipelines attached to existing bridge or access structures in Outstanding Value coastal management area a Controlled Activity, rather than Non-complying. TRC Officers recommend *"granting an alternative relief to that sought by the submitter that provides a similar outcome to that which has been requested. Officers recommend amending Rule 22 [Network utility structure erection or placement] to include Outstanding Value coastal management areas as a Controlled Activity"*.
8. **First Gas support the officers recommendation for submission point 941.**

SUBMISSION POINT 967

9. First Gas sought amendment to Rule 37 of the proposed Plan to make network utility pipeline repair, alteration or extension a Permitted Activity (rather than a Non-complying Activity) and sought to extend the Rule to include Outstanding Value coastal management areas.
10. In the section 42A report Officers recommend *'granting the relief in kind by including a new Restricted Discretionary Rule addressing network utilities, including those in Outstanding Value areas, not covered by Rule 35 and 37. Officers note that most maintenance and minor alteration activities associated with network utilities can be*

addressed as a Permitted Activity under Rule 35. Other alteration and extension activities associated with network utilities can be addressed under Rule 37'.

11. Furthermore, the s42A report states that; *'Officers note that, for those activities not covered by Rule 35 and 37, would be addressed under a new rule, Rule 37A, whereby alteration and extension of network utilities can be addressed as a Restricted Discretionary Activity. This is part of a framework that better recognises and provides for regionally important network utilities'.*
12. **First Gas support the officers recommendation for submission point 967.**

SUBMISSION POINT 982

13. First Gas sought that network utility pipeline removal and replacement within coastal management areas: Outstanding Value and Estuaries Unmodified, Estuaries Modified and Port be classified as a Permitted Activity and be included under Rule 38 (or under a separate rule).
14. In the section 42A report, *: Officers note that the Activity Description of Rule 38 deliberately excludes petroleum production installations and pipelines because of the higher environmental risks involved.....Officers recommend deleting Rule 38 to avoid confusion for Plan users and for resource users to instead rely on Rules 44, 45 and 46 for the removal aspect of the structure, and Rules 18 to 34 for the 'replacement' aspects of the structure.*
15. This approach is accepted in principle by First Gas, however it is noted that Rules 44 and 45 (Structure removal aspects) do not differentiate between First Gas Network Utility pipelines and petroleum activities. The rules referred to exclude 'petroleum production installations and pipelines', thus making the removal aspects discretionary under Rule 46. As mentioned previously, it is considered that capturing network utilities alongside petroleum activities is inappropriate, and this separation has been accepted by council and reflected in the other proposed rules.

16. Accordingly it is sought that either the removal of Network Utility structures be allowed for in Rule 45 (i.e. not excluded along with Petroleum Production Installations and pipelines), or a new rule be inserted, to make the removal of network Utility Structures within Outstanding Value, Estuaries Modified, Estuaries unmodified, Open Coast and Port coastal areas a Controlled Activity.
17. Either approach would align the proposed 'removal' rules with the relevant 'replacement' rule (proposed Rule 22, discussed below), and with the relevant 'maintenance, alteration or extension' rule – proposed Rule 37 .
18. In relation to the 'replacement' aspects, proposed Rule 22 appropriately allows for Network Utility pipelines, making the (re)placement of pipelines a controlled activity.
19. **First Gas agree in principle with the officers recommendation for submission point-982 but disagree that the wording entirely addresses First Gas's submission.** For consistency and to separate Network Utility Pipelines from Petroleum Activities, changed wording is requested.

CONCLUSION

20. First Gas appreciate the opportunity to present this written statement to the hearing on the Proposed Proposed Coastal Plan for Taranaki.
21. First Gas support the officers recommendations for Submission Points 941 and 967, and support the recommendations for 982 in principle. We trust that the relief sought in paragraph 16 is able to be accommodated in the decisions version of the Proposed Coastal Plan for Taranaki.

Kathryn Hooper, Landpro Limited

On Behalf of First Gas Limited

HEARING

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: Taranaki Regional Council
Coastal Plan Hearing Panel

Hearing on: **Proposed Coastal Plan for Taranaki**

Date: 4 July 2019

Presented by: **TARANAKI FEDERATED FARMERS**

Address for service: **DR LISA BREWER**
REGIONAL POLICY ADVISOR
Federated Farmers of New Zealand
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Federated Farmers Taranaki appreciates the opportunity to present material to the hearing panel today. Given that we are generally happy with where the s42 reports have landed on our key issues and in the interest of lightening the workload of Council during the hearing, we have elected to table this hearing statement by email rather than appear in person.

PUBLIC ACCESS

We support the recommended wording changes (e.g. to Objective 12, Policy 5(g), Policy 17(b) & (c)(ix)). These ensure that public access provisions are about facilitating *appropriate* public access *where a demand exists*, while imposing a restriction on public access, where it is necessary to ensure *a level of security for lawfully established activities*.

We would still have preferred references to the 'Coastal Environment' be replaced by the 'Coastal Marine Area' (e.g. in Objective 12), as being the area traditionally reserved for public use. However, we accept the assurances of council officers that these provisions will not result in an increase in problems experienced by coastal farmers; as already detailed in our submission, a number of farmers report damage and disruption caused by people crossing their land to reach the beach, or (mis)using land without permission of the landowner.

SIGNIFICANT SURFING ZONE

We strongly support the officers' recommendation to move the inland boundary of the Significant Surfing Zone down to mean high water springs. This addresses our concern that (as the Surfing Zone included significant amounts of farmland, including paddocks and buildings), there would be potential

and probably unintended restrictions on normal farming activities. We believe it is very sensible to make sure that farmland is not captured in a Zone designed to manage effects on surf breaks.

BIODIVERSITY

In our further submission, we opposed submissions by Forest and Bird, who proposed significance criteria and additional policy on biodiversity. We were particularly concerned that significance criterion b(ii) in F&B's appendix 3 (relating to vegetation and habitat supporting a 'threatened' or 'at risk' species), potentially made maintenance of regenerating pasture on the coast more difficult for farmers.

We explained that our concern stemmed from the fact that manuka, kanuka and rata have recently been re-classified as 'threatened', as a precautionary measure, following the arrival in New Zealand of the disease myrtle rust. Otherwise these plants are common and often behave as agricultural weeds.

We therefore support the recommendation to decline that submission, as regards significance criteria.

We would have further comment to make on the recommendation by officers that a new Policy 14(a) be introduced, but as the rules of this Coastal Plan will not apply on farmland, we will let this lie.

We recognise that protection of coastal vegetation is important. However, we would ask that the panel bear in mind the importance of enabling the clearance of regenerating pasture in the coastal environment, during their deliberations.



**Before the Hearings Panel
Appointed by Taranaki Regional Council**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Taranaki Regional Council
Proposed Coastal Plan for
Taranaki

**STATEMENT OF EVIDENCE OF CAROLINE ELIZABETH RACHLIN ON BEHALF OF
HERITAGE NEW ZEALAND POUHERE TAONGA**

PROPOSED COASTAL PLAN FOR TARANAKI

Planning Statement

12 JULY 2019

1.0 INTRODUCTION

- 1.1 My name is Caroline Elizabeth Rachlin. I have a Bachelor of Arts (in History and Geography) from the University of Canterbury, and a Master of Resource Studies (in Environmental Planning) from Lincoln University. I am a Planner for Heritage New Zealand Pouhere Taonga (Heritage New Zealand) for the Central Region Office. My role includes providing statutory planning advice in relation to proposals under the Resource Management Act (RMA). I have been in this role for eight months.
- 1.2 I have 13 years' experience in planning in New Zealand and five years' experience in planning in the United Kingdom. Before being employed by Heritage New Zealand, I held senior planner positions at Upper Hutt City Council and Christchurch City Council, where my work primarily focused on the preparation of Council led plan changes (under the RMA). During my work at Christchurch City Council I was involved in the proposed Christchurch Replacement District Plan, including assisting in drafting of chapter proposals (including for Natural and Cultural Heritage) and providing evidence before the Independent Hearings Panel.
- 1.3 Before these positions, I was employed in planning positions in the United Kingdom in development control (similar to New Zealand resource consents planning), and by the Selwyn District Council in a policy planner role. I am an associate member of the New Zealand Planning Institute.
- 1.4 Although this evidence is not prepared for an Environment Court hearing I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it in when preparing this evidence. I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2.0 SCOPE OF EVIDENCE

- 2.1 Heritage New Zealand made a submission on the proposed Coastal Plan. I was not involved in preparing the submission but I have familiarised myself with the submission. I have been asked by Heritage New Zealand to assist by providing planning evidence on the proposed Coastal Plan.
- 2.2 In preparing this evidence I have read the Section 42A Officers' Report (**Officers' Report**) on Decisions Requested for the Proposed Coastal Plan for Taranaki (**proposed Plan**), prepared for the Taranaki Regional Council together with the Track changes version of the proposed Plan (**track changes version**). I have been informed by a number of key documents including the proposed Coastal Plan for Taranaki and Section 32 Evaluation report, the New Zealand Coastal Policy Statement 2010 (**NZCPS**), and the Regional Policy Statement for Taranaki 2010 (**RPS**). I have further been informed by the New Zealand Historic Places Trust Sustainable Management of Historic Heritage Guide No.2 for Regional Plans.¹

¹ Now Heritage New Zealand Pouhere Taonga

2.3 My evidence is structured by Plan section. I outline under each section the points where I support the Officers' recommendations for the reasons stated in the Officers' report. In parts of my evidence I expand on this support. My evidence focuses on the areas where I do not agree with the Officers' recommendations.

3.0 SECTION 3.2 - COASTAL MANAGEMENT, SECTION 4 – OBJECTIVES, AND SECTION 5 – POLICIES

3.1 Heritage New Zealand made submission points in support or support with amendments to Section 3.2, objectives, policies and methods. I support and endorse the recommendations in the Officers' report for the reasons stated on the points listed below.

- Section 3.2 – Matters to be addressed (submission number #84)
- Objective 9 – Relationship of tangata whenua with the coastal environment (#155)
- Objective 11 – Treaty of Waitangi (#161)
- Section 5.1 (#182)
- Policy 15 - Historic Heritage (#396)
- Policy 16(b): Relationship of tangata whenua (#406)
- Section 5.2 Activity-based policies – introduction (#465)
- Activity-based policies: Policy 32 (#544); Policy 34; Policy 42 (#598); policy 43 (#602); policy 44 (#608); and policy 46 (#616).

3.2 The decisions sought in the submission at paragraph 3.1 primarily relate to matters of historic heritage and the relationship of Māori and their culture and traditions with the coastal environment. However, a change was also sought to Section 5.2 to include content in this introduction to the activity-based policies to detail a precedence of the general policies: as follows: “... *Where a policy in this section conflicts with a general policy in 5.1, the general policy takes precedence.*”

3.3 The new wording introduced in the track changes version (shown below as underlined) integrates this change, with a minor wording change. In my view this addition to the introduction will assist in Plan interpretation in relation to how the policies are to be read and applied. It provides clarity that there is a hierarchy between the general and activity-based policies. I consider this is important when considering the content of the general policies which include section 6 matters of national importance under the Resource Management Act (RMA), and the direction for these matters under the NZCPS and RPS.

“5.2 Activity-based policies

(...)

The activity-based policies must be considered alongside the general policies and never in isolation. Where a policy in this section is inconsistent with a general policy in 5.1, the general policy takes precedence.

3.4 Linked to this, I consider the inclusion of this wording negates the need for new wording to be included in the activity-based policies on historic heritage (as sought through the Heritage New Zealand submission on the activity-based policies outlined in paragraph 3.1 above). The Officers' recommendations point to historic heritage matters being adequately

addressed under other provisions of the Plan, including the general policies. I agree with this and find this is particularly the case within the context of the change to the introduction to Section 5.2.

4.0 SECTION 6 - METHODS OF IMPLEMENTATION

4.1 Submissions were made by Heritage New Zealand on the historic heritage methods under Section 6.5. On the two submission points below I support and endorse the Officers' recommendations which included setting out in the response and recommendations the consultation occurring with tangata whenua.

- Method 29 (#658)
- Method 31 (#659)

4.2 A new method was also sought for a regular review and update of the Schedules to reflect latest information (#652). I agree with the Officers' recommendations in that this relief is addressed by other parts of the Plan. This includes at a high level under Section 10.2 Review of the Plan.

4.3 I consider that combined with other methods under 6.5 Historic heritage², (for example, a role for Heritage New Zealand and other organisations and stakeholders to maintain and regularly update databases and records of historic heritage³), that there is a clear framework to initiate a review on a case by case basis if an issue and new information arises to necessitate a review outside of the statutory ten year time frame for a review of the Plan. I note that the Officers' recommendations refer to Method 16, but this method is under 6.4 Natural Heritage. However, this does not alter my view that the relief is addressed by other parts of the Plan.

4.4 A new method was sought under submission number 653 of:

"Consider opportunities for collaboration with stakeholders on the protection and conservation of historic heritage."

4.5 The Officer's response includes directing to Method 22. Method 22 provides:

"Actively support as and when appropriate surveys, research and investigation into identifying historic heritage in the region."

4.6 In my view the relief sought, relates to methods which could extend more broadly than the matters in method 22 and this could be achieved for example through non-regulatory methods such as education, advice and assistance relating to identification or protection. The method sought would appropriately expand the historic heritage specific methods and further appropriately integrate with the general methods at section 6.1, which include a method on advice and information, and guidelines.

² Proposed to be titled 'Historic and cultural heritage' in the track changes version.

³ Under Method 21

5.0 SECTION 8 – REGIONAL RULES

- 5.1 I support the Officers' response and recommendation to accept the amendment to Rule 51 relating to clearance of outfalls, culverts and intake structures (#1071). However, I note that this had been incorporated as new standard (ac) which is concerned with not having an adverse effect on the values associated with historic heritage identified in Schedule 5A and 5B. This is opposed to the decision sought which related to the disturbance to not occur within a site in Schedule 5. For similar reasons to the paragraphs below on Rule 31(j) I have concerns with this standard not being amended through the track changes version as sought (including the potential for irreversible effects and the need to be more targeted or prescriptive within this standard).
- 5.2 Heritage New Zealand sought new wording to be added to proposed standard (j) of Rule 31 for temporary military training ((submission #918). This was so that structures and activities could not be placed at any site identified in Schedules 5.
- 5.3 I recognise that the scheduled places as a whole traverse a large area of the coastline (a matter covered in the Officer's response). In my view there is the potential for adverse effects on historic heritage, including irreversible effects from the activity. This could be, for example, through damage to any structure or feature in the schedule from how a structure is placed on or attached to the feature. A more targeted standard would reduce the risk of significant and irreversible adverse effects to the features and values of the places within Schedules 5.
- 5.4 In forming this view I have considered the range of features and places within the Schedules 5 and further requirements under the Heritage New Zealand Pouhere Taonga Act 2014 including those which apply where works may modify or destroy an archaeological site. Moreover, the other standards in the rule including (and as amended in the track change version) the limitation of the duration of the activity in any one year (which I note would not prevent the activity occurring in repeated years in one location) and the standard requiring notification to the Council before the activity occurs. There is the potential risk over the longer-term to sites and features in these Schedules from a less prescriptive standard to more directly manage this activity in relation to the places in these schedules. Further, I consider there are issues with some reliance on the notification of the activity. It is not clear that an assessment or report must be provided and the process of consideration of that information to determine if there are adverse effects.


6.0 DEFINITIONS

- 6.1 I support the Officers' recommendations for the reasons stated, and the changes as shown in the track changes version, with regard to the following definitions to which Heritage New Zealand sought as new or amended definitions. The set of changes introduce more clarity and certainty and aid in Plan interpretation and implementation. Although the maintenance definition does not include the wording protective care in the definition, in my view the wording is appropriate to cover protective care.

- Alterations (#1182)
- Maintenance (#1216)
- Repairs (#1270)

7.0 SCHEDULES 5A AND 5B AND PLANNING MAPS

- 7.1 A set of submission points made by Heritage New Zealand concerned matters of clarity with respect to Schedule 5A – Archaeological sites of significance and historic areas and the planning maps (#1333, #1334, #1335).
- 7.2 I support the Officers' recommendation to introduce built heritage into the title of Schedule 5A (under submission #1333), and to add information to the planning maps which would assist in navigation between the schedules and planning maps. I further note that Officers' have added additional information and an exercise was undertaken to check certain information relating to the schedules.
- 7.3 No changes have been introduced to the planning maps in the revised version in response to the relief seeking addressing the lack of mapped extents for schedules sites (as relates to Schedule 5A).
- 7.4 I am of the opinion that to define the extent and/or any buffer would be assisted by a research or ground-truthing as appropriate in the context, (that is considering the range of sites in the schedules with different features and values). In the absence of such further detailed work and amendments to the planning maps there remains a risk of uncertainty in interpretation of the maps and associated provisions. However, I acknowledge this may form a set of more extensive and detailed investigations and as such may be more appropriately undertaken through a future programme of work and be integrated in further updates and reviews of the places in the schedule (including through any periodic reviews based on new information and issues which have arisen).
- 7.5 Submission points were made by of Heritage New Zealand on Schedule 5B - Sites of Significance to Maori and to the Ohunuki Map (Ngāruahine) (#1341 and #1342). I acknowledge the response and support the recommendations in the Officers' report for the reasons stated.



Caroline Elizabeth Rachlin

Planner

12 July 2019

BEFORE THE

Taranaki Regional Council Hearing
Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Coastal Plan for Taranaki

**STATEMENT OF JANEEN ANNE KYDD-SMITH
ON BEHALF OF MERIDIAN ENERGY LIMITED
(Submitter No. 20)**

12 JULY 2019

INTRODUCTION

1. My name is Janeen Anne Kydd-Smith. I am a Director and Principal Planner of Sage Planning HB Limited, in Napier.

Qualifications and Experience

2. I have the following qualifications and experience relevant to the evidence I shall give:
 - a) I have a Bachelor of Arts (Geography) and a Master of Regional Resource Planning from the University of Otago;
 - b) I have over 28 years' experience as a Planner working in local government and the private sector;
 - c) I am an accredited Commissioner (with Chair Endorsement) under the Ministry for the Environment 'Making Good Decisions' programme.
3. I have the following relevant experience:
 - a) Development Planner, Hastings District Council (February 1992 – July 1992);
 - b) Policy Planner, Hastings District Council (July 1992 – April 1996);
 - c) Senior Policy Planner, Hastings District Council (April 1996 – May 1998);
 - d) Development Manager, Hastings District Council (June 1998 – September 2001);
 - e) Environmental Planner, MWH New Zealand Limited (September 2001-January 2002);
 - f) Planning Manager, MWH New Zealand Limited (January 2002 – December 2002);
 - g) Senior Environmental Planner, Environmental Management Services Limited (February 2003 – August 2014);

- h) Director, Kydd-Smith Environmental Planning Limited (September 2014 to 31 March 2017); and
 - i) Director and Principal Planner, Sage Planning HB Ltd (1 April 2017 – present).
- 4. I have been engaged by Meridian Energy Limited (**Meridian**) to prepare and present planning evidence in relation to their submissions and further submissions on the Proposed Coastal Plan for Taranaki (**PCP**).
 - 5. I am familiar with the PCP documents (as notified) and I was also initially engaged by Meridian to assist them with the preparation of their submissions and further submissions.

EXPERT WITNESS CODE OF CONDUCT

- 6. I confirm that I have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

PURPOSE AND SCOPE OF EVIDENCE

- 7. This evidence provides a response to the Taranaki Regional Council's Reporting Officers' Section 42A Report for the hearing.
- 8. In preparing my evidence I have reviewed the following:
 - relevant sections of PCP;
 - relevant sections of Meridian's submissions and further submissions;
 - section 42A Officers' Report, particularly in relation to the relevant parts of Meridian's submissions and further submissions; and
 - the New Zealand Coastal Policy Statement 2010 (**NZCPS**)

EXECUTIVE SUMMARY

9. For the reasons given by the Reporting Officers in their section 42A report, I concur with the Officers' recommendations in relation to:

- Objective 1: Integrated management;
- Objective 3: Reverse sensitivity;
- Objective 7: Natural features and landscapes,
- Objective 11: Historic heritage;
- Objective 13: Coastal hazard risk and public health and safety;
- Policy 1: Coastal management areas;
- Policy 2: Integrated management;
- Policy 5: Appropriate use and development;
- Policy 6: Activities important to the well-being of people and communities;
- Policy 7: Impacts on established activities;
- Policy 9: Natural character and natural features and landscapes;
- Policy 15: Historic heritage;
- Policy 17: Public access;
- Policy 18: Amenity values;
- Policy 19: Surf breaks and Significant Surfing Area;
- A new definition of 'Subdivision';
- Definition of 'Amenity values'; and
- A new definition of 'Functional need'.

10. In relation to Objective 6: Natural character, while I support the addition of the word 'subdivision', I do not support the other amendments recommended by the Officers.

11. In terms of Policy 3: Precautionary approach, I do not support the Officers' recommendation to delete reference to 'adaptive management' and delete the definition of 'Adaptive management' in Section 4.7 of the PCP, as I consider that specific reference to it within Policy 3 and the

definition may be helpful to PCP users, by making it clear that it is a precautionary approach that may be considered.

12. With respect to Policy 4: Extent and characteristics of the coastal environment, I consider that the Officers' recommended amendments are appropriate as an interim response, until such time as the coastal environment or equivalent has been mapped in each of the relevant district plans or proposed district plans in the Taranaki Region. However, once mapping in the district plans has been completed, I consider that clause (b) will no longer be necessary or appropriate. I therefore recommend that clause (b) of Policy 4 and the definition of 'Coastal environment' in Section 4.7 of the PCP are amended to reflect that.

EVIDENCE

SECTION 4.2: OBJECTIVES

Objective 1 – Integrated management

13. The submission from Meridian (Submission 20) requested that Objective 1 be amended to refer to 'subdivision' (in addition to 'use and development') to more accurately reflect Policy 4(c)(i) of the NZCPS on Integration. The Officers recommend that Meridian's submission be accepted and that a new definition of 'Subdivision' be added to the definitions section of the PCP. They also recommend that a consequential amendment be made to clause (g) of Policy 2 [Integrated management] to recognise subdivision alongside use and development in areas beyond the coastal marine area (**CMA**). I consider that the recommended amendments and new definition are appropriate, for the reasons given in the Meridian submission and by the Officers.

Objective 3 – Reverse sensitivity

14. The submission from Meridian requested that Objective 3 be amended to refer to 'subdivision', as well as 'use and development', to accurately reflect Objective 6 and Policy 7(1)(b) of the NZCPS. The Officers recommend that Meridian's submission be accepted. The Officers also recommend (in response to Transpower NZ Ltd's submission (26)) that the title of Objective 3 be amended (to "Impacts on established

operations and activities”), that some other minor and inconsequential changes be made to the objective, and that a new definition of ‘subdivision’ be added to the definitions section of the PCP. I consider that the recommended amendments to Objective 3 are appropriate, for the reasons given by the Officers.

15. I note that the Officers have recommended that Objective 3 be amended by deleting the words “nationally and” so that it only refers to “regionally important infrastructure”. I consider that this is appropriate, as there is a definition of Regionally Important Infrastructure provided in the PCP, which includes “infrastructure of regional and/or national importance”.

Objective 6 – Natural character

16. The submission from Meridian requested that Objective 6 be amended to refer to ‘subdivision’, as well as ‘use and development’ to better reflect Policy 13(1) of the NZCPS, and that the words “and is restored where appropriate” be deleted from the objective, as Policy 10 of the PCP more appropriately addresses the issue.
17. The Officers recommend that Meridian’s submission be accepted, but only insofar as Objective 6 (and Policy 8 [Areas of outstanding value] is amended to refer to ‘subdivision’ and a new definition of ‘subdivision’ is added to the PCP. However, the Officers also recommend other ‘minor and inconsequential amendments’ (shown in blue) and an amendment in response to the submission of the Royal Forest and Bird Protection Society (Submission 43) (shown in red), as follows:

Objective 6: Natural character

The natural character of the coastal environment is preserved and protected from inappropriate subdivision.⁽²⁰⁾⁽⁴³⁾ use and development and is restored enhanced where ~~appropriate degraded~~.⁽⁴³⁾

18. The Officers recommend the above amendments (in blue and red) so that the objective provides more certainty around what requires protection and restoration, and there is a link to Policy 12 [Restoration of coastal water quality] and Schedule 3 [Coastal water quality].
19. While I consider that the Officers’ recommendation in response to Meridian’s submission is appropriate, I consider that the other recommended amendments are inappropriate. In my opinion, the recommended words “and enhanced where degraded” will have the

effect of requiring all elements of the natural character of the coastal environment (i.e. not only coastal water quality) to be enhanced where they are degraded, which is not consistent with Policy 14 of the NZCPS and Policy 10 [Restoration of natural character] of the PCP, which are to 'promote' the restoration of natural character of the coastal environment.

20. I also consider that the restoration of natural character (generally), and the enhancement and restoration of coastal water quality (specifically) are already adequately addressed under Policy 10 [Restoration of natural character], Policy 11 [Coastal water quality] and Policy 12 [Restoration of coastal water quality] of the PCP. Furthermore, it will not be appropriate or practicable in every case to restore or enhance natural character. On that basis, I consider that Objective 6 should be amended to read as follows:

Objective 6: Natural character

The natural character of the coastal environment is preserved and protected from inappropriate subdivision,⁽²⁰⁾⁽⁴³⁾ use and development ~~and is restored where appropriate.~~

Objective 7 – Natural features and landscapes

21. The submission from Meridian requested that Objective 7 be amended to refer to 'subdivision' (in addition to 'use and development') to more accurately reflect Policy 15 of the NZCPS on Natural features and natural landscapes. The Officers recommend that Meridian's submission be accepted and that a new definition of 'Subdivision' be added to the definitions section of the PCP. I concur with the Officers' recommendation.

Objective 11 – Historic heritage

22. The submission from Meridian requested that Objective 11 be amended to refer to 'subdivision' (in addition to 'use and development') to more accurately reflect Policy 17 of the NZCPS on Natural features and natural landscapes. The Officers recommend that Meridian's submission be accepted and that a new definition of 'Subdivision' be added to the definitions section of the PCP. I concur with the Officers' recommendation.

23. However, in response to the submission from Te Rūnanga o Ngāti Ruanui Trust (Submission 162), the Officers recommend that Objective 11 be amended further by changing the title of the objective to “Cultural and historic heritage” and amending the reference to “historic heritage” to “cultural historic heritage”, to broaden the scope of the objective so that it addresses aspects of cultural heritage values that are not necessarily captured within the Resource Management Act 1991 (**RMA**) definition of ‘historic heritage’ (e.g. taonga species). I consider that this recommended amendment is appropriate as it provides clarification, while not being inconsistent with the definition of ‘historic heritage’ in the RMA.

Objective 13 – Coastal hazard risk and public health and safety

24. Meridian requested in their submission that Objective 13 should be amended to refer to ‘subdivision’ in addition to ‘use and development’ to reflect Policy 25 of the NZCPS, and to refer to the ‘coastal environment’ instead of the CMA (which forms part of the coastal environment) to achieve consistency with Policy 20 [Avoidance of increasing coastal hazard or public safety risk] of the PCP.
25. While the Officers agree that the objective should address the wider coastal environment, they consider that the reference to the CMA at the end of the objective should be retained, noting that the relevant PCP rules only address use and development in the CMA. I concur with the Officers’ recommendation, for the reasons given by the Officers.

SECTION 5.2: GENERAL POLICIES

Policy 1 – Coastal management areas

26. The introductory comments under Section 5.1 General policies of the PCP state that the section provides the overall direction for achieving integrated management of significant values and matters in the ‘coastal environment’ (which includes the CMA). Meridian requested in their submission that the first paragraph of Policy 1 be amended by replacing the reference to ‘coastal marine area’ with ‘coastal environment’.
27. The Officers recommend that Meridian’s submission be accepted, but also consider that consequential amendments be made to the second

paragraph of the policy to clarify that the coastal management areas are restricted and only apply to the CMA. I concur with the Officers' recommendation, for the reasons given by the Officers.

Policy 2 – Integrated management

28. In their submission, Meridian considered that clauses (b) and (e) of Policy 2 could be interpreted as referring to regional plans outside the Taranaki Region, and they requested that the clauses be amended to refer to the 'Taranaki Region'. Meridian also requested that clause (c) of Policy 2 be amended to clarify what is meant by "cross-media effects".
29. The Officers accept the relief sought by Meridian and recommend that clauses (b) and (e) be amended to clarify that the Taranaki Region is the area being managed.
30. The Officers advise that 'cross-media effects' refer to effects that may traverse environmental domains e.g. activities that occur on land such as a discharge that have an impact on water quality. The Officers recommend that Policy 2 be amended to clarify the concept of cross-media effects by deleting clause (c) and inserting a new clause (aa).
31. I concur with the Officers' recommendations, for the reasons given by the Officers.

Policy 3 – Precautionary approach

32. 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. Meridian requested in their submission that Policy 3 be retained as publicly notified.
33. The Officers recommend that Policy 3 be retained, but with minor amendments requested by other submitters, which the Officers consider will not change the intent of the policy. This includes the deletion of the reference to "adaptive management", which is in response to the submission of the Royal Forest and Bird Protection Society (Submission 43) that noted that adaptive management is not referenced within the

NZCPS and is not inherently precautionary, because it is a trial and error approach.

34. The Officers note that case law has determined that adaptive management can correctly be applied in relation to the requirements of the NZCPS, even though it is not provided for within the NZCPS itself, and may be useful for the management of some activities (particularly those that are protracted and involve a number of decisions to be made throughout the life of the activity). However, the Officers consider that the reference to “adaptive management” should be deleted as it is not necessary to explicitly reference it within Policy 3 and deleting it will not preclude it being considered as part of resource consent applications under appropriate circumstances.
35. I note that in the case *Sustain Our Sounds Inc v The New Zealand King Salmon Co Ltd* [2014], the Supreme Court considered the question of whether any adaptive management regime can be considered consistent with a precautionary approach. That case considered conditions requiring the gathering of baseline information for the assessment as to whether new salmon farms in the Marlborough Sounds could be built and stocked, and extensive monitoring and remedial actions taken if water quality was compromised. The Supreme Court decision refers to “adaptive management” as a precautionary approach allowing for an activity to proceed in incremental stages, with monitoring, reporting and assessment of any adverse effects taking place before the next stage of activity progresses.
36. While adaptive management is a precautionary approach for allowing an activity to proceed, I consider that specific reference to it within Policy 3 may be helpful to PCP users and resource consent applicants, by making it clear that it is an approach that may be considered.

Policy 4 – Extent and characteristics of the coastal environment

37. Meridian supported in part the Royal Forest and Bird Protection Society’s submission (Submission 43) to remove ‘case-by-case’; and capture the extent and characteristics in Policy 1 of the NZCPS, or amend Policy 4 to refer to the extent of the coastal environment set out on the planning maps and the maps identify landward extent as per

Policy 1 of the NZCPS. Meridian requested that Policy 4 be amended to clarify that the coastal environment will be identified on the Planning Maps of the District Plans for the Taranaki Region and amended to capture the extent and characteristics of the coastal environment in Policy 1(2) of the NZCPS.

38. The Officers note that the Regional Council has worked with the New Plymouth and South Taranaki District Councils in identifying and mapping coastal areas of outstanding natural character and outstanding natural features and landscapes. Both district councils have commenced or are about to commence their district plan reviews, which includes a coastal protection/environment zone. The Officers recommend that Policy 4 be amended as follows:

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) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and*
- (b) on a case by case basis recognising:*
 - (i) areas landward of the coastal environment line ^{(2) (29) (35) (43) (45)} ⁽⁴⁶⁾ where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
 - (ii) 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.*

39. I consider that the recommended amendments are appropriate as an interim response, until such time as the coastal environment or equivalent has been mapped in each of the relevant district plans or proposed district plans in the Taranaki Region. However, once mapping in the district plans has been completed, I consider that clause (b) will no longer be necessary or appropriate. On that basis, I consider that Policy 4 should be amended further to reflect that, so that it reads as follows:

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 by:

- (a) *having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and*
- (b) *where the coastal environment or equivalent is not identified in a district plan or proposed district plan, on a case by case basis recognising:*
 - (iii) *areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
 - (iv) *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.*

SECTION 5.1.2 USE AND DEVELOPMENT OF RESOURCES

Policy 5 – Appropriate use and development in the coastal environment

- 40. The submission from Meridian requested that Policy 5 be amended to refer to ‘subdivision’, as well as ‘use and development’, to accurately reflect Policy 25 of the NZCPS. The Officers recommend that Meridian’s submission be accepted. The Officers also recommend that other amendments be made to Policy 5 in response to other submissions. I consider that the recommended amendments to Policy 5 are appropriate, for the reasons given by the Officers.
- 41. I note that the Officers have recommended that a new clause (aa) be added to Policy 5 that refers to “regionally important infrastructure”. I consider that this is appropriate, as there is a definition of Regionally Important Infrastructure provided in the PCP, which includes “infrastructure of regional and/or national importance”.

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

- 42. Meridian requested in their submission that Policy 6 be retained as publicly notified.
- 43. The Officers recommend that the policy be retained subject to minor amendments requested by other submitters that do not change the policy intent. I consider that the recommended amendments are appropriate, for the reasons given by the Officers.

Policy 7 – Impacts on established operations and activities

44. Meridian requested in their submission that Policy 7 be retained as publicly notified.
45. The Officers recommend that the policy be retained subject to minor amendments requested by other submitters that do not change the policy intent. I consider that the recommended amendments are appropriate, for the reasons given by the Officers.

Policy 9 – Natural character and natural features and landscapes

46. In their submission, Meridian requested that clause (a)(i) of Policy 9 be amended to refer to “maintains or contributes to the enhancement or restoration of natural character” to be consistent with Policy 14 of the NZCPS. Meridian also considered that the reference to historic heritage in clause (a)(vi) of Policy 9 was not relevant to natural character and natural features and landscapes and should be deleted.
47. The Officers agree that Policy 9(a)(i) should be amended to refer to the maintenance of natural character alongside enhancement and restoration and accept this part of the relief sought by Meridian.
48. However, in relation to deleting Clause (a)(vi), the Officers consider that it is appropriate for activities to have regard for, amongst other things, maintaining the integrity of historic heritage. They note that the definition of ‘Historic heritage’ refers to any natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures and includes the wider surroundings. The Officers therefore recommend that Policy 9(a)(vi) is retained but amended to include historic “and cultural” heritage.
49. I consider that the amendments to Policy 9 recommended by the Officers are appropriate for the reasons given by the Officers, noting that Policy 14 and Policy 15 of the NZCPS recognise historic heritage and cultural landscape values as being relevant to natural character, natural features and natural landscapes.

New Policy 9A – Criteria for identifying areas of outstanding or high natural character

50. In its further submissions, Meridian opposed the submission of the Royal Forest and Bird Protection Society that requested the insertion of a new Policy 9A, as Meridian considered the matters to be included the new policy were already appropriately addressed under Policy 8, Policy 9 and the definition of “Outstanding Value”, and there was not requirement in the NZCPS to identify areas of High Natural Character.
51. I concur with the Officers’ recommendation to decline the Submitter’s request to insert new Policy 9A, for the reasons given by the Officers.

Policy 15 – Historic heritage

52. Meridian requested in its submission that Policy 15 be amended to refer to ‘subdivision’ (in addition to ‘use and development’) to more accurately reflect Policy 17 of the NZCPS. The Officers recommend that Meridian’s submission be accepted and that a new definition of ‘Subdivision’ be added to the definitions section of the PCP. I concur with the Officers’ recommendation, for the reasons given by the Officers.

Policy 17 – Public access

53. In their submission, Meridian requested that Policy 17 be amended to refer to the CMA instead of the coastal environment, otherwise the policy would be more stringent than Policy 19 of the NZCPS. The Officers recommend that the policy be amended as requested. I concur with the Officers’ recommendation.

Policy 18 – Amenity values

54. In their submission, Meridian requested that clause (d) of Policy 18 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 PCP. In their further submissions, Meridian also opposed the submission of the Royal Forest and Bird Protection Society, which requested that the policy be amended to recognise amenity values associated with protecting indigenous vegetation, as it is already addressed under Policy 14 of the PCP.
55. I support the Officers recommendation to decline Meridian’s request to delete clause (d) of Policy 18 and to amend Policy 18 (in response to

other submissions) to better recognise and provide for historic heritage sites that also have amenity values. The recommendation recognises 'historic heritage' (including sites of significance to Maori) is commonly associated with high amenity values and there are a number of historic sites and places identified in Schedule 5 of the PCP that overlap with amenity values.

Policy 19 – Surf breaks and Significant Surfing Area

56. Meridian requested in their submission that the PCP Planning Maps be amended to show the locations of Locally Significant Surf Breaks. The Officers recommend that the Planning Maps be amended as requested. I concur with the Officer's recommendation, as it will provide clarity and certainty for Plan users.

SECTION 4.7 DEFINITIONS

Adaptive management

57. In their further submissions, Meridian opposed the submission from the Royal Forest and Bird Protection Society which requested that the definition of "adaptive management" be deleted from the PCP.
58. The Officers recommend that the definition of "adaptive management" be deleted from Section 4.7 of the PCP, as they consider that recent case law has highlighted adaptive management as an inappropriate method of managing activities that may produce impacts that are uncertain, little understood or potentially significantly adverse.
59. As I have noted above, in relation to Policy 3 [Precautionary Approach], the Supreme Court has referred to "adaptive management" as a precautionary approach allowing for an activity to proceed in incremental stages, with monitoring, reporting and assessment of any adverse effects taking place before the next stage of activity progresses. The Court, however, recognises that before endorsing an adaptive management approach it would have to be satisfied that¹:

"(a) there will be good baseline information about the receiving environment

¹ Sustain Our Sounds Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 40 [2014] 1 NZLR 673 at [133].

- (b) the conditions provide for effective monitoring of adverse effects using appropriate indicators*
- (c) thresholds are set to trigger remedial action before the effects become overly damaging*
- (d) effects that might arise can be remedied before they become irreversible.”*

60. An adequate evidential foundation is therefore required to provide reasonable assurance that the adaptive management approach will achieve its goals of sufficiently reducing uncertainty and adequately managing any remaining risk.
61. Therefore, I consider that adaptive management is a legitimate option that can be considered by decision makers and may be appropriate in some circumstances. As I have mentioned above, I consider that including specific reference to adaptive management within Policy 3 recognises that it is an approach that may be considered. On that basis, I consider that it is also appropriate to include a definition of ‘Adaptive management’ in Section 4.7 of the PCP.

Amenity values

62. In their further submissions, Meridian opposed the submission from the Royal Forest and Bird Protection Society which requested that the definition of ‘Amenity values’ be amended to include visual amenity as part of amenity values. Meridian requested that the definition be retained as publicly notified.
63. The Officers recommend that the Submitter’s request be declined, as they do not consider it appropriate to amend the statutory (RMA) definition used in the PCP and visual amenity is already implied within the current definition, being a quality that contributes to “*people’s appreciation of its pleasantness and aesthetic coherence*”. I concur with the Officers’ recommendation for the reasons given by the Officers.

Coastal environment

64. In their further submissions, Meridian opposed the submissions of the Royal Forest and Bird Protection Society (Submission 43) and Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd (Submission 46) requesting that the definition of ‘Coastal environment’ be amended, as it considered it

appropriate that each District Council within the Region identify and map the extent of the coastal environment within their District.

65. The Officers recommend including an indicative line incorporated within the coastal mapping layers to help establish the extent of the coastal environment, and to amend the definition.
66. On the basis of the comments I have made above, in relation to Policy 4 [Extent and characteristics of the coastal environment], I consider that the definition of 'Coastal environment' should be amended further, to read as follows:

Coastal environment means:

- (a) all of the coastal marine area;*
- (b) areas landward of the coastal marine area and identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link), however described; and*
- (c) where the coastal environment or equivalent is not identified in a district plan or proposed district plan, any other areas landward of the coastal environment line were coastal processes, influences or qualities are significant.*

Functional need

67. In their further submissions, Meridian supported Transpower NZ Ltd's submission (Submission 26) to include a new definition of "Functional need" in the PCP. The Officers recommend that a new definition be inserted into the PCP, but that the wording be amended to align with the definition in the *National Planning Standards 2019*. I concur with the Officers' recommendation.



Janeen Kydd-Smith

12 July 2019

Before Hearing Panel – Proposed Taranaki Regional Coastal Plan

Under The Resource Management Act 1991 (the Act)

In the matter of Proposed Coastal Plan for Taranaki

Between Taranaki Regional Council

Local Authority

And Transpower New Zealand Limited

Submitter and Further Submitter

Statement of evidence of Pauline Mary Whitney

Dated 12 July 2019

Qualifications and Experience

- 1 My full name is Pauline Mary Whitney.
- 2 I am a Senior Planner and Senior Principal of Boffa Miskell Ltd, a national firm of consulting planners, ecologists and landscape architects. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons). I am a Full Member of the New Zealand Planning Institute and have over 22 years' experience as a resource management planner.
- 3 I have been a planning consultant based in Wellington for the past 17 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors. Prior to that I was employed with local authorities in New Zealand and the United Kingdom for 5 years. My experience includes:
 - Work on the preparation of plan changes for councils and private clients and review of numerous regional policy statements, regional plans and district plans on their behalf; and
 - Preparing resource consent applications and notices of requirement for a wide range of development and infrastructure projects.
- 4 Specific to Transpower New Zealand Limited ('Transpower'), I have been involved with preparing submissions/ hearing evidence on over 17 planning documents (including district plans, regional plans, regional policy statements and plan changes) over the past 8 years.
- 5 My evidence is given in support of Transpower's submission on the Proposed Coastal Plan for Taranaki ("PCPT").
- 6 In this matter, Boffa Miskell Ltd was engaged by Transpower to provide planning expertise through the submission process, as well as to prepare this evidence on the PCPT.
- 7 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note (2014), and I agree to comply with it. My

qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

- 8 My evidence covers all the submission points lodged by Transpower to the PCPT.

Scope of Evidence

- 9 My evidence will address the following:

- 9.1 The planning background for Transpower's submission, and an outline of the need to provide sufficient recognition of the national importance of the National Grid, particularly in the context of higher level planning policy documents such as the National Policy Statement on Electricity Transmission 2008 ("NPSET"), the New Zealand Coastal Policy Statement 2010 ("NZCPS"); the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA"); and the Regional Policy Statement for Taranaki 2010 ("RPS");
- 9.2 An overview of Transpower's submission on the PCPT;
- 9.3 Key issues in the PCPT in relation to relief sought by Transpower; and
- 9.4 My responses to the recommendations within the Section 42A Report on Transpower's submission points.

Summary of Evidence

- 10 Transpower owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. The need to operate, maintain, develop and upgrade the electricity transmission network is recognised as a matter of national significance through the National Policy Statement on Electricity Transmission 2008 ("**NPSET**"). This significance applies universally across the country regardless of the nature of the specific National Grid asset.
- 11 Within the Taranaki Region, Transpower's assets include a number of transmission lines and associated infrastructure such as substations. A summary of these assets is

outlined in paragraph 22 of this evidence. A map of the specific assets is attached as Appendix A to Mr Campbell's evidence. Specific to the Coastal Environment, there are no existing National Grid assets within the Coastal Marine Area ("CMA") as identified in the PCPT. However, there are assets within the Coastal Environment (as identified in the applicable district plan). These are discussed in paragraph 23 of this evidence and also addressed by Mr Campbell.

- 12 Given the existing Transpower assets are outside the CMA, they are not subject to the PCPT rules. However, the PCPT objectives and policies would be a consideration should any works on the existing assets trigger resource consent under NESETA in the wider coastal environment. In addition, the PCPT rules and policies would be relevant for any new assets within the CMA and the wider coastal environment.
- 13 In relation to any new National Grid assets, Transpower is responsible for the long term strategic planning for transmission assets. This is particularly relevant in light of emerging discussions regarding new energy supplies, and the need for new National Grid connections for the transmission of the energy from generation to distribution. Policy 14 of the NPSET requires that the regional council must include provisions in the PCPT to facilitate long term planning for investment in transmission infrastructure.
- 14 Within the PCPT, the National Grid is identified as Regionally Important Infrastructure ("RII") rather than being specifically identified or provided for. In my experience this is a common approach and one that I am generally supportive of, provided the Grid is appropriately recognised and provided for through the PCPT provisions, and the NPSET is given effect to in the PCPT. To achieve the outcome of giving effect to the NPSET and recognising the national significance of the Grid, there are instances where specific provisions for the National Grid are required.
- 15 As the Hearing Panel will be aware, Section 67(3) of the RMA obliges regional councils to 'give effect' to the NPSET in their regional plans. The requirement to 'give effect' is a strong statutory directive to Councils compared to other directives in the RMA and was interpreted in the *EDS v New Zealand King Salmon* Supreme Court case¹ as meaning "to implement". A copy of the NPSET is attached as **Appendix A**.
- 16 Notwithstanding its general support of the PCPT, Transpower sought a number of amendments to the PCPT provisions in its submissions to better reflect the direction

¹ Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38

and scope of the NPSET.

- 17 Transpower lodged some 78 individual submission points (44 original and 34 further), the majority of which were points in support (or support in part) of the notified PCPT provisions.
- 18 I support or accept the majority of the Section 42A Report recommendations in respect of Transpower's submission. Attached as **Appendix B** is a summary of the officer recommendations that I support or accept.
- 19 As summarised in paragraph 59 of my evidence, there are a number of outstanding recommendations that I either oppose (Rule 34) or accept in part (Policy 5). My evidence outlines the reasons for my outstanding concerns, and my recommendations for resolving them. There are also a number of recommendations on policies which I support (policies 6, 8, 9, 14), conditional on the officer's recommended Policy 6A being accepted by the panel.
- 20 Overall, I consider the provisions recommended in the Section 42A Report, as modified by my recommended changes, would give effect to the NPSET. In my view, they provide an effective policy and regulatory framework in which to recognise and provide for the operation, maintenance, upgrade, and development of the National Grid.
- 21 My evidence should be read together with the legal submission of Ms Rebecca Tompkins and the evidence of Mr Dougall Campbell who addresses the nature of Transpower's assets in the region, Transpower's approach to implementing the NPSET, and potential development of the National Grid.

The National Grid and Transpower's Assets in the Taranaki Region

Assets within the Region

- 22 Transpower owns and operates a wide range of infrastructure assets associated with the National Grid within the Taranaki Region. Details of the existing assets and current asset upgrades and developments are provided in the evidence of Mr Campbell. A plan of the specific existing National Grid assets within the region is attached as Appendix A to Mr Campbell's statement.

Asset Relationship to Proposed Taranaki Regional Coastal Plan

- 23 In terms of the relationship of the assets to the PCPT, none of Transpower's existing structures are located within Taranaki's Coastal Marine Area ("CMA") as identified in the PCPT. The Transpower assets nearest to the CMA are the New Plymouth (approx. 160m distance) and Motunui Substations (approximately 78m from the CMA). There are existing assets within the Coastal Environment as identified in the draft New Plymouth District Plan. While there are existing National Grid assets within proximity of the coastline within the South Taranaki District, there are no assets within the defined Coastal Environment within that District Plan.
- 24 While the New Plymouth substation itself is outside any areas of identified significance, one of the lines coming out of the substation traverses a part of one of the identified areas of Outstanding Natural Character ("ONC") and Outstanding Natural Landscapes and Features ("ONFL"), near the base of Paritutu: the Ngā Motu (Sugar Loaf Islands) and Tapuae ONC3, ONFL2. However, it is noted that the line and support structure are outside the indicative CMA line as identified in the PCPT, and so in accordance with paragraph 1.4.2 of the PCPT, these assets are not subject to the rules in the PCPT. Rather, the outstanding values would be a policy consideration should any other rule be triggered. Attached as **Appendix C** to my evidence is a plan showing the existing assets at New Plymouth, and relationship to the CE, CMA and Outstanding Value areas (noting the Outstanding Value area does extend beyond the CMA but is not shown in the attached plan).

Higher Level Planning Policy Documents

National Policy Statements

- 25 National policy statements are at the top of the hierarchy of planning instruments under the RMA. Of particular relevance to the PCPT and Transpower's submission is the NPSET and the NZCPS. Addressing the interface between these two policy statements and how they are read together is a key aspect of the relief sought by Transpower.

The National Policy Statement on Electricity Transmission 2008

- 26 The NPSET sets out the one objective and 14 policies to direct the management of the electricity transmission network under the RMA. A copy of the NPSET is appended to

my evidence as **Appendix A**.

- 27 Section 67(3) of the Resource Management Act (“RMA”) requires that a regional plan must ‘give effect’ to the NPSET which is a strong statutory directive. Therefore, the NPSET must be implemented when drafting regional policy and plan provisions and considered in making decisions on submissions, resource consent applications and designations.
- 28 The NPSET confirms the national significance of the National Grid and establishes a clear national policy direction that recognises the benefits of electricity transmission, the effects of and on the National Grid, and the need to appropriately manage activities and development under and in close proximity to it.
- 29 The Preamble to the NPSET includes useful background, or rationale, for the NPSET. It states that “the efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment”. It notes that the National Grid has particular physical characteristics and operational/security requirements that have been challenging to manage under the RMA and acknowledges the potential significance of some effects of transmission lines (including the inability for these to be avoided or mitigated), along with the significant constraints that others’ activities and development can place on the network. It also notes that adverse effects of the National Grid are experienced at the local level, while benefits are regional or national, requiring a balanced consideration of effects.
- 30 The sole objective of the NPSET is as follows:
- To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
- *Managing the adverse environmental effects of the network; and*
 - *Managing the adverse effects of other activities on the network.*
- 31 This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.
- 32 The NPSET policies give direction on how to achieve the objective in providing for the

recognition of the benefits of electricity transmission, as well as the management of the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers (including regional councils) and Transpower itself.

33 Policy 1 specifies that decision-makers **must recognise and provide** for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and enhanced supply.

34 Policies 2 to 9 relate to management of the environmental effects of transmission. In particular, Policy 2 states:

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

35 Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards.

36 Policies 2 to 9 are particularly relevant to the PCPT as they provide the policy framework for managing the environmental effects of electricity transmission in recognising and providing for the ongoing operation and development of the National Grid.

37 As outlined in the evidence of Mr Campbell, Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect and reliably distribute new forms of electricity generation. In my opinion, it is important that, in context of the NPSET, the Taranaki Regional Coastal Plan provides an appropriate and enabling framework for the ongoing operation, maintenance, upgrading and, also importantly, the development of the National Grid. Such a framework would in my opinion, give due effect to the NPSET.

38 Policies 10 and 11 are also relevant considerations. These policies act as the primary guide to inform how adverse effects on the National Grid are to be managed through

planning provisions.

New Zealand Coastal Policy Statement 2010

- 39 The statutory purpose of the NZCPS is to state objectives and policies “in order to achieve the purpose of [the RMA] in relation to the coastal environment of New Zealand”.
- 40 The policies in the NZCPS establish a comprehensive regime for managing the effects of activities on the coastal environment. Policy 6 specifically addresses activities in the coastal environment, with some marine activities addressed more explicitly in Policies 8 and 9. Policy 7 addresses the need for a strategic planning approach. Policies 11, 13 and 15 address high value natural areas. Critically, those policies require adverse effects of activities on the ‘highest value’ natural areas to be avoided.

Policy Statement Relationship

- 41 As national policy statements, I understand that both the NPSET and NZCPS sit at the top of the RMA plan hierarchy with neither document having supremacy over the other. The relationship between the directives within these two documents needs to be carefully assessed in that some The NZCPS policies provide for ‘avoidance’ outcomes, while the NPSET is largely ‘enabling’ with a ‘seek to avoid’ directive within high value natural areas.
- 42 The submission of Ms Tompkins, legal counsel for Transpower, addresses this issue and concludes that, to manage these tensions, detailed and specific National Grid policies are recommended. The reporting officer recommends such an approach, through a National Grid specific policy (6A) and a policy framework to address the tensions in such a way that gives effect to both policy statements. I support such an approach.

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

- 43 The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities involving existing high voltage electricity transmission lines (but not substations). However, in this instance, the NESETA is not directly relevant given there are no existing Transpower assets within

the CMA that would be governed by the NESETA. However, the PCPT objectives and policies would be a consideration should any works on the existing assets trigger resource consent under NESETA in the wider coastal environment.

Regional Policy Statement for Taranaki

44 The Taranaki Regional Policy Statement ("RPS") was made operative in 2010. Section 67(3)(c) of the RMA requires that a Regional Plan must give effect to any Regional Policy Statement.

45 The RPS refers to "Network Utilities" and 'Regionally Significant Infrastructure' with neither term defined. Reference is also made to 'regionally significant infrastructure (including where this is of national importance)'. The National Grid would be included within all three terms.

46 The Coastal Environment is addressed within Chapter 8 of the RPS. Both Objective 1 and 2 refer to the 'appropriateness' of subdivision, use, development and occupation in the coastal environment. Policy 2 provides the framework for assessing appropriateness with criteria including:

(d) the need for development or occupation to occur in the coastal environment;

(e) where it is likely that an activity will result in significant adverse effects on the environment, any possible alternative locations or methods for undertaking the activity, and where the activity involves the discharge of any contaminant, any possible alternative methods of discharge;

(j) the provision of adequate services, particularly the disposal of wastes;

(l) the benefits to the community of the use, development or occupation of the coastal marine area;

47 The explanation to Policy 2 notes the RMA does not preclude appropriate use and development in the coastal environment. Instead, what is 'appropriate' or 'inappropriate' use and development will depend not only on the activity but also upon the part of the coast where they occur. Policies 4 and 5 relating to protection of natural character, features and land use also refer to appropriateness.

48 Chapter 14 recognises Taranaki's energy resources as nationally significant and the use and development of these resources rely on infrastructure such as the National Grid to transmit these resources to other regions. It also recognises many of these

energy resources and potential future resources (e.g. tidal generation) could be located within the coastal environment, requiring connection to the National Grid. The policy framework within Chapter 14 focuses on energy that enables communities to provide for their economic and social wellbeing, energy efficiency, promotion of renewable energy, and, specific to the National Grid, recognition and protection of energy corridors. Method 4 relates to provisions in regional plans and provides:

ENE METH 4 - Include provisions in regional plans that make appropriate provision for the exploration, development, production, transmission and distribution of energy.

- 49 Chapter 15.2 of the RPS relates to Regionally Significant Infrastructure. Issue 1 specifically identifies the need to recognise and provide for the establishment and continued operation of regionally significant infrastructure (including where this is of national importance). Objective 1 and Policy 1 are:

INF OBJECTIVE 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.

- 50 The explanation to INF Policy 1 refers to the need for assessment within sensitive environments on a case by case basis.
- 51 The remaining objectives and policies relate to buffer corridors, integrated planning and adverse effects on the infrastructure.
- 52 In my opinion, the RPS contains a strong policy directive to recognise the benefits of the National Grid (as a form of regionally significant infrastructure), and its continued operation (including establishment), as well as its protection from incompatible activities through the PCPT. Specific to activities in the Coastal Environment, the appropriateness of the proposed use and development is a key consideration under the RPS. The relevant provisions are attached as **Appendix D**.

Transpower Submission on the Proposed Taranaki Regional Coastal Plan

53 Given the number of submission points within Transpower's submission, I consider it helpful to briefly summarise the general nature of Transpower's submission on the PCPT, noting that Transpower sought to retain a large number of the notified provisions. Overall, the two main themes within Transpower's submission were that:

- The NZCPS and the NPSET should be given equal consideration to reflect their equal standing under the RMA – they should be read together; and
- By having a restrictive policy, objective and rule framework for nationally and regionally important infrastructure, particularly the National Grid, the PCPT does not give full effect to the RPS or the NPSET.

54 Specific submission points related to:

54.1 **Definitions:** While the majority of the definitions are supported, amendments were sought to the definition of 'regionally important infrastructure' to align with 'regionally significant infrastructure' as provided for in the RPS and NPSET, and to the definition of the National Grid.

54.2 **Introduction:** Retention of the introduction with a minor amendment to acknowledge National Grid technical, operational or locational constraints which mean some activities are required to be located in the CMA.

54.3 **Objective:** The majority of objectives were supported, specifically objectives 6 and 7 relating to natural character and features and landscapes which refer to 'inappropriate'. Amendment was sought to Objective 2 to refer to technical, operational and locational requirements. An amendment was sought to the title of Objective 3 to better reflect the objective text.

54.4 **Policies:** Two of the policies were specifically supported, while amendments were sought to 11 policies within the PCPT, as follows:

- *Section 5.1.1 Management of the Coastal Environment:* amend Policy 2 to

refer to 'recognise and provide' for wellbeing, and in addition to locational constraints, recognise 'technical and operational' constraints.

- *Section 5.1.2 Use and Development of Resources General:* amend Policy 5 to recognise technical, operational and locational constraints, and to Policy 6 to include reference to national importance and benefits.
- *Section 5.1.3 Protection, maintenance or enhancement of naturel, and historic heritage and values:* insertion of a specific reference to the National Grid consistent with the 'seek to avoid' wording of Policy 8 of the NPSET, and amendment to Policy 14 to recognise that in respect of regionally significant infrastructure, significant adverse effects may not be able to be avoided.
- *Section 5.1.4 Public use and enjoyment:* amend Policy 19 to refer to the route, site and method selection process.
- *New policy:* As an alternative to an amendment of Policies 8, 14 and 19, Transpower supports the provision of a stand-alone policy specific to the National Grid to give effect to NPSET policies 2, 3, 4, 8 and 10.
- *Section 5.2.2 Coastal structures and occupation of space in the CMA:* Minor amendment to Policies 31, 32, 41 and 45 to better reflect the NPSET though use of terms such as 'enable', 'development' and 'technical, operational and locational requirements'.

54.5 **Regional Rules:** Transpower sought amendments to seven of the Regional Rule sections, as follows:

- Reference to NESETA: Delete reference to the NESETA as there are no existing National Grid assets within the CMA.
- Activity status for new National Grid Infrastructure: That new National Grid infrastructure (and associated works) be a discretionary activity within areas of Outstanding Values or Estuaries unmodified, and not non-complying as notified (Rules 34 and 61).

Pre-Hearing Meeting and Response to the Section 42A Report

- 55 In November 2018, Transpower and I met with regional council officers to discuss Transpower's submission on the PCPT and draft officer recommendations, the national policy guidance specific to the National Grid (being the National Policy Statement on Electricity Transmission 2008) and specific policy and rule provisions within the PCPT.
- 56 To assist Council in further understanding what Transpower considers the appropriate policy and regulatory response to the National Grid within the region, in January 2019 Transpower provided a revised set of specific National Grid provisions for inclusion within the PCPT.
- 57 The following section responds to the section 42A report recommendations on Transpower's submission points. Also included in my response below are specific cross references to the section 42A report.

Recommendations supported or accepted

- 58 Full details of the 23 officer recommendations I support or accept are provided in **Appendix B**. For the avoidance of doubt, officer recommendations on Transpower's further submissions are accepted or supported unless otherwise stated in this evidence.

Recommendations conditional support, accepted in part, or rejected

- 59 The following recommendations (relating to 8 provisions of the PCPT) are either accepted in part, conditionally supported or opposed within my evidence:

Conditional Support for s42A Report Recommendations

- Policy 6 Benefit of Regionally important infrastructure
- New Policy 6A Management of adverse effects of the National Grid
- Policy 8 Areas of Outstanding value
- Policy 9 Natural Character and natural features and landscapes
- Policy 14 Significant indigenous biodiversity

- Policy 19 Surf breaks and Significant Surfing Area

Accept in part s42A Report Recommendation

- Policy 5 Appropriate use and development

Oppose s42A Report Recommendation

- Rule 34 Non-complying rule

60 The following section of my evidence addresses specific section 42A report recommendations I oppose, accept conditionally or accept in part only.

Conditionally Supported for s42A Report Recommendations

61 The following points are supported on the basis that Policy 6A as recommended in the section 42A report is accepted.

Policy 6 Benefits of Regionally Important Infrastructure

Submission point 26/299, s42A Report pg 108, and Further submission point to 43/305, s42A Report pg 110

62 In its submission, Transpower noted its support for the intent of Policy 6 but raised concern that infrastructure that is 'nationally significant' may not be interpreted to also be 'regionally significant', and also sought recognition of the benefits of a 'reliable, secure and efficient supply of electricity'. In its further submission, Transpower supported the submission point by Forest and Bird 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).*'

63 While the relief sought in Transpower's submission is not entirely met by the officer's recommendation, the intent of the relief sought would be met in that Policy 6A as recommended would apply to 'existing and new' and include the requirement to 'recognise' and 'provide'. The policy as recommended is supported on the basis that, while it is not specific to the National Grid, it does give effect to the NPSET through the terminology used. In particular, the policy gives effect to NPSET policies 1, 2, 5 and 8.

64 While recommended Policy 6 is supported, in response to Transpower's further

submission point 43/305 which raises concern with the provision for new infrastructure within Policy 6, as an alternative, I would support a policy specific to the National Grid within Policy 6A as follows: (Refer underline and strikethrough text. Note: s42A Report recommended changes have been incorporated into the text provided below and are not shown as strikethrough or underline text).

Policy 6

Policy 6: Benefits of regionally important infrastructure

Recognise the benefits of ~~new and~~ existing regionally important infrastructure, (including the development of the National Grid), to the social, economic and cultural wellbeing of people and communities in Taranaki, and provide for the safe and efficient operation of regionally important infrastructure subject to the appropriate avoidance, remediation or mitigation of adverse environmental effects.

- 65 I also note Policy 6 only applies to regional benefits and does not relate to national benefits. For completeness, reference to national benefits would be supported.

New Policy 6A Management of adverse effects of the National Grid

Submission point 26/325, s42A Report pg 116 and Submission point 26/626, s42A Report pg 217

- 66 In its submission, Transpower sought specific recognition of the National Grid through a policy framework which clearly recognises that the planning and development of electricity transmission infrastructure should 'seek to avoid' rather than 'avoid' adverse effects on the values and characteristics of outstanding natural landscapes, areas of high natural character and significant indigenous biodiversity. This amendment would make the PCPT policies consistent with the directions in the NPSET. The relief sought could be achieved through amendments to Policies 8, 14, and 19, or, by including a new policy in the PCPT specific to the National Grid (my preference).
- 67 The section 42A report recommends amending the PCPT to include a new National Grid specific policy that addresses the concerns raised by Transpower and, in my opinion, gives effect to the NPSET.
- 68 Of particular relevance in considering the appropriateness of the recommended new policy 6A is the relationship between the NZCPS and the NPSET, in particular within 'high value natural areas' (i.e. matters of national importance in section 6 of the RMA being outstanding natural character areas and features and landscapes, and significant indigenous biodiversity).

- 69 As noted, the RMA provides for a hierarchy of policy statements and plans. Both the NPSET and the NZCPS sit at the top of that hierarchy with neither document prevailing over the other. Instead, users must give effect to both policy statements. It is acknowledged there is a potential tension between the NZCPS policies for the protection of high value natural areas (policies 11, 13, 15 - an “avoid” approach), and the NPSET policies for managing the effects of the National Grid on high value natural areas (policy 8 - a “seek to avoid” approach). Policy 8² of the NPSET provides that rather than applying a strict ‘avoid’ approach, the National Grid should ‘seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities’. Transpower’s favoured approach to manage the policy tensions within the above national policy documents (which I support) is to provide a detailed National Grid-specific policy framework which addresses the circumstances in which National Grid projects can locate in high value natural areas.
- 70 The recommended policy approach does not ‘allow’ the National Grid to be located within the CMA, but rather sets the policy framework for the effects of the National Grid in the coastal environment to be assessed in a considered manner. The policy framework enables a case-by-case merits assessment of specific National Grid projects in high value natural areas through the resource consent process. This approach will allow decision-makers to have proper regard to both the NPSET and the NZCPS. The National Grid specific policy acknowledges that some areas should be avoided because of their values, but that this should be determined through the resource consent process as opposed to through a policy directive. When considering the effects of new National Grid Infrastructure, Policies 3 and 4 of the NPSET (which also apply to any resource consent process) require consideration of the constraints imposed by technical and operational requirements of the network, and require regard be had to the extent which any adverse effects have been avoided, remedied or mitigated by the route site and method selection process. As outlined in the evidence of Mr Campbell, this is a very robust and comprehensive process that is undertaken by Transpower when carrying out major upgrades to or constructing new national grid infrastructure.

² POLICY 8 In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

- 71 As outlined in the legal submission of Ms Tompkins, the approach promulgated by Transpower, is a planning policy and rule approach that relies on detailed process-oriented policies. This approach has been the subject a number of council hearing and court processes, and has been applied across various planning documents to date. Policy 6A as recommended in the section 42A report reflects Transpower's preferred approach and is in my opinion an appropriate way to reconcile the two national policy statements. In particular, Policy 6A reflects the recently operative Policy 4.3.6 of the Otago RPS. The Southland RPS and Bay of Plenty Regional Coastal Plan have also adopted specific 'seek to avoid' National Grid policies, and a similar policy approach is emerging through recently issued consent orders in relation to proposed district plans.
- 72 Transpower supports Policy 6A being specific to the National Grid as opposed to regionally important infrastructure, given the policy is in specific response to, and to give effect to, the NPSET, which is a higher order policy document.
- 73 On this basis, the section 42A Report recommendation is fully supported and new Policy 6A gives effect to the relief sought in Transpower's submission.

Policy 8 Natural form and functioning

Submission point 26/325, s42A Report pg 116

- 74 In its submission, Transpower raised two concerns with Policy 8, being:
- 74.1 the directive nature of clause a) which does not give effect to Policy 8 of the NPSET; and
- 74.2 the impact of clause b) given the uncertainty in the application of clause b) in that seascapes, visual corridors and views are not included or identified as values within Schedule 1 or Schedule 2, or any other schedules.
- 75 The reporting officer has recommended a minor amendment to Policy 8. The recommendation is accepted on the basis that the Policy 6A provides specific recognition of the National Grid and a 'seek to avoid' directive for Areas of Outstanding Value as opposed to an absolute 'avoid' directive.
- 76 However, should new policy 6A not be accepted, I support the specific reference to the National Grid within Policy 9 as sought in the Transpower submission. This would give effect to the NPSET.

Policy 9 Natural character and natural features and landscapes

Further Submission Point 26 to 45/344, s42A Report pg 124

- 77 Whereas Policy 8 relates to Outstanding value areas, Policy 9 focuses on those areas not identified as of Outstanding value.
- 78 Transpower further submitted in support of an original submission point by Powerco seeking reference to regionally important infrastructure in Policy 9. On the basis that the recommended National Grid specific Policy 6A is accepted, the further submission point will not be pursued. However, should new policy 6A not be accepted by the hearings panel, I seek the reference within Policy 9 as sought in the original submission by Powerco on the basis of the importance of regionally important infrastructure (which includes the National Grid).

Policy 14 Significant indigenous biodiversity

Submission point 26/373 s42A Report pg 134

- 79 The amendments sought to Policy 14 reflect the relief being sought by Transpower for Policies 8 and 9. In its submission, Transpower sought recognition of regionally important infrastructure in Policy 14, and acknowledgment that in order to recognise and provide for the development of the National Grid, significant adverse effects may not always be able to be avoided.
- 80 The reporting officer has recommended the relief sought be granted on the basis of recommended new Policy 6A. The provided reasoning is '*As an alternative, noting that the policy intent of different national policy directions such as the NZCPS and NPSET need to be balanced and weighed against each other, officers recommend the inclusion of a new Policy 6A that more explicitly addresses the management of adverse effects arising from the National Grid*'. This approach is supported as it gives effect to the NPSET and provides a constructive and a nationally consistent approach to provide for the National Grid.
- 81 On the basis that Policy 6A is accepted, the submission point on Policy 14 will not be pursued. However, should new policy 6A not be accepted, I support the reference within Policy 14 as sought in the Transpower submission to recognise that significant adverse effects of the National Grid may not always be able to be avoided.

Policy 19 Surf breaks and Significant Surfing Area

Submission point 26/451, s42A Report pg 167

- 82 In its submission, Transpower sought amendments to Policy 19 to include the wording “practicable” in replacement of “possible” in accordance with NPSET Policy 8 given the direction “seek to avoid” for the National Grid does not place an absolute requirement on Transpower to avoid all high value coastal environments. The word “possible” has a very confined meaning and conveys only technical requirement whereas there may be a variety of other reasons why adverse effects cannot be avoided. Transpower also sought amendment to ‘adverse effects’ rather than just ‘avoidance of effects’, to clarify it is adverse effects which are the issue.
- 83 The reporting officer has recommended amendment to Policy 19 to give effect to the Transpower submission and others in that references to ‘practicable’ are inserted.
- 84 On the basis that the new National Grid specific Policy 6A is accepted, the recommendation on the submission point is accepted.

Accept in part s42A Report Recommendation

Policy 5 Appropriate use and development

Submission point 26/275, s42A Report pg 100, and Further submission to 43/281 s42A Report pg 102

- 85 In its submission, Transpower supported the intent of Policy 5 but sought:
- 85.1 amendments to replace ‘Determine’ with ‘Provide’; and
 - 85.2 an inclusion of reference to ‘technical, operational and/or locational requirements’ within clause a). In its further submission, Transpower opposed the relief sought in original submission 43/281 by Forest and Bird.
- 86 Having reviewed the officer’s recommendation, on the basis that amendments to Policy 6 and the new recommended Policy 6A are accepted, the recommended amendment to Policy 5 is accepted in part.
- 87 Specifically, the recommendation is accepted in that clause a) now includes reference to ‘operational need’. This reference is supported as it appropriately recognises that some activities require a coastal location due to their technical or operational characteristics or constraints (i.e. ‘operational need’ as defined in the PCPT).
- 88 Policy 3 of the NPSET requires that *‘When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers*

must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network. As an example of 'operational need' (which includes technical or operational constraints), while Transpower may not currently have a functional need to locate in Taranaki's coastal environment, it may have an operational need to locate within the coastal environment in order to provide for the transmission of electricity from generation to the distribution network i.e. provide the connection between the generators and distributors. Specifically, at New Plymouth Port, Transpower has existing assets which may be required at a future date to be utilised as a part of a coastal electricity generation activity.

89 While the addition of 'operational need' to Clause a) is supported, the recommendation is opposed in part in that it fails to appropriately recognise or provide for new National Grid infrastructure within the Coastal Environment (i.e. those areas outside the CMA but within the CE). In my opinion, there is a gap in relation to the policy recognition of the operational need within the Coastal Environment. Other provisions do not address the operational need of the National Grid. Specifically:

- Clause a) provides for 'operational need' but it only applies to the CMA and does not recognise operational need within the wider CE. All other clauses within Policy 5 apply to the CE and not just the CMA.
- Clause (aa) relates to regionally important infrastructure within the CE, but it does not apply to new infrastructure.
- Policy 6 relates to benefits and safe and efficient operation. However, it does not explicitly provide for consideration of operational need.
- While Policy 6A is specific to the National Grid, it relates to the assessment of adverse effects in the context of the more sensitive environments and does not relate to the wider CE.

90 Based on the above I would support amendment to Clause (aa) to recognise the development of the National Grid, as follows: (Refer underline text. Note: section 42A report recommended changes have been incorporated into the text provided below and are not shown as strikethrough or underline text).

Policy 5

Determine whether subdivision and use and development of the coastal environment is

in an appropriate location and form, and within appropriate limits, by having regard to:

(a) the functional need or operational need for the activity to be located in the coastal marine area. Activities that do not have a functional need or operational requirement 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);

(aa) whether the activity relates to the use, operation, maintenance and alteration of regionally important infrastructure, or the development of the National Grid;

.....

Opposed s42A Report Recommendation

New Rule 34A Structure erection or replacement, and Rule 61 Disturbance, damage, or destruction or foreshore or seabed

Submission point 26/946, s42A Report pg 356 and 26/1123 s42A Report pg 425

- 91 In its submission, Transpower supported in part Rule 34 as notified but sought an amendment to the rule framework to provide for new structures associated with the National Grid as discretionary activities within areas identified as Outstanding Values or Estuaries Unmodified.
- 92 The officer's recommendation is that the submission point be rejected on the basis that:
- 92.1 regionally important infrastructure should not be differentiated from other activities;
- 92.2 the areas have significant/exceptional values and therefore it is appropriate they have high levels of protection; and
- 92.3 applications for a resource consent for Regionally Important Infrastructure may still be considered under Rule 34 as a non-complying activity.
- 93 I do not accept the officer's recommendation or reasoning in relation to the National Grid. However, I acknowledge any new rule should apply to the National Grid as opposed to all regionally important infrastructure. I support a discretionary activity National Grid specific rule for the following reasons:

- The PCPT is required to give effect to the NPSET. Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities). The wording of NPSET Policy 8 (“should seek to avoid”) does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). On this basis, given the locational, operational and technical constraints of the National Grid, the recognition of the provision of infrastructure and functional need within Policy 6 of the NZCPS, and the national significance of the National Grid (as provided for in the NPSET), I support a discretionary activity status for new structures associated with the National Grid within areas identified as Outstanding Values or Estuaries Unmodified.
- As a discretionary activity, a full assessment of effects of any proposed National Grid related activity would be required as well as a robust route, site and method selection process (as required by NPSET Policy 4), appropriate conditions imposed, and the application able to be granted or declined. A discretionary activity status would also give effect to the “seek to avoid” Policy 6A, sought by Transpower and recommended by the reporting officer, with the seek to avoid policy directive imbedded within the policy.
- A discretionary activity status is consistent with that provided in the Bay of Plenty Regional Coastal Plan which was resolved through the High Court³. The Bay of Plenty Regional Coastal Plan provides a discretionary activity status for the National Grid within Indigenous Biological Diversity Area A or an Area of Outstanding Natural Character.
- As a non-complying activity, the activity would be required to pass the S104 ‘gateway test’ for a non-complying activity. I acknowledge the new

³ [CIV 2017-470-57 Royal Forest & Bird Protection Society v BOPRC - Judgement dated 12 December 2017](#)

“seek to avoid” Policy 6A appropriately provides for the National Grid. However, in my opinion the directive nature of the other ‘protect’ policies within the PCPT, combined with the reality that any new National Grid development would likely generate more than minor adverse effects that cannot be fully avoided, remedied or mitigated, may pose difficulties for any National Grid development to pass the S104 ‘gateway test’. The policy and rule framework as notified would not in my opinion give effect to the NPSET.

- In my opinion, the provision of a non-complying activity status infers such activities are inappropriate. As provided on the Quality Planning Website⁴, *“non-complying activities are those that the RMA, regulations (including a national environmental standard), or a plan describes as non-complying. This activity status is often reserved for those activities where the potential adverse effects are great but do not necessarily warrant prohibition”*. In my opinion, given the national significance of National Grid as outlined in the NPSET and the enabling policies within the NPS, the National Grid is not the type of activity which is one level below prohibition, and a non-complying activity status would not give effect to the NPSET. Conversely, a discretionary activity status in my opinion applies to those activities which may not be suitable in all locations in a zone but may be suitable in some locations. As also outlined on the Quality Planning Website, *“Other reasons that may give rise to an activity being classed as discretionary in a plan: where it is not suitable in all locations in a zone, where the effects of the activity are so variable that it is not possible to prescribe standards to control them in advance; where an activity defaults to discretionary because it cannot meet all the standards for a permitted activity, where activities are not suitable in most locations in a zone or part of a zone but may be suitable in a few locations”*.
- While Policies 11, 13, and 15 of the NZCPS require protection, in my opinion, these policy directives need to also be read and applied alongside the more enabling provisions of the NPSET, which recognise

⁴ <https://www.qualityplanning.org.nz/index.php/node/611>

the national significance of the National Grid and the need to operate, maintain, develop and update the electricity transmission network.

- 94 Based on the above, in my opinion, to give effect to the NPSET, and new recommended Policy 6A, I recommend a new discretionary rule specific to the National Grid as follows:

<u>Activity Rule</u>	<u>Rule</u>	<u>Coastal management area</u>	<u>Classification</u>
<u>Structure erection or placement associated with the National Grid and any associated works:</u> <u>(a) occupation of space in the common marine and coastal area</u> <u>(b) disturbance or damage of the foreshore or seabed</u> <u>(c) deposition in, on or under the foreshore or seabed</u> <u>(d) discharge of contaminants and does not come within or comply with Rules 18 to 32</u>	<u>Rule 34A</u>	<u>Within Outstanding Value</u> <u>Estuaries Unmodified</u>	<u>Discretionary</u>

- 95 Related to Rule 34, in applying the rules as notified, it was unclear if the associated disturbance and damage provided for under Rule 61 was captured by Rule 34 or would require a separate consent. The recommendation of the reporting officer to include associated disturbance and destruction within Rule 34 clarifies this point and addresses Transpower's concerns in relation to associated activities. The recommended approach accords with that taken for other rules within the PCPT which include associated activities.

Part 2 of the RMA

- 96 The purpose of the RMA is to achieve the sustainable management of natural and physical resources, with corresponding obligations relating to the use, development

and protection of resources while providing for the wellbeing and health and safety of people.

97 In the context of the National Grid and regionally significant infrastructure, I consider that the amendments sought through my evidence (and for those recommendations I support within the Section 42A Report) more appropriately reflect the purpose of the RMA in relation to sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, having particular regard to:

97.1 the role of, and reliance on, electricity within our society and the increasing demand for it;

97.2 the need to operate, maintain, upgrade and develop the National Grid;

98 In relation to section 5(2)(c), I am satisfied the amendments sought by Transpower would enable the effects of activities on electricity transmission lines to be appropriately managed.

99 Section 6 “Matters of National Importance” of the RMA states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.”

100 The matters under Section 6 considered relevant to this proposal are:

101 (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

102 (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

103 (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

104 Any proposal for works for activities would have to take into account the above matters. The

105 Section 7 “Other Matters” of the RMA states:

- 106 *“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—”*
- 107 Section 7 includes a number of matters that are of potential relevance.
- 108 Section 8 requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account when considering proposals.
- 109 Having considered the officers’ recommended changes to the PCPT, I am of the opinion that the recommendations proposed in the section 42A report in conjunction with the changes outlined in my evidence accord with provisions of Part 2 of the RMA and will enable the sustainable management of natural and physical resources to be achieved in Taranaki’s coastal environment.

Section 32 Evaluation

- 110 Section 32AA(1)(c) of the RMA requires a further evaluation to be undertaken at a level of detail that corresponds to the scale and significance of the change. The nature of the changes sought in my evidence are of a relatively discrete nature with no substantive policy changes proposed.
- 111 On the basis the majority of the Section 42A report recommendations are supported, the only provision which I evaluate further is the sought discretionary activity status as (opposed to non-complying) under Rule 34. The following evaluation addresses the sought activity status change.

Relationship to the Objective

- 112 In my opinion Objective 2 Use and Development and Objective 7 Natural Feature and Landscapes are the primary objectives in considering the appropriate activity status for new National Grid infrastructure. I acknowledge there are other relevant objectives in the PCPT. However, the focus is centred on Objectives O2 and O7 as they specifically relate to activities with an operational need, and natural features and landscapes. In my opinion the objectives give effect to the higher order policy document, including the NPSET and the RMA. Of specific relevance, O2 refers to ‘operational need’ and O7 refers to ‘inappropriate’ activities. The sought discretionary activity status would give effect to the objectives in that the National Grid is subject to operational needs and O7 recognises that the appropriateness of the activity is a relevant consideration within

valued areas.

Costs and Benefits, Efficiency and Effectiveness

- 113 In considering the sought activity status, it is also important to consider the costs and benefits, efficiency and effectiveness. As with any regulation there are benefits and costs associated with the different options.
- 114 In terms of benefits, there is a major economic benefit to the district, region and nation in having a secure electricity supply, and RSI overall that is able to be effectively operated, managed, upgraded and developed.
- 115 Aside from the costs to Transpower, the impact on other RSI providers and the general public of having a compromised electricity transmission system which is dependent on the operation, maintenance and development of the Grid are significant.
- 116 Any social, environmental or cultural costs of better recognising and providing for the National Grid through a discretionary activity status are, in my opinion, minimal given the overall environmental framework provided in the PCPT and that a robust consenting evaluation remains through a discretionary activity status.
- 117 In terms of amendments recommended by the reporting officer and refinements sought in this evidence, I am of the opinion that these are the most efficient and effective method in which to achieve the objectives of protecting natural features and landscapes from inappropriate activities, and providing for the effective operation maintenance, upgrade and development of the National Grid.

Conclusion

- 118 The National Grid is recognised as a matter of national significance through the NPSET, which seeks to ensure a nationally consistent approach to managing this important national resource.
- 119 As the Hearing Panel will be aware, Section 67(3) of the RMA obliges Councils to 'give effect' to the NPSET in their plans and proposed plans. The requirement to 'give effect' is a strong directive to Councils and requires positive, demonstrable implementation.
- 120 I therefore consider it important and appropriate to ensure that the PCPT makes

appropriate allowance for the development of new transmission assets as well as the operation, maintenance and upgrade of existing in line with the policy direction provided in the NPSET. The activity status and associated policy framework relating to Transpower's activities are therefore of importance, and consideration is required as to the specific effect of the PCPT provisions on the National Grid, identified as a matter of national significance through a national policy statement.

- 121 I am generally supportive of the reporting officer's recommendations. In particular, I support the recommended new Policy 6A on the basis it appropriately recognises the National Grid and gives effect to both the NPSET and NZCPS. In my opinion, the recommended policy 6A provides a framework which effectively reconciles the directives of both national policy statements. The policy approach has been adopted recently in other policy documents across New Zealand and is therefore a nationally consistent approach.
- 122 I have also sought a refinement to Policy 5 to recognise the development of the National Grid within the coastal environment.
- 123 For the reasons outlined in my evidence, there is one recommendation in the section 42A Report that I do not agree with (being the non-complying activity status of National Grid activities in areas of outstanding value). I have provided a rule amendment that would address my concerns.
- 124 The amendments I have outlined in this evidence will, in my opinion, ensure that the PCPT gives appropriate effect to the NPSET.
- 125 In my opinion, the relief sought through this evidence would appropriately recognise and provide for the significance of the National Grid for both Taranaki and for New Zealand as a whole.

Pauline Mary Whitney

12 July 2019

Appendix A - National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

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

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

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

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

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

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

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

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Appendix B – Officer Recommendations Accepted or Supported

General

Use and application of terms CMA and CE

Submission Point 26/26 and FS 43/39, s42A Report pg 20

1. The retention of the definitions for CMA and CE and their use within the plan is accepted. Transpower supports the recommended clarification within Section 1.4 that the rules only apply to activities within the CMA.

Definitions

Functional Need

Submission Point 26/1197, s42A Report pg 451

2. In its submission Transpower sought a definition of 'functional need' on the basis the term is used in the PCPT but is not defined. The officer recommendation to insert a definition that reflects the National Planning Standards is supported as it provides certainty for plan users and will assist in plan interpretation and application. Given the recommended definition, Transpower also supports the recommendation for a definition of 'Operational need' that also reflects the National Planning Standards, and which differs from 'functional need' in that it relates to technical or operational characteristics or constraints.

Regionally Important Infrastructure

Submission Point 26/1258, s42A Report pg 471

3. In its submission Transpower sought reference to "regionally significant infrastructure" instead of "regionally important infrastructure". The officer's recommendation to reject the submission point is accepted on the basis that 'important' is used in other regional planning documents. Notwithstanding the title terminology, Transpower supports the definition, and in particular clause c) relating to the National Electricity Grid.

New Definition – National Grid

Submission Point 26/1258, s42A Report pg 471

4. The submission by Transpower had two points specific to the definition of the National Grid. The first component sought amendment to the definition within Clause c) of the definition of Regionally Important Infrastructure. The

recommendation to reject the submission point is accepted as while the amendment sought by Transpower would clarify the term used, it is accepted that the proposed reference is technically correct and achieves the same outcome.

5. The second component of the relief sought was for a new stand alone definition for the National Grid, on the basis of the relief sought by Transpower in subsequent submission points to provide specific recognition of the National Grid in the PCPT, to give full effect to the NPSET. While considered beneficial, it is accepted a definition is not imperative.

Section 1. Introduction

Provision: 2.1.2 National policy statements and environmental standards

Submission Point 26/55, s42A Report pg 29

6. The retention of the reference to the NESET is supported on the basis it clearly articulates the importance of these documents and the need for the PCPT to give effect to the objectives and policies contained within those instruments. and reflects the relief sought by Transpower. The recommendation reflects the relief sought by Transpower in its submission.

Provision: 3.1 Appropriate use and development

Submission Point 26/72, s42A Report pg 34

7. In its submission Transpower sought reference to 'technical, operational or locational constraints' within the CMA so as to make it clear within the PCPT that there are also technical, locational and/or operational reasons why an activity requires a coastal location which are not based solely on the use of the coast resource itself. Such recognition is consistent with Policy 1 of the NPSET which requires decision-makers to recognise and provide for the national, regional and local benefits of efficient electricity transmission, which may rely upon the location of National Grid assets within the coastal marine area, and Policy 3 of the NPSET which requires consideration of the constraints imposed by technical, operational and/or locational requirements when considering measures to avoid, remedy or mitigate adverse environmental effects of the National Grid.
8. On this basis Transpower supports the reporting officer's recommended wording to insert reference to 'technical need or operational need', noting the definition of 'operational need' reflects the National Planning Standards.

9. It is noted the section 42A Report refers to inclusion of 'functional need' within the paragraph but this reference has not been included in the amended provisions. However, given reference is included to 'operational need' Transpower's concerns are addressed.

Provision: 3.2 Managing the Taranaki Coastal Environment

Submission Point 26/81, s42A Report pg 38

10. The retention of the matters identified in Section 3.2 is supported and reflects the relief sought by Transpower. In particular Transpower supports clause 3 "Recognising and providing for the role of appropriate use and development of natural resources in the coastal environment and its contribution to the social, economic and cultural well-being, and health and safety of people and communities". This provision is consistent with Policy 1 of the NPSET which requires decision-makers to recognise and provide for the national, regional and local benefits of efficient electricity transmission, which may rely upon the location of National Grid assets within the coastal environment.

Section 3. Objectives

Provision: Objective 2 Use and development

Submission Point 26/101, s42A Report pg 43

11. In its submission Transpower sought an amendment to Objective 2 to reference technical, operational and/or locational requirements thereby making it clear that activities (such as the National Grid) which may have technical, operational and/or locational constraints and are required to be located in the coastal environment due to these requirements, are recognised. As notified, the objective inferred that only those activities utilising the coastal resource are provided for.
12. The reporting officer's recommendation to insert reference to 'functional need or operational need' is therefore supported and gives effect to Policy 6 of the NZCPS, as well as Policies 2, 3 and 5 of the NPSET. The amendment to the title is also accepted.

Provision: Objective 3 Impacts on established activities and operations

Submission Point 26/116, s42A Report pg 46

13. Transpower supports the recommended wording as it is consistent with Policy 10 of the NPSET which states that decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on

the electricity transmission network, and to ensure the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised by other inappropriate activities. While the exact wording does not reflect the NPSET, the intent of Objective 3 is supported.

Provision: Objective 6 Natural character

Submission Point 26/136, s42A Report pg 51

14. The retention of Objective 6 is supported and reflects the relief sought by Transpower in its submission. The objective recognises that not all activities are inappropriate in the coastal environment.
15. Objective 6 is consistent with Objective 6(a) of the RMA which refers to 'inappropriate subdivision, use and development'. Guidance as to what is meant by 'appropriate' is provided in Section 3.1 of the PCPT Appropriate Use and Development, noting that Transpower supports amendment to Section 3.1 to clarify that activities with technical, operational and/or locational requirements are also appropriate. While the wording has been amended in that natural character 'is enhanced where degraded', on the basis of Policy 10 which provides for the promotion of restoration as opposed to an outright requirement for recommendation, the recommendation on Objective 6 is accepted.

Provision: Objective 7 Natural features and landscapes

Submission Point 26/144, s42A Report pg 53

16. The retention of Objective 7 is supported and reflects the relief sought by Transpower in its submission. The reference to 'inappropriate' in Objective 7 recognises that not all activities are inappropriate in the coastal environment. The objective is consistent with Objective 6(a) of the RMA which refers to 'inappropriate subdivision, use and development'. Guidance as to what it 'appropriate' is provided in Section 3.1 of the PCPT Use and Development.

Policies

Provisions: Policy 1 Coastal management areas

Submission Point 26/189, s42A Report pg 68

17. In its submission Transpower supported the retention of Policy 1. While recommended to be modified, the amended policy is accepted as it provides clarity as to the various coastal management areas and provides an appropriate management structure for the policy and regulatory framework of the PCPT. In particular Transpower supports reference to Schedule 1(a) in

relation to area of 'Outstanding value' as it provides clarity as to the identified outstanding areas. This management framework will assist in the implementation of the NPSET, particularly policies 7 and 8 in terms of the planning and development of the transmission system in relation to areas of high value.

Provision: Policy 2 Integrated management

Submission Point 26/226, s42A Report pg 82

18. Transpower sought amendment to Policy 2(f) to ensure the policy has a stronger directive approach: that is, "to recognise and provide for" (rather than "has regard to") ... the benefits and the functional, locational and/or operational need to be within the CMA. The officer's recommendation to amend Policy 2 is supported as it gives effect to Policy 1 of the NPSET, and reflects the more directive wording within the NPSET. The sought reference to 'operational' and 'technical' gives effect to Policy 3 of the NPSET.

Provision: Policy 7 Impacts on established operations and activities

Submission Point 26/316, s42A Report pg 112, and Further submission to 45/318

19. In its submission Transpower sought the retention of Policy 7. The officer has recommended an amendment to the policy to make it specific to reverse sensitivity effects. The officer's recommendation is accepted on the basis the amendments provide greater detail and therefore assist with plan interpretation. It is noted Transpower has no existing assets within the CMA that would be subject to the policy (as the policy would only be triggered by a rule for a new activity within the CMA).

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

Submission Point 26/526, s42A Report pg 189

20. In its submission Transpower supported Policy 31 but sought amendment to the wording. The officer recommendation to replace the words "will be allowed" with "enable" is supported as it clarifies that the policy does not predetermine the resource consent process.

Provision: Policy 32 Placement of structures

Submission Point 26/537, s42A Report pg 191

21. Transpower's submission sought amendment to Policy 32 to refer to technical, operational and locational requirements. The officer recommendation to amend

the policy (by inserting of 'operational need') is supported as it gives effect to Policy 3 of the NPSET. It is noted there are other policies within the PCPT protecting outstanding and significant value areas to give effect to the NZCPS.

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

Submission Point 26/585, s42A Report pg 204

22. Policy 41 relates to foreshore activities that provide public or environmental benefit. Transpower sought amendment to clause (g) to include 'development'. This has not been accepted by the reporting officer, but the preface text of the policy has been amended to extend the policy to not only nationally and regionally important infrastructure, but to any activity that provides public or environment benefit, including (but not limited too) nationally and regionally important infrastructure. The officer's recommendation is accepted on the basis that Policy 41 could also be applied to the development of new nationally and regionally significant infrastructure.

Policy 45: Appropriateness of reclamation or drainage

Submission Point 26/610, s42A Report pg 212

23. Transpower supported Policy 45 Clause (d) on the basis that it recognises the benefits of nationally and regionally important infrastructure. Policy 45 gives effect to Policy 1 of the NPSET which requires recognition and provision of the benefits of sustainable, secure and efficient electricity transmission. However, concerns were raised by Transpower with the term 'not be allowed' as it infers the decline of a resource consent and such wording could be interpreted as predetermining a resource consent process outcome. The officer recommendation to amend the submission point is supported on the basis it provides clarity.

Chapter 5. Regional Rules

Provision: Rules 11, 13, 14, 33, 34, 35, 37, 38, 42, 43, 44, 45, 46, 50, 60, 61

Submission Point s 26/ 748, 770, 779, 930, 940, 948, 965, 980, 1001, 1008, 1011, 1020, 1029, 1059, 1112, and 1120

24. In its submission Transpower sought the removal of reference to the Resource Management NESETA in the PCPT rules, , on the basis there are no existing assets within the CMA and new assets would not be subject to the regulations. It is further noted that Rules 45, 46, and 50 refer to the 1998 regulations, and the references to Appendix 5 and 6 within the PCPT do not relate to the

NESETA. The officer's recommended removal of reference to the NESETA in the rules is therefore supported.

Provision: Controlled Activity Rule 22 Network utility structure erection or placement

Submission Point 26/828, s42A Report pg 304

25. In its submission Transpower sought confirmation that Rule 22 relates to the cable only and not support structure. The officer's recommendation (with no changes recommended to this rule) on this point is supported as it clarifies that Rule 22 only relates to the cable.

Provision: Discretionary Activity Rule 33 Other structure erection or placement in Estuaries Modified, Open Coast and Port not provided for in Rules 18 to 32

Submission Point 26/930, s42A Report pg 351

26. Transpower supports Rule 33 which details that structure erection or placement of any structure not provided for in Rules 18 to 32 is deemed to be a Discretionary Activity in the Estuaries Modified, Open Coast and Port area. Transpower sought removal of the reference to the NESETA as the regulations are not applicable, and the deletion of that reference is therefore supported. A discretionary activity status is also supported as it enables a full assessment of effects.

Provision: Discretionary Activity Rule 60 Other disturbance, damage, destruction, removal or deposition in Estuaries Modified, Open Coast and Port, that is not provided for in Rules 51 to 59

Submission Point 26/1112, s42A Report pg 421

27. Transpower supports Rule 60 which details any disturbance, damage or destruction of the foreshore or seabed is deemed to be a Discretionary Activity in the Estuaries Modified, Open Coast and Port area. A discretionary activity status is supported as it enables a full assessment of effects.

Planning Maps and Schedule

Provision: Map 44 and Schedule 2

Submission Point 26/1312, s42A Report pg 486

28. Transpower sought amendment to Schedule 2 of the PCPT and associated planning maps so that the Indicative coastal marine area boundary line on Map 44 is retained, but the Outstanding Value area landward of the Indicative coastal marine area boundary line is moved to align with the Indicative coastal marine area boundary line.

29. The officer's reason for the rejection of the submission point is accepted and the submission point is not pursued.

Appendix C – Map showing Transpower assets at New Plymouth

Policy and Planning Committee - Approval of Proposed Coastal Plan for Taranaki

- Indicative CMA Boundary Line
- Double Circuit Steel Tower
- National Grid Line
- Coastal Environment Area
- Site of Significance to Māori
- Outstanding Value

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Data Sources: LINZ, Transpower, TRC, NPDC

Projection: NZGD 2000 New Zealand Transverse Mercator

Appendix D – Relevant provisions from the Taranaki Regional Policy Statement

8. Coastal environment

This section identifies resource management issues of regional significance, which have their primary effect on Taranaki's coastal environment. 'Coastal environment' refers to "...an environment (surroundings) in which the coast is a significant element or part, but because of Section 6(2), it now specifically includes all of the coastal marine area.⁶ What constitutes the coastal environment will vary from place-to-place. It will include open coastal water, tidal waters, foreshore and seabed, dunes and beaches and may include estuaries, cliffs and other land areas near the coast.

These issues are grouped under the headings of:

- protecting the natural character of our coast
- maintaining and enhancing coastal water quality
- maintaining and enhancing public access to and along the coast environment.

Under the Resource Management Act 1991 a Regional Policy Statement must give effect to the New Zealand Coastal Policy Statement. The Minister of Conservation has prepared and approved a New Zealand Coastal Policy Statement. The purpose of the New Zealand Coastal Policy Statement is to state policies in order to achieve the sustainable management purpose of the Act in relation to the coastal environment of New Zealand. In preparing this Regional Policy Statement and identifying issues, and developing, objectives, policies and methods in relation to the coastal environment, the Taranaki Regional Council has given effect to the policies in the New Zealand Coastal Policy Statement.

8.1 PROTECTING THE NATURAL CHARACTER OF OUR COAST

Background to the issue

The Taranaki region has a long 295-kilometre coastline, comprising of rocky shores and cliffs, sandy beaches, a marine protected area, sub tidal reefs, river mouths and estuaries. Because of the rugged nature of the Taranaki coastal environment has meant that much of the coastline has retained its distinctive natural character marine area.

The natural character and associated values of the coastal environment of Taranaki make a significant contribution to the region's distinctive and unique character. These values or characteristics are

important aspects of the quality of life of the Taranaki community, contributing to people's enjoyment and appreciation of the environment. Such characteristics are also important for the tourism industry in the region. Natural features of Taranaki's coastal environment that contribute to its natural character include natural coastal processes, marine life and ecosystems including indigenous flora and fauna (including those distinctive to the Taranaki coast) and biodiversity values, coastal landscapes and seascapes, surfbreaks and areas of forest, shrub land, open space and farmland. Wāhi tapu and other sites of spiritual or cultural significance to Māori, and places or areas with special historical, scientific, ecological or other heritage values or recreational and other amenity values also contribute to the natural character of the coastal environment. Natural character therefore includes a wide range of landscape, cultural, amenity and biodiversity values. The protection of the natural character of the coast will require managing the use, development and protection of resources in a way that allows those natural processes that contribute to the natural character, to occur.

Some parts of the Taranaki coastal marine area are considered to be of outstanding coastal value. The most notable of these are the Sugar Loaf Islands Marine Protected Area and the Parininihi Marine Reserve, both of which have statutory protection and are managed for conservation purposes. However, there are also other areas without formal protection, which are considered by the Taranaki community to be of outstanding coastal value and these include the Tongaporutu and Mohakatino coastline in the north and the Waitotara and Whenuakura estuaries in the south.

Most stretches of the coastline are untouched by significant developments, which might have a detrimental effect on the natural character of the coast. However, some areas such as Port Taranaki have been substantially modified and there is increasing pressure on coastal areas from urban development and subdivision.

The pressures of urban development on the coast are increasing with growing interest in subdivision and development in coastal locations. The most modified parts of the coastline are in and around the city of New Plymouth and Oakura. The north Taranaki coastline from New Plymouth to Urenui in the north, and Okato in the south, and some parts of the south Taranaki coastline, are becoming increasingly popular for residential living.

⁶ Department of Conservation: 'Report and recommendations of the Board of Inquiry into the New Zealand Coastal Policy Statement'. 1994.

Protecting natural coastal character does not mean no coastal development – rather the focus is on protecting natural character from inappropriate, subdivision, use and development. Some parts of the coast particularly in rural areas and areas at the end of rural roads, are more vulnerable to development that may be of a type or scale that leads to a gradual loss in the natural character, and scenic and amenity values that attracted people and development to the area in the first place. Inappropriate development may also degrade water and air quality, and increase natural hazard risks or accelerated erosion.

The occupation and use of the foreshore or the seabed may also adversely affect the natural character of the coast. These activities include reclamations, building or removal of structures, removal of sand and shingle, deposition of material and other disturbances to the foreshore and seabed, the allocation of coastal space for use and development (e.g. marina or aquaculture development) and the occupation of the foreshore and seabed. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities. Functionally, certain activities such as ports, reclamations, offshore production platforms for the oil and gas industry and other structures can only be located on the coast or in the coastal marine area. Marine electricity generation and associated pipelines, cables and onshore substations may also be located in the coastal environment. Taranaki's coastal environment has potential for marine electricity generation and this form of electricity generation may become an increasingly important way to meet New Zealand's electricity demand in future.

The protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places or where adverse effects can be avoided, remedied or mitigated. In Taranaki, the number of coastal structures in Taranaki is relatively small and many, such as coastal protection structures, pipelines and boat ramps, provide wider benefits to the community. However, adverse impacts may include the degradation of amenity, landscape, cultural, recreational and commercial values associated with the coast.

The significant issue in relation to protecting the natural character of the coastal environment is:

**CNC
ISS 1 Managing the adverse effects of
subdivision, use, development and
occupation on the natural character of**

Taranaki's coast.

**CNC
ISS 2 Providing for appropriate subdivision, use,
development and occupation of the coastal
environment.**

OBJECTIVES

CNC OBJECTIVE 1

To protect the natural character of the coastal environment in the Taranaki region from inappropriate subdivision, use, development and occupation by avoiding, remedying or mitigating the adverse effects of subdivision, use and development in the coastal environment.

CNC OBJECTIVE 2

To provide for appropriate, subdivision, use, development and occupation of the coastal environment in the Taranaki Region.

POLICIES

Natural character of the coast

CNC POLICY 1

Management of the coastal environment will be carried out in a manner that protects the natural character of the coastal environment from inappropriate subdivision, use, development and occupation and enhances natural character where appropriate.

In determining the natural character of the coastal environment, matters to be considered will include:

- (a) the degree of modification from a natural state;*
- (b) the amenity values of the environment, which collectively give the coastal environment its natural character including rural amenity value;*
- (c) the importance of landscapes, seascapes and landforms, including visually or scientifically significant geological features and wild and scenic areas;*
- (d) the contribution of Taranaki's historic heritage to the natural character of the coastal environment;*
- (e) the degree to which the coastal environment provides for the continued functioning of ecological and physical processes including consideration of the diversity, productivity, variability and importance of marine ecosystems and marine ecosystems typical or representative of the region, and links between marine and terrestrial ecosystems;*
- (f) the natural quality of water and air; indigenous biodiversity values; the characteristics of special spiritual, historical or cultural significance to tangata whenua; and*
- (g) the degree of integration of human use, development and subdivision with the above components.*

Appropriate subdivision, use, development and occupation

CNC POLICY 2

The protection of the natural character of the coastal environment shall be achieved by having regard to the following criteria in determining appropriate subdivision, use, development or occupation of the coastal environment:

- (a) *the degree and significance of actual or potential adverse effects on the natural character of the coastal environment, including cumulative effects, and the efficacy of measures to avoid, remedy or mitigate such effects;*
- (b) *the extent to which the subdivision, use, development or occupation recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;*
- (c) *the degree to which adverse effects on those historic heritage values that can contribute to natural character can be avoided, remedied or mitigated;*
- (d) *the need for development or occupation to occur in the coastal environment;*
- (e) *where it is likely that an activity will result in significant adverse effects on the environment, any possible alternative locations or methods for undertaking the activity, and where the activity involves the discharge of any contaminant, any possible alternative methods of discharge;*
- (f) *the degree to which the subdivision, use, development or occupation will avoid adverse effects at alternative non-coastal locations;*
- (g) *the degree of existing modification of the coastal environment from its natural character;*
- (h) *the degree to which the subdivision, use, development or occupation will disrupt natural processes or will be threatened by, or will contribute to, the occurrence of natural hazards, particularly coastal erosion;*
- (i) *the degree to which the subdivision, use, development or occupation can be accommodated near existing developments and in spatially compact forms and the extent of further modification of the natural character of the coastal environment through sprawling and sporadic development;*
- (j) *the provision of adequate services, particularly the disposal of wastes;*
- (k) *the need to protect habitat (in the coastal marine area) of species including mobile species and those that are important for commercial, recreational, traditional or cultural purposes;*
- (l) *the benefits to the community of the use, development or occupation of the coastal marine area;*

- (m) *the degree to which financial contributions associated with any subdivision, use and development can be used to off set potential or actual unavoidable adverse effects arising from those activities; and*
- (n) *the benefits to be derived from the use and development of renewable energy sources, including national, regional and local benefits.*

Port Taranaki

CNC POLICY 3

Appropriate recognition should be given to Port Taranaki to ensure its efficient operation and to enable appropriate development and diversification to occur to meet changing needs.

Protection of areas in the coastal environment of importance to the region.

CNC POLICY 4

Areas in the coastal environment of importance to the region will be identified and priority given to protection of the natural character, ecological and amenity values of such areas from any adverse effects arising from inappropriate subdivision, use and development.

In the assessment of areas of importance, matters to be considered will include:

- (a) *wetlands, estuaries or coastal lagoons and coastal turf, forest and shrublands of regional, national or international importance;*
- (b) *their importance for marine mammals or birds, invertebrates and lizards for breeding, roosting or feeding, or habitats of threatened indigenous bird species;*
- (c) *the existence of regionally or nationally outstanding ecosystems or communities or nationally threatened plant or animal species;*
- (d) *scenic sites and recreational sites of outstanding or regional or national significance;*
- (e) *historic heritage values, including archaeological sites of national or outstanding significance;*
- (f) *the existence of nationally significant or outstanding coastal and marine landforms, landscapes, scientific features and associated processes;*
- (g) *the cultural and spiritual values of tangata whenua;*
- (h) *wāhi tapu and sites of importance to tangata whenua; and*
- (i) *the existence of marine protected areas.*

Protection of other coastal areas of value

CNC POLICY 5

Recognition will be given to the protection where appropriate of other areas, features or landscapes in the coastal environment not covered by Policy 4 above, but still important to the region for one or more of the following reasons:

- (a) *recognition of the special value of estuaries, including the unique physical processes that occur as a result of the interaction of coastal and river dynamics; and the importance of estuaries in providing spawning areas and nursery areas for juveniles of aquatic species;*
- (b) *amenity and scenic values;*
- (c) *recreational and historic areas;*
- (d) *biodiversity and the functioning of ecosystems;*
- (e) *scientific and landscape features; and*
- (f) *cultural features of significance to tangata whenua.*

Explanation of the policies

The coastal environment as a whole has distinctive features, including natural character that are to be protected from inappropriate subdivision, use and development under section 6 of the Act and in accordance with the New Zealand Coastal Policy Statement.

Policy 1 lists those matters to be considered in determining an area's natural character and, therefore, the controls or measures to be adopted to avoid, remedy or mitigate adverse effects on that natural character.

Policy 2 lists those matters to be considered in determining appropriate use and development. Although it is a matter of national importance to preserve the natural character of the coastal environment, the Resource Management Act does not preclude appropriate use and development. The *New Zealand Coastal Policy Statement* further establishes the requirement for the *Regional Policy Statement for Taranaki* to define what form of subdivision, use, development or occupation would be appropriate in the coastal environment and where it would be appropriate.

Policy 3 recognises that Port Taranaki is of regional and national significance. It is the only deep water port on the west coast of New Zealand and makes a significant contribution to the social, economic and cultural wellbeing of people and communities. It is important for the region and for New Zealand that the Port is able to operate efficiently and that appropriate development and diversification is able to occur to meet changing demands. Policy 3 recognises or gives effect to a number of the matters listed in Policy 2 and in particular Policy 2 (c), (d), (e), (g) and (j). Other policies in this Regional Policy Statement will also apply.

Policy 4 recognises that certain parts of the coastal environment are important to the region having regard to their ecological, scientific, landscape, historic, cultural and spiritual, recreational, amenity and other

values, and are deserving of added protection. Some of these areas which are of local, regional and national importance are shown in Appendix II. The areas shown on the maps in Appendix II have been sourced from Taranaki Regional Council's 'Inventory of coastal areas of local or regional significance in the Taranaki region' (2004) which is a non-statutory document. Some areas are in the coastal marine area and will be identified in the Regional Coastal Plan while others where the landward component is predominant will be identified in district plans. This Regional Policy Statement is required to identify such areas and afford them protection in accordance with the New Zealand Coastal Policy Statement.

Policy 5 recognises that other areas, features or landscapes in the coastal environment may also be important or valued having regard to the attributes and values listed and that recognition should be given to their protection.

Related policies

All policies in **Section 5** [Land], **Section 6** [Freshwater] and **Section 7** [Air]; Policy 1 of **Section 8.2** [Coastal water quality]; Policy 1 of **Section 8.3** [Public access to and along the coastal environment]; all the policies in **Section 9.1** [Indigenous biodiversity], **Section 10** [Natural features and landscapes and historic heritage]; **Section 11.1** [Natural hazards]; **Section 12.1** [Waste management]; **Section 13** [Minerals]; **Section 14.1** [Energy]; **Section 15.1** [Built environment]; and **Section 16** [Issues of significance to iwi].

METHODS OF IMPLEMENTATION

The Taranaki Regional Council will:

- | | |
|---------------|--|
| CNC | Maintain the Regional Coastal Plan for |
| METH 1 | Taranaki with objectives, policies and methods of implementation addressing the adverse effects of use and development on the natural character of the coastal marine area. |
| CNC | Apply regional rules that recognise different coastal processes, values, and uses, and which allow, regulate or prohibit activities in: |
| METH 2 | (a) areas of outstanding coastal value; |
| | (b) estuaries; |
| | (c) the open coast; and |
| | (d) Port Taranaki. |
| CNC | Consider the need to make provision for the allocation of coastal space , the need for aquaculture management areas, and whether or not coastal occupation charges |
| METH 3 | |

should be included in the Regional Coastal Plan.

- CNC METH 4** Provide **advice and information** to generally promote awareness of the need for the protection of the natural character of the coastal environment and the importance and values of areas of outstanding coastal value and other coastal areas of value, including rare and distinctive indigenous flora and fauna species.
- CNC METH 5** **Gather or collate information** on the resources and values of the coastal environment of Taranaki including flora and fauna in the coastal environment and where possible make this available in easily accessible forms including electronic forms.
- CNC METH 6** In considering applications for coastal permits for reclamation, the removal of sand, shingle, shell or other natural materials for commercial purposes, and rights to occupy, **have regard to any alternatives** available to the applicant and the reasons for making the proposed choice.
- CNC METH 7** Participate as appropriate, in central government **planning** for a network of **marine protected areas** around New Zealand.
- CNC METH 8** **Advocate** when appropriate, to relevant agencies, the establishment of **marine protected areas** including marine reserves to preserve the natural character of the coastal environment.
- CNC METH 9** Assist, when appropriate, with the **integrated management** of marine protected areas.
- CNC METH 10** **Notify** Maritime New Zealand and the Hydrographic Office of the Royal New Zealand Navy when a coastal permit is granted for a new structure or other harbour work and when that structure or work is completed.

Territorial authorities may wish to consider the following method:

- CNC METH 11** **Include in district plans and resource consents**, provisions or conditions to protect the natural character of the coastal environment from inappropriate subdivision, use and development of the coastal environment.

Principal reasons for adopting the objective, policies and methods

The preservation of the natural character of the coastal environment, and protection of this area from inappropriate subdivision, use and development, is a matter of national importance.

The objective, policies and methods of implementation give effect to the purpose and principles of the Resource Management Act and establish a policy framework for maintaining and enhancing natural character and associated values of the coastal environment of Taranaki as well as providing for appropriate subdivision, use and development of the coastal environment.

The policies and methods focus on regulatory and non-regulatory methods that have regard to different values and uses that apply to different parts of the coast. What is 'appropriate' or 'inappropriate' use and development will depend not only on the activity but also upon the part of the coast where they occur. The methods and approach have proven to be successful to date in terms of public acceptance and the achievement of desired environmental outcomes. They are also considered appropriate having regard to their efficiency and effectiveness and their benefits and costs.

Environmental results anticipated

CNC ER 1

Preservation of the natural character of the coastal environment of Taranaki.

CNC ER 2

Provision for appropriate subdivision, use and development of the coastal environment.

14. Energy

14.1 SUSTAINABLY MANAGING ENERGY

Background to the issue

Energy is essential to the way we live our lives. Energy is only a resource insofar as other natural and physical resources (for example natural gas) may have their stored or potential energy released to do useful work. Energy, as a resource, is used to provide electricity, heat and transport. Energy enables people to provide for their well-being, health and safety, and is a key factor in the regional (and national) economy.

Taranaki contains very good sources of renewable and non-renewable energy. However, the region is nationally significant in that it is currently New Zealand's only hydrocarbon producing area. Taranaki is also a significant contributor to New Zealand's electricity generation and distribution infrastructure. Major generators include four hydroelectricity power stations (Mangorei, Motukawa, Patea and Opunake), the New Plymouth gas-fired Power Station, the Taranaki Combined Cycle Power Station at Stratford and several smaller generators and co-generation plants. Major gas and electricity transmission lines also traverse the region.

As New Zealand's energy consumption increases, the country faces specific challenges in relation to securing reliable and affordable energy supplies. In response to these challenges, Taranaki can, under the Resource Management Act, promote energy efficiency, energy conservation and the use of renewable energy resources. Changes made to the Resource Management Act in 2004 mean that energy efficiency and the use and development of renewable energy are matters to which the Council must have particular regard under Section 7 of the Act. Given the national context, it is important for local government to recognise the use and development of renewable energy and increasing energy efficiency and energy conservation as important resource management issues. In Taranaki, there is potential to develop renewable energy from wind, solar, marine, geothermal, and biomass energy sources and further opportunities to develop micro and mini hydroelectricity generation. The use and development of renewable energy can be in a number of forms. At the domestic scale there are various passive approaches including correct orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Significant gains can be made through solar water heating or solar panels in dwellings and there is potential for small scale wind generation.

Of the different renewable energy options currently commercially viable in New Zealand and overseas, the indication is that at the utility scale, wind energy is one that is likely to be given effect to in coming years. Parts of the region contain good in-situ wind resources as well as land capacity for wind energy facilities. Other options such as large scale solar generation, geothermal, biomass or wave energy may become more viable in the future. The technologies associated with some of these resources such as biomass and tidal, wave and ocean current are still developing. Possibilities for energy from biomass include ethanol for transport fuels from grain crops and electrical energy from biomass from forestry sources. Other probabilities are biomass from livestock farming and associated processing industries and from sewage and solid waste.

There is some remaining hydroelectricity generation potential in Taranaki mainly in mini, small and medium scale projects and potential also in energy from geothermal resources. However, it is likely that the temperatures and flow rates obtained from geothermal sources would be too low for electricity generation and would be more suited to direct use applications such as timber drying, dairy processing, horticulture, space heating and other applications. Temperatures in some abandoned oil and gas exploration wells are sufficient for a range of direct use applications provided adequate flows can be obtained.

Developments of renewable energy facilities can occur at a large scale or in environmentally sensitive areas and can potentially have adverse environmental effects. Particular issues include landscape and amenity effects or effects on river flows and instream ecology. Wind energy facilities for example by necessity are located in open or in elevated locations in coastal or rural areas and such facilities can have effects on landscape and amenity values that need to be assessed and considered.

Promoting energy efficiency involves making better use of energy resources and conserving energy resources. Making better use of energy can reduce demands on energy resources and energy costs and thereby delay the need for investment in new energy supplies and infrastructure. It can also improve energy security by reducing the possibility of energy demands exceeding the supply of energy that is economically or physically available.

Energy efficiency can also be promoted by reducing losses in the transmission of energy by, for example, locating energy production closer to points of use or demand.

There are other resource management issues relating to energy use, development and consumption. These issues relate to avoiding adverse environmental effects (including the effects of climate change) and providing for the safe and efficient operation of network utilities and other infrastructure of regional significance. These issues are not, however, unique to the energy sector and have been addressed in other sections of the Regional Policy Statement.

Energy is specifically identified under the RMA as a natural and physical resource whose sustainable management is to be promoted. To promote the sustainable management of energy it is necessary to promote an adequate supply of energy to enable people and communities to provide for their economic and social wellbeing and for their health and safety. It is also necessary to promote renewable energy and efficiency in the production, use and transmission of energy.

In addition one of the functions of regional council's under the RMA is the strategic integration of infrastructure with land use through objectives, policies and methods. This will assist in the efficient production, transmission and supply of energy in Taranaki.

Regional Councils and territorial authorities also address the environmental effects of energy production, transmission and supply. These issues are addressed elsewhere in this Regional Policy Statement.

The significant issues for the Taranaki region in relation to the sustainable management of energy under the Resource Management Act are:

ENE ISS 1	Promoting an adequate supply of energy to Taranaki and New Zealand.
ENE ISS 2	Promoting efficiency in the use, production and transmission of energy.
ENE ISS 3	Promoting the use and development of renewable energy resources.

OBJECTIVES

ENE OBJECTIVE 1

To promote the exploration, development, production, transmission and distribution of energy to meet the energy supply needs of the region and New Zealand in a manner that avoids, remedies or mitigates adverse effects on the environment.

ENE OBJECTIVE 2

To promote the use and development of renewable sources of energy in a manner that avoids, remedies or mitigates adverse effects on the environment.

ENE OBJECTIVE 3

To increase efficiency in the exploration, development use, production, transmission and distribution of energy.

POLICIES

Energy supply

ENE POLICY 1

Provision will be made for the exploration, development, production, transmission and distribution of energy in Taranaki to enable people and communities access to an adequate supply of energy and thereby to provide for their economic and social wellbeing and for their health and safety.

Energy efficiency

ENE POLICY 2

Efficiency in the use, production and transmission of energy by users of natural and physical resources will be encouraged as far as is practicable and appropriate having particular regard to:

- (a) *energy requirements of urban form, subdivision patterns and site orientation;*
- (b) *the design, location and operation of buildings and other structures;*
- (c) *transport modes and patterns;*
- (d) *use of appropriate energy saving technologies in industrial, commercial and residential situations;*
- (e) *waste management including the minimisation, recovery, re-use and recycling of solid wastes and other contaminants, provided that the energy required to carry out these measures is less than that required to produce new products or materials;*
- (f) *research into, and development of, alternative energy sources and more energy efficient methods (both traditional and alternative) in the production and transmission of energy; and*
- (g) *the respective roles, functions, and responsibilities of particular agencies.*

Promotion of renewable energy

ENE POLICY 3

The use and development of renewable energy resources will be promoted whilst avoiding, remedying or mitigating adverse effects on the environment as far as practicable.

Energy Transmission

ENE POLICY 4

Provisions shall be included that appropriately recognise the importance of corridors to facilitate the ongoing operation, maintenance, upgrading and

development of energy transmission and the need to protect such corridors from activities that impede their efficient operation.

Explanation of the policies

Policies 1 to 4 give effect to the requirements of the Resource Management Act. In particular, they address matters set out in section 7 of the Resource Management Act – namely, the efficient use and development of natural and physical resources (section 7(b)), efficiency of the end use of energy (section 7(ba)) and the benefits to be derived from the use and development of renewable energy (section 7(j)).

Policy 1 seeks to ensure that Taranaki has an adequate supply of energy to meet the needs of people and communities in Taranaki and New Zealand. These energy needs may be met from either non-renewable or renewable sources.

Policy 2 seeks to encourage energy efficiency, thereby reducing the possibility of energy demands exceeding the economically or physically available supply of energy. Efficient use of energy is defined as consuming the minimum amount of energy for the maximum desired output. Policy 1 identifies a number of areas where (by reducing demands on energy resources or adopting energy conservation measures) regional and district councils can contribute to promoting energy efficiencies. The Government has adopted a target of at least a 20% improvement in economy-wide energy efficiency by 2012.

Policy 3 recognises that renewable sources of energy must be developed and maximised to ensure the secure supply of energy. Possible sources of renewable energy in Taranaki include hydro, wind, marine, solar, geothermal and biomass.

The Government has adopted a series of programme related targets for energy efficiency which seek to achieve 30 PJ of savings in non-transport energy per year by 2025, 9.5 PJ of additional direct use renewable energy per year by 2025 and 20 PJ of energy savings in the transport sector by 2015.

Encouraging the use and development of renewable energy resources under Policy 3 will also require consideration of the actual or potential adverse effects on the environment from development of renewable energy resources (including effects on people and communities), as well as the benefits to be obtained from such use and development. However, avoiding, remedying or mitigating adverse environmental effects as far as practicable under Policy 3 does not necessarily mean that any use and development of resources that avoids, remedies or mitigates adverse environmental effects as far as practicable, will be

acceptable - adverse environmental effects must be managed in a way that gives effect to the Act's sustainable management purpose. Adverse effects may include impacts on areas of high landscape value; the amenity values enjoyed by nearby residents and communities; the natural character and ecological values of coastal areas and water bodies and effects on other competing uses of the same resource (such as recreational use of rivers and coastal areas and water abstraction for industry or community supply). The potential benefits of renewable energy include: added security and reliability of energy supply; reduction in greenhouse gas and other emissions to air; reductions in dependence on the national grid; reduction in transmission losses; economic development opportunities for the district or region and contribution to New Zealand's renewable energy target. An overall balancing of costs and benefits will be required but the use of renewable energy resources should promote the overall sustainable management of resources. The matters that may be considered in this regard include: the scale of the proposal (small, large, widespread, site-specific); the degree of effect (extent, coverage, magnitude); the type of effects (variety, characteristics); benefits (local, regional, national); the environmental values affected and whether these values are of local, regional or national significance; and the extent to which effects can be avoided, remedied or mitigated.

Because of the circumstances around the development of specific renewable energy proposals will vary widely according to the individual proposal and its location, consideration of all other related issues, objectives and policies in this Regional Policy Statement will be required. These matters will be considered in more detail when regional and district plans are prepared or reviewed or when individual development proposals are being considered.

The National Grid is a dynamic and linear inter-regional network. With structures of such a significant scale there is a reduced ability to avoid, remedy or mitigate adverse effects. Corridors are important for the efficient transmission of energy. The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of encroaching activities and development (reverse sensitivity). Interference with these corridors from vegetation planting or the construction of buildings and other structures near lines can cause power outages or disruption to power supplies that can affect the reliability of supply to users and the overall efficiency of transmission. Recognition of the existing transmission line corridors within the Taranaki region would ensure that non-compatible land uses are kept away from the lines and any potential adverse effects on the lines are avoided, remedied or mitigated

thereby ensuring that the corridors can continue to meet the ongoing energy needs of the community. Additionally, it will ensure that adverse effects of the transmission lines are avoided, remedied or mitigated and that the security of electricity within the district and beyond is maintained. Policy 4 highlights the need to recognise this issue in resource management and is also directly promoted by Policies 2 and 5 of the National Policy Statement on Electricity Transmission (NPSET) 2008.

Related policies

All policies in **Sections 5.1** [Soil erosion]; **Section 5.2** [Soil health]; **Section 5.3** [Hazardous substances and contaminated sites]; **Section 6.1** [Sustainable water allocation]; **Section 6.2** [Surface water quality]; Policy 1 in **Section 6.5** [Land drainage and associated diversions]; all the policies in **Section 6.6** [Use of river and lake beds] and **Section 6.7** [Public access to rivers and lakes]; Policy 1 in **Section 7.1** [Air quality]; Policy 1 in **Section 7.2** [Climate change]; all the policies in **Section 8.1** [Natural character of the coastal environment]; **Section 8.2** [Coastal water quality]; and **Section 8.3** [Public access to the coastal environment]; Policies 1 and 2 in **Section 9.1** [Indigenous biodiversity]; all the policies in **Section 10.1** [Natural features and landscapes]; **Section 10.2** [Historic heritage]; **Section 10.3** [Amenity values]; **Section 11** [Natural hazards]; **Section 12** [Waste management]; **Section 13** [Minerals]; **Section 15.1** [Sustainable urban development]; **Section 15.2** [Regionally significant infrastructure]; and **Section 16** [Issues of significance to iwi].

METHODS OF IMPLEMENTATION

The Taranaki Regional Council will:

- ENE** **Advocate**, as appropriate, to:
- METH 1** (a) (central government that it:
- develop and implement national policies and strategies or codes of practices that contribute to sustainable management of energy;
 - support innovation and research in energy efficiency and renewable energy technologies, practices and processes;
 - facilitate research and development in order to enable New Zealand to continue to meet its energy needs; and
 - ensure reliable and affordable energy supply;
 - district councils that district plans are consistent with the objectives, policies and methods of the Regional Policy Statement regarding energy efficiency and the promotion of

- renewable energy; and
- relevant industries, agencies and other groups on proposed developments, policies or management strategies that are likely to have a particularly significant impact on the sustainable management of energy and associated natural and physical resources.

- ENE** **METH 2** Participate, as appropriate, in central government initiatives in the formulation and implementation of a **New Zealand energy strategy**, consistent with the Council's statutory functions.
- ENE** **METH 3** Support the development of industry **code of practices** for renewable energy production.
- ENE** **METH 4** Include provisions in **regional plans** that make appropriate provision for the exploration, development, production, transmission and distribution of energy.
- ENE** **METH 5** Have regard to opportunities, and provide appropriate encouragement for the use and development of renewable energy in the preparation and review of **regional plans**.
- ENE** **METH 6** Support the provision of **advice and information** to landowners, resource users and the public and in the management of the region's natural and physical resources:
- (a) generally promote awareness of sustainable energy issues;
 - (b) promote the conservation and efficiency of use of energy; and
 - (c) promote the use and development of renewable energy.
- ENE** **METH 7** Continue to **gather information** on the state of technology and potential future technologies for energy efficiency and the use and development of renewable energy.
- ENE** **METH 8** Maintain and implement as appropriate:
- (a) the **Regional Land Transport Strategy for Taranaki** that encourages and promotes the efficient use of energy in the transport sector; and
 - (b) the **Regional Waste Management Strategy for Taranaki** that seeks to promote waste minimisation and recycling.

ENE METH 9 Consider membership of the **Communities for Climate Change Protection (New Zealand)**, which would involve the Council taking actions including the implementation, monitoring and reporting of an action plan to increase energy efficiency and reduce greenhouse gas emissions.

Territorial authorities may wish to consider the following methods:

ENE METH 10 Include provisions in **district plans** that make appropriate provision for the exploration, development, production, transmission and distribution of energy.

ENE METH 11 Include provisions in **district plans** promoting energy efficient urban forms and travel patterns, subdivision patterns and site orientation.

ENE METH 12 **Encourage** energy efficient building design.

ENE METH 13 Include provisions in **district plans** that encourage the development of renewable energy resources.

ENE METH 14 Advocate for **efficiency in the use of energy** at the domestic, household residential level as well as on a larger commercial scale.

ENE METH 15 Develop and implement **district land transport programmes** that give appropriate consideration to the efficient use of energy in the transport sector.

Principal reasons for adopting the objective, policies and methods

The objective, policies and methods of implementation establish a policy framework for promoting energy efficiency and the use and development of renewable energy sources.

It is not considered appropriate in the Regional Policy Statement to impose regulatory management of energy generation or transmission beyond the requirements set out in the Resource Management Act (e.g. the control of abstractions and discharges). The Ministry of Economic Development, Electricity Commission and the Energy Efficiency and Conservation Authority, are primarily responsible for national energy policy setting, and for regulating and providing information on the sustainable management of energy. However, regional councils have an important leadership and integration role within the region in supporting, planning for, and in the

management of sustainable energy development as well as providing appropriate guidance to district councils. Through the provision of advice and information, advocacy and the consideration of energy related matters when developing policy in this Regional Policy Statement and in regional plans, the Taranaki Regional Council will support and encourage energy efficiency and the use and development of renewable energy. Territorial authorities, through their control of land use and urban development, and their functions under the Building Act, have further opportunities to encourage energy efficiency and the use and development of renewable energy. Broader advocacy methods are also consistent with the matters of energy efficiency and conservation and increased use of renewable energy included in Section 7 of the Act. This Statement is to have particular regard to the benefits to be derived from the use and development of renewable energy. This is to be considered within a wider context of central government project and policy frameworks to address climate change, continued improvement in energy efficiency and an increase in consumer energy to be supplied from renewable sources. Parts of the region could provide significant renewable energy resources (for example from wind) and these have the potential to contribute significantly to renewable energy development in New Zealand.

Provisions in regional and district plans could be developed to reflect differences in scale, and therefore environmental effects of renewable energy projects. For example, domestic or small scale developments such as domestic solar or wind or micro hydro developments, with minor or acceptable environmental effects, could be provided for in plans (subject to appropriate conditions) to promote such developments. Whilst renewable energy developments provide recognised environmental and economic benefits they can also have potential adverse environmental effects that must be considered. The development of some renewable energy sources such as wind energy facilities need to occur at specific locations. These locations may include ridgelines, hilltops or other elevated positions or coastal or rural locations. There are numerous variables that need to be considered when a site is being assessed for renewable energy developments such as wind facilities. Of significance is the presence of a viable resource. However other important aspects include constructability, access via transmission to the national grid or local electricity distribution network, environmental factors, land tenure and the potential scale of development. All these aspects may combine to limit the availability of commercially viable wind energy and other renewable energy facility sites. This can lead to potential conflict with landscape and amenity values and the nature, scale and intensity of development. However, renewable energy

developments such as wind energy facilities may be able to successfully co-exist if adverse effects on the environment, including the natural character of the coast, ecological, heritage, landscape and amenity values and cumulative impacts are appropriately avoided, remedied or mitigated. Most of these potential conflicts will need to be carefully managed and assessed on a case-by-case basis via district plan provisions. For larger scale developments with more significant environmental effects, plans could clearly set out the matters that the Councils would consider in assessing such projects.

The policies and methods build on current approaches to this issue. They have proven to be acceptable to date in terms of promoting effective integrated management and achieving desired environmental outcomes and are considered appropriate having regard to their efficiency and effectiveness and their benefits and costs.

Environmental results anticipated

ENE ER 1

An adequate supply of energy to meet the needs of people and communities in Taranaki and New Zealand.

ENE ER 2

Increased public awareness of energy conservation and efficiency.

ENE ER 3

Increased use and development of renewable energy resources.

- SUD METH 7** **Encourage** the use of corridors for public network utilities where feasible and practical and where the use of corridors does not conflict with specific coverage objectives of a utility provider so as to contain the geographic effects on amenity values of such utilities to a defined and limited area. The use of corridors should also recognise that conflicts can occur between various utilities.
- SUD METH 8** Grant **rate relief** on land mandatorily or voluntarily protected, for the purpose of maintaining or enhancing landscape or heritage values.
- SUD METH 9** Provide, as appropriate, **works and services** within the district to modify the causes or effects or both, of natural hazards.
- SUD METH 11** Generally **promote** good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005) including the strategic integration of local, regional and national infrastructure and land use.

Principal reasons for adopting the objective, policies and methods

The objective, policies and methods establish a policy framework for the promotion of sustainable urban development in the Taranaki region. Their aim is to address the adverse effects of urban development or associated with a lack of urban development.

Through the implementation of the policies and methods, the Council can promote sustainable urban development. The policies and methods build on current approaches. They have proven to be successful to date in terms of achieving desired environmental outcomes and are considered appropriate having regard to their efficiency and effectiveness and their benefits and costs.

Environmental results anticipated

SUD ER 1

Avoid, remedy or mitigate adverse effects associated with urban development or a lack of urban development.

15.2 PROVIDING FOR REGIONALLY SIGNIFICANT INFRASTRUCTURE

Background to the issue

The region's network utilities and other infrastructure are physical resources of considerable importance to Taranaki. They support human settlements and enable people and communities to meet their social,

economic and cultural needs. Some network utilities and other infrastructure are of national as well as regional importance.

Network utilities are utilities which form part of a network and include the supply and distribution of gas, electricity, telecommunications, radio communications, water, stormwater, sewerage and wastewater systems, roads, railways, airports, navigational aids, and meteorological operations and associated support structures throughout the region.

Taranaki is generally well connected and serviced from a roading infrastructural perspective relative to its size and population. However, there are roading and transport infrastructure issues that require ongoing attention if Taranaki is to meet its current and anticipated growth and development needs. Some of these issues concern route security and reliability (particularly in relation to State Highway 3 north and south and State Highway 43), network efficiency and capacity (for example in relation to our rural roads and urban New Plymouth) and safety issues such as passing opportunities, road and bridge widths etc.

Taranaki has approximately 2,700 kilometres of sealed rural roads, including state highways, in Taranaki. In addition, there are many kilometres of sealed roads in urban areas and other roads throughout the region. These provide vital access and communication links to and within the region. The Marton to New Plymouth and Stratford to Taumarunui railway connects the region with the national rail network and provide an important freight transport service. Port Taranaki is the only major deep-water port on the west coast of New Zealand and is a facility of regional significance. New Plymouth Airport is the only fully commercial air freight and passenger airport in the region.

The region also contains an extensive network of oil and gas and associated product pipelines. These pipelines run from various oil and gas field to production stations, the Maui and Kapuni gas treatment plants, the Omata Tank Farm, Port Taranaki, major industrial petrochemical processing plants, thermal power stations in New Plymouth and Stratford and to domestic consumers throughout the North Island. High voltage electricity transmission lines also run from the New Plymouth and Stratford power stations to various locations throughout the North Island. In addition, a network of power transmission lines service hydroelectricity stations and other electricity generators.

The region's telecommunication and radio communication network provides an important everyday and emergency facility to the people of the region and to the business community. Other

examples include the region's flood protection and land drainage schemes, which are important for the protection of individual and community assets, productive capability, community safety and other utility networks. Hydroelectric dams on the Waiwhakaiho, Manganui, Patea, Waiaua rivers are also significant.

There is a need to recognise the positive social, economic and environmental benefits that accrue nationally and regionally from the establishment and continued operation of network utilities and other regionally significant infrastructure. There is also a need to manage the potential for certain activities to disrupt, or risk disruption to, the safe and efficient operation of network utilities and other regionally significant infrastructure. Where incompatible activities have been allowed to establish too close to certain regionally significant infrastructure, e.g. electricity transmission lines there is increased exposure to adverse effects such as the accumulation of dust on conductors, risk to structural integrity of pylons, restricted access for maintenance, and reduction in safety distances or public safety generally.

As with other forms of use and development, there are also issues associated with avoiding, remedying and mitigating adverse effects on the environment arising from the construction, use and maintenance of regionally significant infrastructure. However, such matters are addressed elsewhere in this Regional Policy Statement.

The significant issues in relation to Taranaki's regionally significant infrastructure are:

- | | |
|--------------|---|
| INF
ISS 1 | Recognising and providing for the establishment and continued operation of regionally significant infrastructure (including where this is of national importance), particularly where they provide benefits and/or physically cross district and or regional boundaries. |
| INF
ISS 2 | Managing adverse effects arising from subdivision, use and development on the safe and efficient operation of regionally significant infrastructure, (including where this is of national importance). |
| INF
ISS 3 | Strategically integrating infrastructure and land use. |

OBJECTIVE

INF OBJECTIVE 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.

POLICIES

Provision for physical infrastructure of regional significance

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.

Adverse effects on physical infrastructure of regional significance

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.

Buffer corridors

INF POLICY 3

Buffer corridors shall be identified so that development incompatible with the National Grid is not located within such corridors and thereby ensuring reverse sensitivity effects are avoided.

Integrated planning

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.

Explanation of the policies

Policy 1 provides for the establishment of efficient and effective network utilities and other infrastructure and for the adverse effects of their establishment to be avoided, remedied and mitigated as far as is practicable. For example, the linear nature of the National Grid determines its form, shape and location across a number of different environments throughout New Zealand. When new transmission lines are proposed, technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects. Consequently in some cases it may be more

appropriate for new transmission lines to traverse parts of a sensitive environment to achieve a route with lower overall adverse effects. These situations will need to be determined on a case-by-case basis. Issues relating to adverse effects on the environment arising from the construction and maintenance of network utilities and other regionally significant infrastructure (e.g. stormwater run-off, emissions to air, noise, discharges to land and water) are already addressed through other sections of the Regional Policy Statement. Accordingly, objectives, policies and methods of implementation in this section address recognising and providing for network utilities and other regionally significant infrastructure.

Policy 2 ensures that any adverse effects of subdivision, use and development, which would reduce the safe and efficient operation of network utilities and other regionally significant infrastructure, are avoided or mitigated.

The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of encroaching activities and development (reverse sensitivity). Identifying appropriate buffer corridors under Policy 3 would ensure that non-compatible land uses are kept away from the lines and that any potential adverse effects of third party activities on the transmission network are appropriately managed to ensure the ongoing operation, maintenance, upgrading and development of the electricity transmission network is not compromised.

Activities that may have reverse sensitivity effects on the safe and efficient operation of regionally significant infrastructure should locate in areas where that infrastructure will not be affected.

Policy 4 recognises the need for planning for growth and development and the provision of local, regional and national infrastructure to proceed side-by-side in a coordinated and integrated way. This is to ensure that necessary growth and development is properly and appropriately serviced and also to ensure that unsustainable demands are not placed on Infrastructure. If this integration does not occur there is the potential for growth and development to be constrained or directed to less favourable areas with associated social, economic and environmental costs. A lack of integration may also lead to unsustainable demands being placed on infrastructure and funding leading to a reduction in the safety and efficiency of infrastructure such as the roading network from new growth or to inadequate provision of infrastructure. Hence the policy ensures there is closer integration between growth and development generated land use, roading and other infrastructure provision and funding at local, regional and national levels.

Related policies

All policies in **Sections 5.1** [Soil erosion]; **Section 5.2** [Soil health]; **Section 5.3** [Hazardous substances and contaminated sites]; **Section 6.1** [Sustainable water allocation]; **Section 6.2** [Surface water quality]; **Section 6.5** [Land drainage and associated diversions]; **Section 6.6** [Use of river and lake beds]; **Section 6.7** [Public access to rivers and lakes]; **Section 7.1** [Air quality]; **Section 7.2** [Climate change]; **Section 8.1** [Natural character of the coastal environment]; **Section 8.2** [Coastal water quality]; **Section 8.3** [Public access to the coastal environment]; Policies 1 and 2 in **Section 9.1** [Indigenous biodiversity]; all policies in **Section 10.1** [Natural features and landscapes]; **Section 10.2** [Historic heritage]; **Section 10.3** [Amenity values]; **Section 13** [Minerals]; **Section 14** [Energy]; **Section 15.1** [Sustainable urban development], and **Section 16** [Issues of significance to iwi].

METHODS OF IMPLEMENTATION

The Taranaki Regional Council will:

- | | |
|-----------------------|--|
| INF
METH 1 | Maintain a regional plan or plans with objectives, policies and methods addressing adverse environmental effects on the safe and efficient operation of the region's network utilities and on other infrastructure of regional significance. |
| INF
METH 2 | Through regional rules or conditions of resource consents, recognise the positive benefits of regional infrastructure and control adverse environmental effects on the safe and efficient operation of the region's network utilities and on other physical infrastructure of regional significance (including where this is of national importance). |
| INF
METH 3 | Maintain and implement as appropriate the Regional Land Transport Strategy for Taranaki under the Land Transport Management Act 2003 with objectives, policies and methods promoting the safety and efficiency of the region's land transport network including promoting integrated, land use and transport planning, travel demand management and the use of alternative transport modes. |
| INF
METH 4 | Maintain river control and flood protection works in the Lower Waitara River and the Waiwhakaiho River. |
| INF
METH 5 | Recognise the maintenance of existing infrastructure including the trimming and removal of plants where these pose a risk |

	to the continuation of infrastructure operations in riparian margins , as an essential component for the supply of electricity to communities.		
INF METH 6	Take into account current infrastructure corridors in resource management decision making; avoid, remedy or mitigate any incompatible use or activity affecting those corridors and include appropriate protection and recognition of existing infrastructure corridors in district plans and on planning maps.	INF METH 12	Include in district plans, long-term council community plans and conditions of resource consents, provisions or conditions that require the location, intensity, structure, and staging of new land use generated by growth and development to support and coordinate with the sustainable provision and funding of local, regional and national roading and other infrastructure. This includes by way of financial contributions and/or development contributions.
INF METH 7	When considering an application for resource consent, notice of requirement or a change or variation to a district or regional plan that is likely to affect a transmission corridor, local authorities shall consult with or notify the operator of the National Grid .	INF METH 13	Include in district plans appropriate provisions requiring structure or concept plans for large scale urban land use changes.
INF METH 8	Give effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001) prepared under the Electricity Act 1992, when establishing rules and considering applications for building structures and other activities near overhead electric lines support structures or conductors.	INF METH 14	Include in district plans appropriate provisions requiring new land use to demonstrate how it will be served by transport and other infrastructure.
		INF METH 15	Include provisions in district land transport programmes that promote the safety and efficiency of district roading infrastructure including promoting integrated land use and transport planning, travel demand management and the use of alternative transport modes.
Territorial authorities may wish to consider the following methods:		INF METH 16	Encourage the use of corridors for public network utilities where feasible and practical and where the use of corridors does not conflict with specific coverage objectives of a utility provider so as to contain the geographic effects on amenity values of such utilities to a defined and limited area. The use of corridors should also recognise that conflicts can occur between various utilities.
INF METH 9	Include in district plans , and conditions in resource consents , provisions or conditions that provide for the establishment and continued operation of regionally significant infrastructure (including where this is of national importance), and the control of adverse effects of subdivision, use and development of land on that infrastructure.	INF METH 17	Take into account current infrastructure corridors in resource management decision making; avoid, remedy or mitigate any incompatible use or activity affecting those corridors and include appropriate protection and recognition of existing infrastructure corridors in district plans and on planning maps.
INF METH 10	Include in district plans appropriate provisions (including designations) for network utilities and other infrastructure of regional significance (including where this is of national importance), and the procedures to be followed when proposing to undertake activities in proximity to these network utilities and infrastructure.	INF METH 18	When considering an application for resource consent, notice of requirement or a change or variation to a district or regional plan that is likely to affect a transmission corridor, local authorities shall consult with or notify the operator of the National Grid .
INF METH 11	Recognise the maintenance of existing infrastructure , including the trimming and removal of plants where these pose a risk to the continuation of infrastructure operations in riparian margins , as an essential component for the supply of electricity to communities.		

INF METH 19 Give effect to the **New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001)** prepared under the Electricity Act 1992, when establishing rules and considering applications for building structures and other activities near overhead electric lines support structures or conductors.

Principal reasons for adopting the objective, policies and methods

The objective, policies and methods of implementation establish a policy framework for providing for regionally significant infrastructure and network utilities. These network utilities and infrastructure are important for the economic and social wellbeing of people and communities in Taranaki and for their health and safety and play a vital role in the operation of daily life. During emergency situations, some are of national as well as regional importance. Provision for the safe, reliable and efficient functioning of such facilities and infrastructure and their maintenance and upgrading is provided for in this document in recognition of the importance of such physical resources. This Regional Policy Statement also recognises that it is not always practical or reasonable for network utilities or infrastructure to co-exist with other major utilities and that operational constraints may also exist and these must be recognised and provided for.

Through the implementation of regional plans and regional transport management strategies, the Council will recognise and provide for the positive benefits that accrue from the construction, use and maintenance of regionally significant infrastructure and network utilities.

Territorial authorities, through their control of land use and urban development, have further opportunities to recognise and provide for the safe and efficient establishment and operation of important physical infrastructural assets. Territorial authorities also have further opportunities to recognise and provide for closer integration between land use and infrastructure provision and funding in order to assist with the strategic integration of local, regional and national roading and other infrastructure and land use.

The policies and methods build on current approaches to this issue. They have proven to be acceptable to date in terms of promoting effective integrated management and achieving desired environmental outcomes and are considered appropriate having regard to their efficiency and effectiveness and their benefits and costs.

Environmental results anticipated

INF ER 1

Continued operation of regionally significant infrastructure.

INF ER 2

Effective management of potential resource management conflicts so as to avoid, remedy or mitigate significant adverse effects on network utilities and infrastructure.

INF ER 3

New land use generated by growth and development strategically integrated with local, regional and national infrastructure, particularly transport so as to avoid an unsustainable approach to infrastructure provision and funding.

Before the Hearing Panel

under: the Resource Management Act 1991

in the matter of: the Proposed Taranaki Regional Coastal Plan

between: **Taranaki Regional Council**
Local Authority

and: **Transpower New Zealand Limited**
Submitter

Outline of legal submissions on behalf of Transpower New Zealand Ltd

Dated: 15 July 2019

REFERENCE: Luke Hinchey (luke.hinchey@chapmantripp.com)

Rebecca Tompkins (rebecca.tompkins@chapmantripp.com)

OUTLINE OF LEGAL SUBMISSIONS ON BEHALF OF TRANSPOWER NEW ZEALAND LTD

EXECUTIVE SUMMARY

- 1 These submissions are presented on behalf of Transpower New Zealand Limited (*Transpower*). Transpower made a submission and further submissions on the proposed Regional Coastal Plan for Taranaki (*Proposed Plan*).
- 2 Transpower builds, maintains, owns and operates the National Grid, New Zealand's electricity transmission network.
- 3 The National Grid is the physical infrastructure that transports electricity throughout New Zealand. The Grid includes a high voltage backbone which links major generation (such as wind farms and hydro power stations) to major loads in cities and towns. Connected to this Grid backbone are regional Grid lines which are owned or operated by Transpower and which connect smaller generation stations and supply regional communities.
- 4 Transpower has a number of overhead transmission line, substation and telecommunications assets within the Taranaki Region, as well as three telecommunications sites. None of Transpower's existing assets in the Region are located in the Coastal Marine Area (*CMA*) as identified in the Proposed Plan. One of the lines coming out of the New Plymouth substation traverses an identified area of Outstanding Natural Character (*ONL*) and Outstanding Natural Landscapes and Features (*ONLF*) (identified as an area of Outstanding Value within the Proposed Plan).¹ Due to locational and operational constraints, future assets may need to locate in identified ONL and ONLF areas or the CMA.
- 5 The National Grid is nationally significant infrastructure and a very significant physical resource. The operation, maintenance, upgrade and development of National Grid assets in Taranaki must be provided for to ensure and provide for the social and economic wellbeing of the Taranaki Region and New Zealand. A reliable and secure electricity system is crucial for that wellbeing.
- 6 Transpower is not exempt from, and is a major "user" of resource management legislation and the policies and plans which are developed within its framework.
- 7 The management of the environmental effects of and on the National Grid is governed by the National Policy Statement on Electricity Transmission 2008 (*NPSET*), the Resource Management (National Environmental Standard for Electricity Transmission

¹ Near the base of Paritutu: the Nga Motu (Sugar Loaf Islands) and Tapuae ONC3 and ONFL2.

Activities) Regulations 2009 (*NESETA*), designations and plan provisions. Notably:

- 7.1 The NPSET sits at the top of the hierarchy of Resource Management Act 1991 (*RMA*) planning documents. The Proposed Plan must give effect to its objective and policies.
 - 7.2 Transpower is unable to use its designation powers in the CMA.
 - 7.3 The application of the *NESETA* only applies to assets existing as at January 2010 and does not cover all of Transpower's activities.
 - 7.4 Ongoing upgrades and developments of the National Grid will be required from time to time. Upgrades and developments could include new National Grid infrastructure which, despite a careful route selection process, may inevitably need to locate in or traverse the CMA or the landward components of the wider coastal environment that may have special values. These assets need to be operated, maintained, upgraded and developed.
 - 7.5 Some of the coastal areas where the National Grid is and may in the future be located, may have high values for reasons such as their natural landscape and natural character qualities. The Grid's inherent linear nature and technical, operational and security requirements limit the ability to avoid or mitigate all of the National Grid's adverse environmental effects. The National Grid may, in limited cases, cause effects on high value areas.
 - 7.6 The Proposed Plan must also give effect to New Zealand Coastal Policy Statement (*NZCPS*). The NPSET and the *NZCPS* should be read together as far as possible in order to resolve any potential areas of conflict. Any outstanding conflict should be resolved with reference to Part 2.
- 8 These factors make it of key importance that the Proposed Plan policy and rule framework is sufficiently enabling of National Grid activities while recognising the need to manage environmental effects and consider alternatives where appropriate, particularly in high value coastal environments. A consenting pathway for the range of National Grid activities in coastal environments is necessary to ensure the National Grid can continue to be operated, maintained, upgraded and developed.
- 9 To create this pathway, Transpower has developed a planning policy and rule approach that relies on detailed process-oriented objectives and policies. Those provisions require a very robust assessment of National Grid transmission projects. But they do not create a non-complying activity 'jurisdictional bar' to considering applications.

Instead, they rely on using a discretionary activity status as the most onerous consent category for National Grid projects. The resource consent process then allows a specific transmission project to be assessed against those objectives and policies, having regard to the NPSET, the NZCPS and section 5 of the RMA.

- 10 Transpower supports the Proposed Plan and agrees with many of the recommendations set out in the reporting officer's section 42A report. In particular, Transpower considers that the officer's recommended inclusion of a National Grid specific policy in the Proposed Plan (Policy 6A), achieves an appropriate balance between the protection of the natural resources of the coastal environment, and the need to recognise and provide for the National Grid.
- 11 The inclusion of the National Grid specific Policy 6A has resolved the majority of Transpower's concerns with the Proposed Plan. However, two outstanding points remain, as set out in Ms Whitney's planning evidence. These are:
 - 11.1 Amendments to Policy 5 clause (aa) to recognise and provide for new National Grid infrastructure within those areas that are outside of the CMA, but within the coastal environment; and
 - 11.2 A new discretionary rule (Rule 34A) specific to the National Grid for new structures within areas identified as Outstanding Values or Estuaries Unmodified.
- 12 These amendments are required to give effect to the NPSET and the Taranaki Regional Policy Statement (*RPS*) and ensure the Proposed Plan properly provides for the operation, maintenance, upgrading and development of the National Grid.

SCOPE OF SUBMISSIONS

- 13 These submissions:
 - 13.1 Describe Transpower and the National Grid;
 - 13.2 Discuss relevant statutory criteria for the consideration of the Proposed Plan;
 - 13.3 Address the NPSET and its relationship with the NZCPS and its applicability to the Proposed Plan; and
 - 13.4 Introduce Transpower's evidence.

TRANSPOWER NEW ZEALAND LIMITED

- 14 Transpower is the State Owned Enterprise that owns and operates the National Grid – New Zealand's high voltage electricity transmission network.²
- 15 Transpower currently owns and operates a number of assets within the Taranaki Region. These are described by Mr Campbell and shown on the map attached to his evidence at appendix A.

THE NATIONAL GRID

- 16 The Taranaki Region cannot function, let alone grow and develop, without a secure electricity system. New Zealand's electricity transmission network, the National Grid, is an essential part of the electricity system.
- 17 The National Grid transports electricity from where it is generated to 'direct connect' customers (generally major users of electricity) and the local lines distribution companies which supply electricity to the community. Without the National Grid, electricity that is generated at power stations outside of Taranaki could not reach distribution companies and power Taranaki's homes, businesses, schools, communities, communication networks and major industrial users.
- 18 Accordingly, the National Grid is a very significant physical resource. It must be sustainably managed. Its operation, maintenance, upgrade, and development must be provided for. Adverse effects on it must be managed so as to not compromise its operation, maintenance, upgrade and development.

STATUTORY FRAMEWORK

Preparation of regional plans

- 19 The Proposed Plan must be prepared in accordance with the Council's functions under section 30, the provisions of Part 2 of the RMA, and the Council's obligation under section 32.³
- 20 The Proposed Plan must also give effect to any relevant national policy statement, New Zealand coastal policy statement, and regional policy statement.⁴

Giving effect to national policy statements

- 21 The RMA provides for a hierarchy of policy statements and plans, from national environmental standards and national policy

² Transpower is described further in Mr Dougall Campbell's evidence.

³ RMA, s66(1).

⁴ RMA, s67(3).

statements at a national level, through to regional policy statements and regional plans, to district plans at a territorial authority level.

- 22 As recently confirmed by the Supreme Court in its decision in *EDS v NZ King Salmon*,⁵ national policy statements sit atop of this hierarchical scheme. As the highest order planning documents, they must be "given effect to" by regional policy statements, regional plans and district plans. In turn, regional policy statements must be "given effect to" by regional and district plans, and district plans must be "not inconsistent" with regional plans.⁶
- 23 "Give effect to" is a strong statutory directive compared to other directives in the RMA such as to "have regard to" or "take into account". The directive is particularly strong in light of the Supreme Court decision, which found that the direction "give effect to" is "intended to constrain decision makers",⁷ and simply means "implement".⁸
- 24 This strong directive is imposed for two reasons:⁹
- 24.1 The hierarchy of planning documents is an important concept under the RMA; and
- 24.2 Superior documents that have passed through the RMA processes can be deemed to have given effect to Part 2 matters.
- 25 The NPSET therefore gives substance to Part 2 of the RMA. By giving effect to the NPSET, the Proposed Plan will achieve the purpose of the RMA.

NPSET

- 26 The statutory purpose of a national policy statement is to state objectives and policies for "matters of national significance" that are relevant to achieving the purpose of the RMA.¹⁰
- 27 The NPSET was gazetted in March 2008. It identifies the relevant "matter of national significance" as being:¹¹

⁵ *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* [2014] NZSC 38 (*New Zealand King Salmon*).

⁶ Sections 62(3), 67(3) and 75(3) of the Act.

⁷ *New Zealand King Salmon*, paragraph [91].

⁸ *New Zealand King Salmon*, paragraph [77].

⁹ See *Clevedon Cares Inc v Manukau City Council* [2010] NZEnvC 211 at [51]. This decision considered the phrase "give effect" in the context of a regional policy statement, rather than a national policy statement, but the legal obligation is the same for both.

¹⁰ RMA, s45.

¹¹ NPSET, clause 4.

the need to operate, maintain, develop and upgrade the electricity transmission network.

- 28 The NPSET was the second NPS developed under the RMA. It followed a major public consultation process, a hearing before a Board of Inquiry, and recommendations from the Board which were ultimately closely followed by the Minister in adopting the NPSET.
- 29 The NPSET is a comprehensive code for the transmission network. The NPSET only applies to the National Grid (which in turn is defined as the assets used or owned by Transpower). It does not apply to distribution companies or any lines owned by generators.
- 30 The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that require strategic planning in order to appropriately provide for the Grid and manage potential adverse impacts on it.
- 31 These characteristics and requirements include:
 - 31.1 The large scale of the infrastructure (which is needed for technical reasons such as safe clearance distances but means that visual impacts of the assets will seldom be 'minor or transitory' and cannot always be avoided, remedied or mitigated);
 - 31.2 Locational constraints of new Grid infrastructure (e.g. they will need to locate near energy generation and connect to existing Grid infrastructure given the linear and connected nature of the network);
 - 31.3 The Grid's benefits are largely national, whereas its adverse effects are often local;
 - 31.4 The height of the Grid transmission lines creates opportunities and risks regarding development that occurs under and around the lines (i.e. the lines can physically allow development underneath them although inappropriate or incompatible development may create safety risks and constrain the network itself); and
 - 31.5 Transmission line conceptions are not static and development near them needs to take the physical presence of the conductors (i.e. 'line swing') into account.
- 32 These unique characteristics and requirements of the Grid create challenges for its management under the RMA and are some of the reasons why the Grid has the benefit of a national policy statement.
- 33 The NPSET recognises these unique characteristics by according special status to the National Grid and providing a comprehensive

policy regime for managing the effects of and from the National Grid, and recognising the benefits of, and recognising and providing for the transmission network.

- 34 The key provisions of the NPSET which are relevant to Transpower's submission on the Proposed Plan are **attached** as **Appendix A**.

New Zealand Coastal Policy Statement

- 35 The statutory purpose of the NZCPS is to state objectives and policies "*in order to achieve the purpose of [the RMA] in relation to the coastal environment of New Zealand*".¹²
- 36 The policies in the NZCPS establish a comprehensive regime for managing the effects of activities on the coastal environment. Policy 6 addresses activities in the coastal environment (with some marine activities addressed more explicitly in Policies 8 and 9). Policy 7 addresses the need for a strategic planning approach. Policies 11, 13 and 15 address high value natural areas. Critically, those policies require adverse effects of activities on the 'highest value' natural areas to be avoided. The relationship between those policies and Policy 8 of the NPSET is discussed further below.
- 37 The key NZCPS provisions are set out in **Appendix B**.

The Taranaki Regional Policy Statement

- 38 The Proposed Plan is also required to "give effect to" the RPS as an operative regional policy statement.¹³ The RPS includes provisions which recognise the importance of the National Grid, and provide for National Grid related activities in the coastal environment.
- 39 The key RPS provisions are set out in **Appendix C**.

RECONCILING THE NPSET AND NZCPS

- 40 The NPSET and NZCPS are both highest order planning documents and therefore must both be "given effect to" when establishing the policy and rule framework for coastal environments.
- 41 However, there is a potential conflict between the NZCPS policies for the protection of high value natural areas (policies 11, 13, 15 - an "avoid" approach), and the NPSET policies for managing the effects of the National Grid on high value natural areas (policy 8 - a "seek to avoid" approach).
- 42 Applying an "avoid" approach to the National Grid in high value natural areas would not give effect to the NPSET. The intent to have a less than avoid approach for National Grid activities in those environments is very deliberate in the NPSET. On the other hand, applying a "seek to avoid" approach for the National Grid in high

¹² RMA, s56.

¹³ RMA, s76(3)(c)

value natural areas may not “avoid” effects in all instances. On the face of it, there is a conflict between the policies. The Proposed Plan must reconcile the policies in order to give effect to both the NZCPS and the NPSET.

- 43 The first step to resolving that conflict, following the approach taken by the Supreme Court in *New Zealand King Salmon*, is to closely examine the way the policies are expressed:

43.1 Looking first at the scope of the documents, the NZCPS is specific to one environment – the coastal environment. However, the NPSET is specific to one activity – the National Grid. Neither document can be ‘preferred’ by applying the principle that the specific overrides the general.

43.2 Focusing on the policies themselves, the phrase “seek to avoid” in Policy 8 is process focused, whereas the word “avoid” in Policies 11, 13 and 15 is outcome focused. However, in Transpower’s submission, the phrase “seek to avoid” is no less deliberate or precise than the word “avoid”, particularly when viewed in the broader enabling context of the NPSET. Neither policy can be ‘preferred’ on the basis that it is more directive than the other.

- 44 The conflict does not therefore ‘dissolve’ after a close examination. Accordingly, the *New Zealand King Salmon* decision suggests that the outstanding conflict should be resolved based on the NPSET and the NZCPS, informed by section 5 of the RMA.

- 45 In Transpower’s submission, the most effective and appropriate way to resolve the conflicts between the NPSET and the NZCPS is through a nuanced consenting pathway. This pathway involves planning provisions that enable the merits of National Grid projects in high value natural areas to be considered through the resource consent process. The provisions direct that appropriate consideration be given to both the National Grid’s importance and the importance of avoiding impacts on high value coastal areas.

- 46 To provide such a pathway, Transpower seeks objectives and policies that require a very robust assessment of resource consent applications, but do not impose a non-complying activity ‘jurisdictional bar’ to considering applications that do not meet “avoid” policies.

- 47 This approach has found support in recent case law. The Environment Court’s decision in *Port Otago Limited v Otago Regional Council* suggests that one method for resolving the conflict is to allow a case-by-case assessment through the resource consent process, informed by the specific facts of the proposed activity and robust objectives and policies.¹⁴ The High Court’s decision in the

¹⁴ [2018] NZEnvC 183.

Forest & Bird v Bay of Plenty Regional Council also considered a policy framework that relies on the resource consent process to resolve remaining tensions.¹⁵ That framework was accepted by all parties and endorsed by the Environment Court and High Court.

- 48 In *Royal Forest & Bird v Bay of Plenty Regional Council* the High Court considered the extent to which infrastructure other than the National Grid could locate in high value coastal environments noting that the Bay of Plenty Regional Coastal Environment Plan made an “express exception for the National Grid” [from the avoid directives in the NZCPS] and that this exception was “provided for in the NPSET”.¹⁶
- 49 As explained by Ms Whitney, Transpower’s proposed approach has been adopted by decision-makers in varying forms in numerous plans and policy statements across the country. These include the Auckland Unitary Plan, the Bay of Plenty Regional Coastal Environment Plan, the Southland Regional Policy Statement, the Otago Regional Policy Statement and the Kapiti Coast District Plan. Other plan change and policy review processes are currently underway in which Transpower is also seeking Grid-specific policies, complemented by discretionary activity status for Grid-related activities, to give effect to the NPSET.

APPLICATION TO THE PROPOSED PLAN

- 50 The notified version of the Proposed Plan reflected the policy tension between the NPSET and the NZCPS, but did not attempt to resolve it further. In Transpower’s submission, a more detailed policy framework that specifically addresses the effects of the National Grid on high value natural areas is appropriate. It will provide more certainty – both in relation to Transpower’s activities and managing effects on high value natural areas. A more detailed framework will also better give effect to both the NPSET and the NZCPS.
- 51 Transpower therefore supports the inclusion of a new National Grid specific policy in the Proposed Plan, as recommended in the section 42A report. Transpower also seeks the addition of a discretionary activity rule to cover new National Grid specific activities, as explained by Ms Whitney.
- 52 These amendments will give effect to the NPSET and therefore best achieve the sustainable management purposes of the RMA. The amendments also provide an appropriate framework for assessing the merits of any resource consent application or requirement for new National Grid infrastructure.

¹⁵ *Royal Forest and Bird Protection Society of New Zealand Inc v Bay of Plenty Regional Council* [2017] NHC 3080.

¹⁶ *Ibid* at [13].

- 53 The non-complying activity status for new structures associated with the National Grid within areas identified as Outstanding Values or Estuaries Unmodified (recommended by the reporting officer), could be an appropriate cascade from an "avoid" policy directive. However, with respect, it does not in Transpower's submission, give effect to the NPSET's more enabling policy framework. While a non-complying activity status may be appropriate for regionally significant infrastructure more generally, it is not sufficient for the National Grid and does not give effect to the NPSET.
- 54 Transpower fully accepts that New Zealand's coastal environment (and other Part 2 environments and features) are special and must be protected. However, for the reasons outlined in these submissions and Mr Campbell's evidence, the Grid may at times have no option other than to locate within it.
- 55 The "seek to avoid" requirement in the NPSET, as well as the provisions in the Proposed Plan still place a high burden on Transpower. This is because other policies in the NPSET such as Policies 3 and 4, require Transpower to demonstrate a robust route, site, method selection process has been carried out, and also that the technical and operational constraints of the Grid are such that it has no other practicable alternative to a sensitive coastal environment.
- 56 These requirements set a high threshold and infer a merits assessment where the adverse effects can be considered alongside the proposal's benefits.
- 57 The amendments sought by Transpower to the Proposed Plan will ensure that a very robust assessment of resource consent applications is required by the objectives and policies. A discretionary activity status in Rule 34A allows a specific National Grid transmission project or activity to be assessed against those objectives and policies, having regard to both the NPSET and the NZCPS.¹⁷

EVIDENCE TO BE PRESENTED

- 58 Two witnesses are appearing in support of Transpower's submissions on the Proposed Plan:
- 58.1 Mr Dougall Campbell, Environmental Policy and Planning Group Manager at Transpower. Mr Campbell's evidence describes Transpower and the National Grid, explains the importance of operating, maintaining and upgrading the National Grid, describes features of Transpower's assets in Taranaki and addresses planning issues of importance for Transpower.

¹⁷ RMA, s104(1).

58.2 Ms Pauline Whitney, Senior Planner at Boffa Miskell Ltd has prepared independent planning evidence addressing Transpower's submissions on the Proposed Plan.

CONCLUSION

- 59 New Zealand's electricity transmission network, the National Grid, is an essential part of the electricity system and a very significant physical resource. The need to operate, maintain, develop and upgrade the electricity transmission network, the National Grid, is identified as a matter of national significance in the NPSET. The Proposed Plan must give effect to the NPSET.
- 60 For the reasons outlined above and described in the evidence to follow, it is submitted that the Commissioners should confirm the amendments to the Proposed Plan recommended by Ms Whitney and set out in her evidence.
- 61 These provisions are the most appropriate way to achieve the purpose of the RMA and to achieve the objectives of the Proposed Plan. The provisions will give effect to the NPSET and the NZCPS and the RPS and promote the integrated management of natural and physical resources.

Rebecca Tompkins
Counsel for Transpower
15 July 2019

APPENDIX A: KEY NPSET PROVISIONS

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third-party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

Objective

To recognise the national significance of the Grid by facilitating its operation, maintenance and upgrade and the establishment of new Grid assets to meet the needs of present and future generations while:

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

Policy 1

Decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission.

Policy 2

Decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

Policy 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

Policy 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

Policy 8

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

APPENDIX B: KEY NZCPS PROVISIONS

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:

- a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
- b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
- c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
- d. recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;
- e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
- f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
- g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
- h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
- i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
- j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.

2. Additionally, in relation to the coastal marine area:

- a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;

- b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
- c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
- d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
- e. promote the efficient use of occupied space, including by:
 - i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 7: Strategic planning

1. In preparing regional policy statements, and plans:

- a. consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and
- b. identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:
 - i. are inappropriate; and
 - ii. may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.

2. Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

Policy 11: Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;

- ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
- iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
- iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
- v. areas containing nationally significant examples of indigenous community types; and
- vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- i. areas of predominantly indigenous vegetation in the coastal environment;
- ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
- iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- v. habitats, including areas and routes, important to migratory species; and
- vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 13: Preservation of natural character

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
- c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
- d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

- a. natural elements, processes and patterns;
- b. biophysical, ecological, geological and geomorphological aspects;
- c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- d. the natural movement of water and sediment;
- e. the natural darkness of the night sky;
- f. places or areas that are wild or scenic;
- g. a range of natural character from pristine to modified; and
- h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 15: Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
 - c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
 - i. natural science factors, including geological, topographical, ecological and dynamic components;
 - ii. the presence of water including in seas, lakes, rivers and streams;
 - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - iv. aesthetic values including memorability and naturalness;
 - v. vegetation (native and exotic);
 - vi. transient values, including presence of wildlife or other values at certain times of the day or year;
 - vii. whether the values are shared and recognised;
 - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
 - ix. historical and heritage associations; and
 - x. wild or scenic values;
- d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and

e. including the objectives, policies and rules required by (d) in plans.

APPENDIX C: KEY RPS PROVISIONS

INF POLICY 3: Buffer corridors shall be identified so that development incompatible with the National Grid is not located within such corridors and thereby ensuring reserve sensitivity effects are avoided.

INF METH 7: When considering an application for resource consent, notice of requirement or a change or variation to a district or regional plan that is likely to affect a transmission corridor, local authorities shall **consult with or notify the operator of the National Grid**.

IN METH 18: When considering an application for resource consent, notice of requirement or a change or variation to a district or regional plan that is likely to affect a transmission corridor, local authorities shall **consult with or notify the operator of the National Grid**.

Chapter 8 clearly states that it may be appropriate to locate infrastructure in the coastal environment.

Chapter 14 recognises Taranaki's energy resources as nationally significant and the use and development of these resources rely on infrastructure such as the National Grid to transmit these resources to other regions. It also recognises many of these energy resources and potential future resources (e.g. tidal generation) could be located within the coastal environment, requiring connection to the National Grid.

Before Hearing Panel – Proposed Taranaki Regional Coastal Plan

Under The Resource Management Act 1991 (the Act)

In the matter of Proposed Taranaki Regional Coastal Plan

Between Taranaki Regional Council
Local Authority

And Transpower New Zealand Ltd
Submitter and Further Submitter

Supplementary Evidence

Pauline Mary Whitney

Dated 24 July 2019

- 1 My full name is Pauline Mary Whitney. I am a Senior Planner: Senior Principal of Boffa Miskell Limited. I am a Full Member of the New Zealand Planning Institute and have over 22 years' experience as a resource management planner.
- 2 My evidence is given in support of Transpower's submission on the Proposed Taranaki Regional Coastal Plan and addresses the RMA policy documents relevant to the National Grid.
- 3 I **support** (or accept) the majority of the section 42A Report recommendations. Transpower lodged some 78 individual submission points (44 original and 34 further points), many of which were points in support of the notified provisions and I acknowledge the recognition of Transpower's concerns. Attached as Appendix B to my primary evidence is a summary table of responses to the officer recommendations which I either support or accept.
- 4 The purpose of this supplementary evidence is to:
 - i) Highlight the two outstanding submission points/issues of relevance to Transpower
 - ii) Outline proposed supplementary amendments to Policy 6A as a result of discussion with other submitters since the lodgment of my primary evidence.

Primary Outstanding Issues

- 5 As outlined in my primary evidence there are two outstanding issues from the section 42A Report recommendations:
 - i) Policy 5 Appropriate use and development
 - ii) Rule 34 Structure erection or replacement (and associated Rule 61 Disturbance, damage, or destruction or foreshore or seabed)
- 6 For the sake of completeness, I note in my evidence I provided conditional support for Policy 6, Policy 8, Policy 9, Policy 14 and Policy 19 on the basis a specific National Grid policy (Policy 6A) is provided.

Policy 5 Appropriate use and development

- 7 The recommendation on Policy 5 is accepted in part in that reference to 'operational need' is included within Clause a). This reference is supported as it appropriately

recognises that some activities require a coastal location due to their technical or operational characteristics or constraints. As an example of 'operational need' while Transpower may not currently have a functional need to locate in Taranaki's coastal environment, it may have an operational need to locate within the coastal environment in order to provide for the transmission of electricity from generation to the distribution network i.e. provide the connection between the generators and distributors.

- 8 While the addition of 'operational need' to Clause a) is supported, the recommendation is opposed in part in that it fails to appropriately recognise or provide for new National Grid infrastructure within the Coastal Environment (i.e. those areas outside the Coastal Marine Area but within the Coastal Environment as while Policy 5 applies to the whole Coastal Environment, Clause a) is limited to the Coastal Marine Area only). In my opinion, there is a gap in relation to the policy recognition of the operational need within the Coastal Environment. To address the gap, in my evidence I have sought an amendment to Clause (aa) to recognise the development of the National Grid within the Coastal Environment.

Rule 34 Structure erection or replacement, and Rule 61 Disturbance, damage, or destruction or foreshore or seabed

- 9 The second outstanding point in my primary evidence relates to the non-complying rule for new structures within areas identified as Outstanding Value or Estuaries Unmodified. In my evidence I sought a discretionary activity status for new National Grid structures, for the following reasons:
 - (i) Policy 8 of the NPSET directs that, within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities). The wording of NPSET Policy 8 ("should seek to avoid") does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).
 - (ii) As a discretionary activity, a full assessment of effects of any proposed National Grid related activity would be required as well as a robust route, site and method selection process (as required by NPSET Policy 4), appropriate conditions imposed, and the application able to be granted or declined. A discretionary activity status does not 'allow' the activity, rather enables a case by case merits assessment of the proposal

through the resource consent process. This is informed by the policy framework. A discretionary activity status would also give effect to the “seek to avoid” Policy 6A, sought by Transpower and recommended by the reporting officer, with the ‘seek to avoid policy’ directive embedded within the policy. The supplementary amendments proposed to Policy 6A as outlined below, embed the route, site and method selection process within the ‘seek to avoid’ Policy 6A.

- (iii) A discretionary activity status is consistent with that provided in the Bay of Plenty Regional Coastal Plan.
 - (iv) As a non-complying activity, the activity would be required to pass the S104 ‘gateway test’. I acknowledge the new “seek to avoid” Policy 6A appropriately provides for the National Grid. However, in my opinion the directive nature of the other ‘protect’ policies within the PCPT, combined with the reality that any new National Grid development would likely generate more than minor adverse effects may pose difficulties for any National Grid development to pass the S104 ‘gateway test’.
 - (v) In my opinion, the provision of a non-complying activity status infers such activities are inappropriate regardless of context. Conversely, a discretionary activity status in my opinion applies to those activities which may not be suitable in all locations in a zone but may be suitable in some locations. As provided on the Quality Planning Website , *“non-complying activities are those that the RMA, regulations (including a national environmental standard), or a plan describes as non-complying. This activity status is often reserved for those activities where the potential adverse effects are great but do not necessarily warrant prohibition”*.
 - (vi) While Policies 11, 13, and 15 of the NZCPS require protection, in my opinion, these policy directives need to also be read and applied alongside the more enabling provisions of the NPSET, which recognise the national significance of the National Grid and the need to operate, maintain, develop and update the electricity transmission network. The legal submission of Ms Tompkins expands on the relationship between the NPSET and NZCPS.
- 10 While not raised in my primary evidence, a further reason to support a discretionary activity status is that as a non-complying activity the assessment process cannot take into account the objectives and policies of the NPSET. Instead S104D(1)(b) limits the assessment to the objectives and policies of the Regional Coastal Plan. On this basis I support a discretionary activity status as it enables assessment against the NPSET.

- 11 For completeness I note the submission point on Rule R61 is addressed through the inclusion of disturbance, deposition and discharge within Rule R34.

Supplementary Amendment

- 12 Since the release of officer recommendations on the proposed Regional Coastal Plan Transpower has been in dialogue with the two further submitters (DoC and Forest and Bird) on the non-complying rule 34 (and Transpower's submission point seeking a discretionary activity status for new National Grid structures within areas of Outstanding Value and Estuaries unmodified). The discussions to date have centred around amendment to Policy 6A in order address the further submitters concerns with a discretionary activity status. Transpower has taken the comments and concerns of the further submitters on board and on this basis I support further amendment to the officer recommended Policy 6A as follows (refer Green highlighted and underlined text): I note no agreement has been reached on the amended policy or discretionary activity status but Forest and Bird has indicated it has no concerns with the amended policy at this stage. DoC are not comfortable committing to the revised policy or amended activity status at this stage as have not fully considered the provisions. However, they are keen to continue the discussions post-hearing.

Policy 6A: Management of adverse effects of the National Grid

Where the National Grid has a functional need or operational need to locate in the coastal environment, manage the adverse effects arising from their activities by:

- (a) recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas;*
 - (b) seeking to avoid adverse effects on: areas of outstanding value; significant indigenous biodiversity; historic heritage as identified in schedules 5A and 5B; and nationally or regionally significant surf breaks as identified in Schedule 7A and B;*
 - (ba) utilising the more modified parts of the areas identified in (b) where the route, site and method selection process has considered the avoidance of areas listed in (b) is not practicable;*
 - (c) where it is not practicable to avoid adverse effects on the values of the areas listed in (b) above because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values; and*
 - (d) avoiding, remedying or mitigating other adverse effects to the extent practicable.*
- Recognising that in some circumstances, adverse effects on the areas listed in (b) must be avoided.*

- 13 The primary changes and reasons are:

- Movement and refinement of Clause (a) to make it clear that the avoidance requirement applies across all areas in some circumstances. The need for avoidance would be determined at the resource consent stage where the particulars of the proposal and nature of effects are able to be assessed. In my opinion a discretionary

activity status would support and reflect the Policy 6A approach in that at the resource consent stage, the appropriateness of the particular activity in that particular location would be able to be assessed.

- The second amendment is for the inclusion of a new clause (ba) which provides a more 'stepped' approach to the policy in that the emphasis is first on seeking to avoid the areas, and then utilising the more modified parts of the areas, and then remedying or mitigating adverse effects. Inclusion of reference to the consideration of the route, site and method selection process gives effect to Policy 4 of the NPSET.
- 14 In my opinion the changes outlined add clarity to the application of the policy and provide greater robustness in terms of how the policy would be applied.
- 15 The balance of my primary evidence stands.

Pauline Whitney, 24 July 2019

BEFORE THE TARANAKI REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Regional Coastal Plan

Evidence for Hearing commencing 1 August 2019

To be Tabled

Evidence of Rebecca Beals, RMA Team Leader

Submitter: KiwiRail Holdings Ltd.

Introduction

1. My name is Rebecca Beals and I am the RMA Team Leader for KiwiRail Holdings Limited ("KiwiRail"). I have over 18 years RMA and planning experience. I hold a Bachelor of Laws, a Bachelor of Science (Geography) and a Masters in Resource and Environmental Planning. I am a full member of the New Zealand Planning Institute and also a member of the Resource Management Law Association.
2. This statement is submitted on behalf of KiwiRail in connection with its function as a network utility operator in the Taranaki Region.
3. I am unable to present in person at the hearing and trust that the Hearings Panel will consider this statement as tabled in relation to the Hearing on the Proposed Regional Coastal Plan.

KiwiRail submission points

4. There are a number of points in the KiwiRail submission in support of the detail provided in the notified Coastal Plan and a number of points that sought changes to the provisions relevant to the delivery of a long linear network, like the rail corridor.

Officers Report / Discussion

5. I have had extensive ongoing liaison with the reporting officer post the lodging of the submission and have had the opportunity to review the recommended changes to the Regional Coastal Plan to reflect the matters raised in all submissions. As a result of the changes now proposed, noting that these do not always give KiwiRail the relief sought in the submission, I believe these achieve an outcome that gives effect to the outcomes sought by the KiwiRail submission.



6. I now confirm for the Hearings Panels benefit that KiwiRail supports the recommendations in the Section 42A report in relation to the KiwiRail submission points and the subsequent changes to the Coastal Plan that have arisen as a result.
7. I acknowledge that there are other parties who have submitted on the same provisions as KiwiRail, and who may not have the same support for the recommendations within the s42A report. KiwiRail wish to ensure the Hearings Panel are aware of our support for the changes, and that KiwiRail therefore seek the recommendations within the s42A report are adopted. In the event of the Hearings Panel considering changes to the provisions recommended in the s42A report I seek to ensure that implications for long linear networks and the operation, maintenance and upgrade of these is considered as part of the decision-making process.

RMA – Part 2

8. Part 2 sets out the Purpose and Principles of the RMA. Included in Section 5(2) are the wellbeings that make up sustainable management, being the purpose of the RMA. Those wellbeings include managing the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their health and safety.
9. The changes sought through the KiwiRail submission predominantly related to protecting public safety by ensuring the rail network can be operated and maintained in a safe and efficient manner. The implementation of the provisions is through seeking to avoid adverse effects from inappropriate activities which otherwise may have the potential to result in an increased risk to public safety and the rail network.

Summary

10. As discussed above, there are a number of the KiwiRail submission points that are accepted and others that are, following discussions with Council, accepted in part. I can confirm that KiwiRail accept these recommendations.



Rebecca Beals

RMA Team Leader

KiwiRail

31 July 2019

Proposed Coastal Plan for Taranaki

**Track changes
version**

**Hearing Panel's
recommendations**

Notes on using this document

This document identifies the various changes that have been recommended as a result of submissions on the notified *Proposed Coastal Plan for Taranaki*.

Changes as a result of submissions are identified in red with new text being underlined and removed text being ~~struck through~~.

The submitters number is identified following the correction (e.g. ⁽⁵³⁾ shows the changes were at the request of Taranaki Regional Council). Using this number the submitters request as well as officers recommendations can be identified when referenced against the appropriate provision in the *Section 42A report*. Consequential amendments to other areas of the Plan may occur to ensure consistency throughout, when this has occurred the submitter number who originally requested the amendment has been referenced, however, cross referencing within the Officers report may be more complicated as the requested change may be from a different area of the Plan.

Some minor and inconsequential changes have occurred. These have been identified in blue with new text being underlined and removed text being ~~struck through~~.

Minor and inconsequential amendments have been identified for the convenience of readers and have only occurred where necessary to improve the readability of Plan provisions, align language within the Plan, or to better express the intent of a provision. These changes do not change the policy intent of any Plan provisions.

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Submitters

Submitter number and name		Submitter number and name		Submitter number and name	
1.	Tom P Waite	22.	Lyndon De Vantier	43.	Royal Forest and Bird Protection Society
2.	Federated Farmers	23.	New Plymouth District Council	44.	Nga Motu Marine Reserve Society Inc
3.	Roger Maxwell	24.	Paora Aneti 17 & 18 Māori Reservation Trustees	45.	Powerco
4.	Allen Pidwell	25.	New Zealand Petroleum and Minerals	46.	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd
5.	Point Board Riders Inc	26.	Transpower NZ Ltd	47.	Fonterra
6.	Trans-Tasman Resources Ltd	27.	Taranaki Chamber of Commerce	48.	Taranaki District Health Board
7.	Waikato Regional Council	28.	Grant Knuckey	49.	Cam Twigley
8.	Silver Fern Farms Management Ltd	29.	Department of Conservation	50.	Te Kāhui o Taranaki Trust
9.	Karen Pratt	30.	First Gas Ltd	51.	Taranaki Energy Watch Inc
10.	South Taranaki Underwater Club	31.	Komene 13B Māori Reservation Trustees	52.	Emily Bailey
11.	Bruce Boyd	32.	Port Taranaki Ltd	53.	Taranaki Regional Council
12.	Chorus New Zealand Ltd	33.	New Zealand Defence Force	54.	Maritime New Zealand
13.	Spark New Zealand Trading Ltd	34.	Fay Mulligan and Carol Koha	55.	Kiwis Against Seabed Mining
14.	Vodafone New Zealand Ltd	35.	Radio New Zealand Ltd	56.	Greenpeace
15.	Surfbreak Protection Society	36.	Todd Energy	57.	Heritage New Zealand
16.	Ministry for Primary Industries	37.	Petroleum Exploration and Production Association of NZ	58.	Te Atiawa
17.	David Pearce	38.	Nigel Cliffe	59.	KiwiRail
18.	Surfing Taranaki	39.	Maniapoto Māori Trust Board	60.	Te Kaahui o Rauru
19.	South Taranaki District Council	40.	Te Rūnanga o Ngāti Mutunga	61.	Te Rūnanga o Ngāti Ruanui Trust
20.	Meridian Energy Ltd	41.	Te Korowai o Ngāruahine Trust		
21.	Climate Justice Taranaki Inc	42.	Ngati Rahiri Hapū		

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Vision

Taranaki tangata tūtahi ki te uru Taranaki people standing as one on the west

Broader understanding of the statement:

In this vision statement, 'Taranaki' refers to the people, the mountain, the land and the region. The word '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 concepts of sustainability and protection of the region's resources are central to community aspirations and remain integral to the well-being and vibrancy of the region. It is pivotal to the entire region of Taranaki, from Parininihi to Waitōtara, that all physical and natural resources are maintained and protected.

Working together, the eight Taranaki iwi, the Taranaki Regional Council, and the wider community seek a unified approach toward maintaining, promoting, developing and protecting the natural and physical resources of the region for future generations. This vision recognises the roles and responsibilities shared by all people in Taranaki to ensure the sustainable and focused protection of ~~fresh water~~ air, land (soil), ~~water~~ ⁽⁶¹⁾ and coastal environments for economic, social, cultural and recreational purposes.

Guiding principles for the management of the coast

The sustainable management of coastal resources has always been central to the relationship between iwi o Taranaki and the Taranaki coastline. The following five principles summarise key elements of this relationship.

(a) **Mai te maunga Taranaki ki te Tai a Kupe:** (interconnectiveness) (another way of expressing this is *Ki uta ki tai*).

The domain of Tangaroa extends from the source of the rivers on Mount Taranaki to the moana (sea). Each awa (river) is linked and together form an entity that includes its source, and the moana.

Managing natural and physical resources in a holistic manner, recognising they are interconnected and reliant upon one another.

(b) **Whakapapa:** (identity) is the foundation of the approach to Maori environmental management. This is determined by the shared descent from Papatuanuku and Ranginui (through Tane Mahuta) and the genealogical connection between people, plants, birds and insects.

It involves the recognition and respect for mouri and the intrinsic values of natural and physical features, and including the connections between natural processes and human cultures.

- (c) **Kaitiakitanga:** (*guardianship*) is an inherited responsibility of those who hold mana moana to ensure that the mouri of the natural resources of their takiwa is healthy and strong, and the life-supporting capacity of these ecosystems is preserved.

Recognition that we all have a part to play as guardians to maintain and enhance our natural and physical resources for current and future generations.

- (d) **Manaakitanga:** (*good management*) protection and preservation to ensure good health and well-being.

Recognition that our actions will be considered and justified by using the best available information and good judgement to ensure good environmental outcomes.

- (e) **Whanaungatanga:** (*partnership*) maintaining and growing relationships with all stakeholders.

Partnership between the Taranaki Regional Council and iwi and the community, based on a commitment to active engagement, good faith and a commonality of purpose. ^{(40) (58)}

How the Plan works

Coastal management matters (section 3)

- The matters of interest or concern requiring action, to promote the purpose of the RMA relating to the sustainable management of the coastal environment in the Taranaki region.
- The matters generally relate to potential conflicts between different values or uses of resources, the allocation of resources, or effects on the environment.

Objectives (section 4)

- The objectives in the Plan identify the resource management outcomes or goals desired by the community for the coastal marine area and the wider coastal environment in the Taranaki region. The objectives seek to achieve the purpose of the RMA, by addressing the issues identified in the Plan and promoting positive outcomes.

Policies (section 5)

- The policies are the course of action to be followed to achieve or implement the Plan's objectives.
- The Plan contains two forms of policy:
 - > 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 coastal marine area and the outcomes sought for some significant values and matters; and
 - > section 5.2 lists more **specific policies** which apply to activities involving the coastal marine area. These policies provide direction for the use, development or protection of resources, and how particular activities should be managed.

Methods

- The methods are the way the policies are implemented.
- The methods in the Plan are either regulatory (**rules**) or non-regulatory (**other methods**).

Rules (sections 7 and 8)

- The rules (along with other methods) in the Plan implement the policies.
- The rules have the force and effect of regulations, which means they are legally binding.
- The rules determine whether a person needs to apply for a resource consent or whether the proposed activity can be undertaken without a resource consent (known as permitted activities).
- The rules classify different activities, depending on the effects of those activities and the environmental outcomes sought by the policies and objectives (see the definitions for descriptions of these classifications):
 - > Permitted activities.
 - > Controlled activities.
 - > Restricted discretionary activities.
 - > Discretionary activities.
 - > Non-complying activities.
 - > Prohibited activities.

Other methods (section 6)

- The methods in the Plan (along with the rules) implement the policies.
- The methods are significant courses of action that the Taranaki Regional Council is committed to and are generally operational programmes (e.g. funding or grant schemes, technical assistance) or economic instruments (e.g. financial contribution policies).

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1 Introduction

This section outlines the purpose, scope and structure of the Plan.

1.1 Title

This proposed regional plan may be cited as the *Proposed Coastal Plan for Taranaki* (the Plan). It has been prepared by the Taranaki Regional Council.

1.2 Purpose

The purpose of the Plan is to assist the Taranaki Regional Council to carry out its functions under the *Resource Management Act 1991* (RMA) to promote the sustainable management of the coastal environment, including the coastal marine area, in the Taranaki region.

1.3 Operative date and review

The Plan is a 10-year plan and will become operative on the date that the Taranaki Regional Council's special resolution adopting the Plan is publicly notified.

The Plan was prepared following the review of the *Regional Coastal Plan for Taranaki* (1997) under section 79 of the RMA.

The Plan will remain in force until a future replacement plan is made operative (see section 10.2 of the Plan).

1.4 Application

The provisions of the Plan have legal force under the RMA. Regional rules have the force and effect of a regulation under the RMA. For the purposes of this Plan, rules only apply to activities in the coastal marine area.⁽²⁶⁾

1.4.1 Geographic extent

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.

The landward boundary of the coastal marine area is the line of mean high water springs, except where that line crosses a river.

The boundary of the coastal marine area at rivers pursuant to section 2 of the RMA, (refer to Appendix 1 of this Plan), is as described below:

- (a) In the case of any river referred to below, the boundary of the coastal marine area is as described in Appendix 1:
- | | |
|-------------------|-------------------|
| Mōhakatino River | Huatoki Stream |
| Tongaporutu River | Oākura River |
| Mimi River | Kaūpokonui Stream |
| Urenui River | Tāngāhoe River |
| Onaero River | Manawapou River |
| Waitara River | Pātea River |
| Waiongana River | Whenuakura River |
| Waiwhakaiho River | Waitōtara River. |
| Te Hēnui Stream | |
- (b) In the case of any river not referred to in (a), the river mouth is at the continuation of the mean high water springs line of the coast, across the river. The boundary of the coastal marine area is then a distance upstream of that line, equal to the lesser of: one kilometre, or five times the width of the river mouth.

The seaward boundary of the coastal marine area is the outer limit of the territorial sea which is approximately 12 nautical miles or just over 22 kilometres from the low water mark¹.

¹ Except as otherwise provided in section 6 or section 6A of the *Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977*.



Figure 1: The coastal marine area

While the rules in this Plan apply only to activities in the coastal marine area, nevertheless they include activities that can have an adverse effect on values and uses outside of the coastal marine area. ⁽⁴³⁾ 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.

1.4.2 The coastal environment

The RMA requires the Taranaki Regional Council to prepare a regional plan for the coastal marine area defined above, which is effectively the 'wet' part of the coast. However, important values and issues for the coastal marine area such as cultural values, public access and water quality cannot be effectively managed in isolation from the land component of the coastal environment. The landward extent of the coastal environment has been identified and is shown in the maps that accompany this Plan. ^{(2) (29) (35) (43) (45) (46)}

The RMA empowers regional councils to develop objectives, policies and methods to achieve the integrated management of natural or physical resources in accordance with the Taranaki Regional Council's functions under the RMA. In order to recognise the integrated nature of the wider coastal environment and the effect activities undertaken on land could have on the coastal marine area, this Plan includes objectives, general policies and methods that apply across the coastal environment as a whole, including the landward and seaward extent of the coast, as shown in Figure 2.

The Taranaki Regional Council cannot make rules that apply on land to provide for public access or historic heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land. However, the *Regional Policy Statement for Taranaki* states that the three territorial authorities of the region will be responsible for specifying the objectives, policies and methods for controlling land use to maintain indigenous biodiversity (except in the coastal marine area and the beds of river, lakes and other waterbodies). The Taranaki Regional Council can also make rules relating to soil conservation and control of discharges on land. However, these are regulated by other regional plans. Therefore, the rules of this Plan apply only in the coastal marine area, but the Plan does include other methods with regard to the landward part of the coastal environment. The many agencies that have a role in management of the coast are shown in Figure 3.

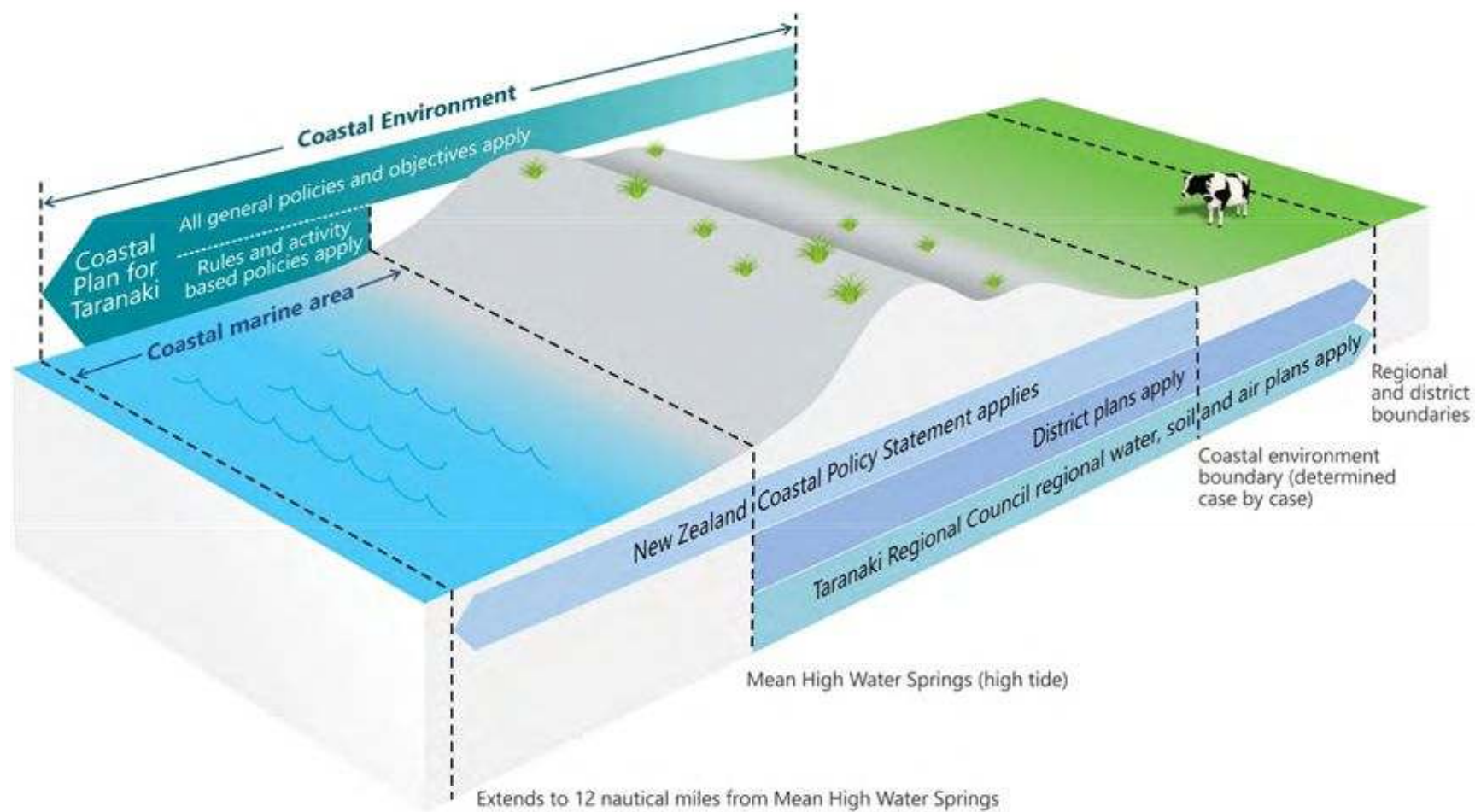


Figure 2: Area where the Plan applies

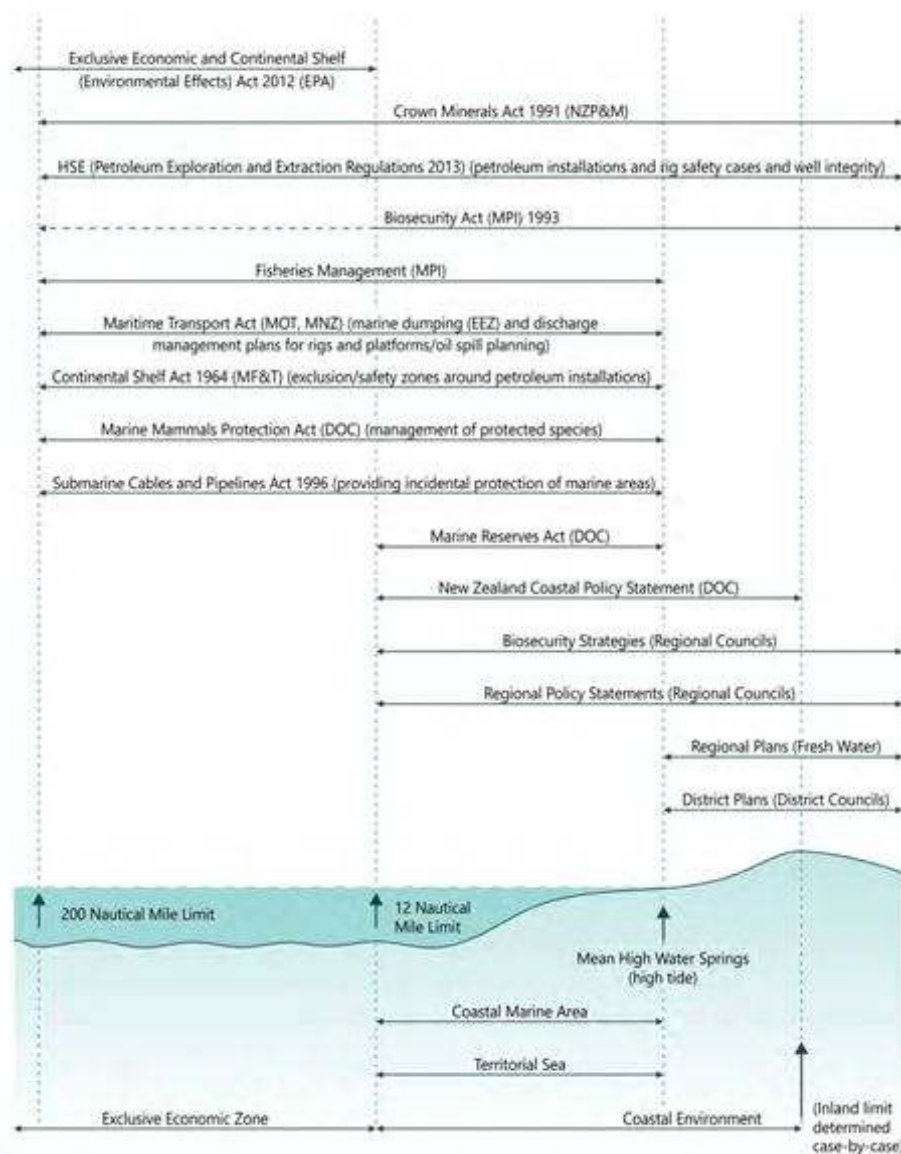


Figure 3: Agencies that have a role in management of the coast

1.5 The Taranaki coastline

The Taranaki coastline extends 295 kilometres from Waihi Stream in the north, to Waiinu in the south. Along the coastline there are two distinctive types of geology – the laharic coast of the volcanic ring plain terrace and the sedimentary coast of the uplifted marine terraces, both north and south of the ring plain.

The high energy environment of the Tasman Sea and the exposure to frequent storm generated swells has resulted in erosion, with around 90% of the coastline now comprised of cliffs. Erosion is greatest along the marine terraced coastline where the sedimentary rock is softer than the laharic material of the ring plain coast.

There are a number of small estuaries at the mouths of Taranaki's larger rivers. These estuaries are well flushed, with little diversity in the way of intertidal and subtidal habitats. Sedimentation has a major influence on the region's estuaries, the factors behind which include rain fall and modified land use. The large number of rivers and the erosion of Mount Taranaki generally bring a lot of sediment to the coast. However, the high energy coastline means this sediment supply does not settle long enough to greatly assist with the beach building process.

Active dunelands exist at some of the larger river mouths and dominate the low-lying coast from Patea Beach to the southern extent of the region. Cliff-top dunes are also a unique feature of the Taranaki coastline.

The coastline is noted for high quality surf breaks. This is particularly evident along the stretch of coast from Kaihihi Road to Stent Road, where finger like lahar deposits form offshore reef systems, creating a high concentration of quality surf breaks.

1.6 Mana whenua

The resources of Tangaoroa have ⁽⁶⁰⁾ provided for and nourished the iwi o Taranaki for generations. These resources were It is integral to the lives of the people who occupied the settlements adjoining the coastline. Tangaoroa provides for these people materially, acted as a highway for travel, was is a source of mahinga kai (food and resource), rongoa (medicine), aid⁽⁶¹⁾ their well-being and provides spiritual sustenance. ⁽⁶¹⁾

The coastal environment was highly valued. It contained kāinga (villages), pā (fortified villages), and pūkawa (reefs) for gathering mātaītai (seafood), as well as tauranga waka or awa waka (boat channels, tauranga ika (fishing grounds) and mouri kohatu (stone imbued with spiritual significance). The importance of these areas and the role of iwi and hapū ⁽⁶⁰⁾ as kaitiaki (guardians) in protecting these areas and their associated values is as important to whānau (family) today as it was to their tupuna (ancestors).

The cultural and spiritual importance of the coastline and the marine area continues to be embodied in waiata (song), pepeha (sayings) and traditions.

There are eight recognised iwi within the boundaries of the Taranaki Regional Council (Figure 4), seven of which have Treaty of Waitangi settlements. They are Ngāti Tama (Settlement Act 2003), Ngāti Mutunga (Settlement Act 2006), Te Atiawa (Settlement Act 2016), Taranaki (Settlement Act 2015), Ngāruahine (Settlement Act 2016), Ngāti Ruanui (Settlement Act 2003), and Ngāa Rauru Kītahi (Settlement Act 2005). Ngāti Maru is progressing towards a mandate that will enable preliminary settlement discussions to take place with the Crown.

The settlements illustrate the relationship the iwi o Taranaki have with the coast. All eight Taranaki iwi and their hapū ⁽⁶⁰⁾ have traditions that demonstrate an ancestral, cultural, historical and spiritual connection to the coastal environment. Sustainable coastal management, through Kaitiakitanga and tikanga, are at the heart of the relationship between the iwi o Taranaki and the coastal environment. This Plan has integrated the values of Taranaki iwi throughout Plan provisions. ⁽⁶⁰⁾

Schedule 5B identifies known sites of significance to Māori and their associated values. The identification and on-going protection of these sites provides a continuous connection from the past to the present.

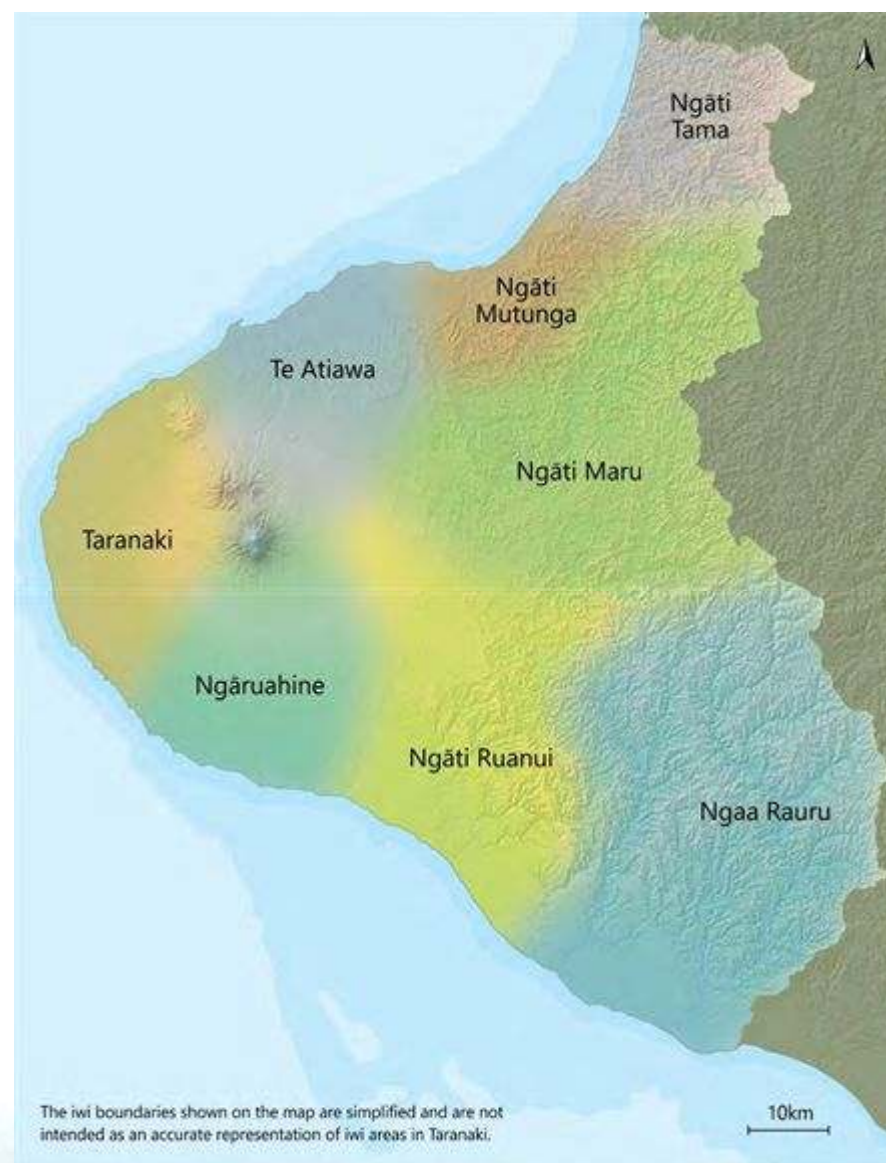


Figure 4: Iwi boundary map

1.7 Coastal management areas

The coastal marine area has been divided into five [coastal](#) management areas [or zones](#). This division recognises that some areas ~~have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or~~ have different management needs than other areas. These areas have been mapped in Schedule 1 and [specific rules apply](#). [The coastal management areas](#) are as follows: ⁽⁴³⁾

1.7.1 Outstanding Value

These are the coastal areas of outstanding value identified in Schedule 1. They include areas that have outstanding natural character and areas identified as having outstanding natural features and landscapes.

These areas contain values and attributes considered exceptional based on their characteristics, including landforms, land cover, cultural and historic heritage associations and visual qualities.

1.7.2 Estuaries Unmodified

These are estuaries [identified in Schedule 1](#) 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.

1.7.3 Estuaries Modified

The Pātea, Waiwhakaiho and Waitara estuaries are highly modified and are surrounded by urban and extensively modified environments. Although modified, these estuaries still contain significant habitats and may have significant indigenous biodiversity value. They are also areas with high amenity value.

1.7.4 Port

This area is a highly modified environment containing Port Taranaki, which has [nationally and](#) regionally important infrastructure providing for the community's economic well-

being. Although highly modified, the area does provide some natural habitat and is valued for recreation.

1.7.5 Open Coast

This is the area of the coastal marine area not covered by the other management areas. The open coast is subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally eroding. This area contains significant sites and places, including sensitive benthic habitats, reef systems that are valued by Māori for mahinga kai, and fisheries that are recreationally, culturally and commercially valuable. The area has high natural character and contains large tracts of coastline that are under no significant pressure for use or development. The area also contains [nationally and](#) regionally important infrastructure and has many areas with high amenity value, including beaches and surf breaks.

1.8 Plan structure

The structure of this Plan is based upon the requirements for a regional plan as set out in section 67(1) of the RMA. There are ten sections:

Section 1 introduces the Plan, including its title, purpose, operative and review dates, application and structure, and its Taranaki context, including drivers for change.

Section 2 outlines the statutory and planning context for the Plan, including the RMA and *New Zealand Coastal Policy Statement* (NZCPS) requirements.

Section 3 provides an overview of the Taranaki coastal environment, including the resource management matters being addressed in the Plan.

Section 4 sets out the objectives or narrative outcomes the Plan seeks to achieve for the coastal environment.

Section 5 sets out the policies for implementing the Plan's objectives for the coastal environment. This section includes both general (over-arching) policies related to the coastal environment as a whole and applied across all activities, and activity-specific policies related to the coastal marine area only.

Section 6 sets out the methods (other than rules) to address the matters identified for the coastal environment as a whole.

Section 7 presents a guide to resource users on applying the rules, including an explanation of the rules tables.

Section 8 sets out the rules of the Plan, including standards, terms and conditions. The rules apply to the coastal marine area only and regulate:

- (a) the discharge of water or contaminants into water, into air or onto land;
- (b) the erection, placement, repair, alteration, extension, removal and replacement or removal/demolition of any structure fixed in, on, under or over the foreshore or seabed;
- (c) the occupation of space within the common marine and coastal area;
- (d) the disturbance, destruction or damage of the foreshore or seabed;
- (e) the depositing of any material in, on or under any foreshore or seabed;
- (f) the extraction of materials;
- (g) the reclamation or drainage of the foreshore or seabed; and
- (h) the taking or use of coastal water, or taking or use of heat or energy from coastal water.

Section 9 sets out the circumstances where a financial contribution may be required, the method for calculating the amount of that contribution and the general purposes for which the contribution may be used.

Section 10 presents Taranaki Regional Council's procedures for monitoring the effectiveness of the Plan, and the review of the Plan.

Definitions of terms and acronyms used in the Plan are set out at the back of the document.

Schedules and **Appendices** providing supporting information to assist in the application of the policies and rules are presented immediately following the body of the Plan. The **Schedules** identify:

1. Coastal management areas
2. Coastal areas of outstanding value
3. Coastal water quality
4. Significant indigenous biodiversity
5. Historic heritage
6. Coastal sites with significant amenity values
7. Significant surf breaks and the Significant Surfing Area
8. Port air zone

[8AA.Hazardous substances and threshold values for stormwater discharges from industrial and trade premises](#) ⁽⁵³⁾

9. Documents incorporated by reference.

The **Appendices** include:

1. Agreed river mouths and coastal marine area boundaries
2. Statutory acknowledgements
3. New Plymouth airport flight path protection surfaces
4. Port Taranaki and its approaches
5. Resource Management (Marine Pollution) Regulations 1998
6. New Plymouth District Council port noise control boundaries.

2 Statutory and planning framework

This section outlines the statutory and planning context for the Plan.

2.1 Resource Management Act

The RMA has a single purpose, set out in section 5(1) of the Act, which is “...to promote the sustainable management of natural and physical resources.”

This Plan addresses the sustainable management of the coastal environment in the Taranaki region. It assists the Taranaki Regional Council in carrying out its RMA functions relating to the coast.

When providing for the sustainable management of the coastal environment, the Taranaki Regional Council will manage the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- avoiding, remedying or mitigating any adverse effects of activities on the environment.

2.1.1 Statutory restrictions on activities

Part 3 of the RMA sets out a number of restrictions to control the adverse effects of certain activities on the environment. The following statutory restrictions apply in relation to this Plan:

- (a) restrictions on use of the coastal marine area (section 12) including:
 - (i) reclamation or drainage of the foreshore or seabed;
 - (ii) erection, reconstruction (repair), placement, alteration, extension, removal or demolition of any structure;
 - (iii) destruction, damage or disturbance of the foreshore or seabed;

- (iv) depositing any material in a manner that is likely to have an adverse effect on the foreshore or seabed;
- (v) introduction of exotic or introduced plants;
- (vi) occupation of the common marine and coastal area; and
- (vii) removal of any sand, shingle, shell or other natural material from the common marine and coastal area;

- (b) restrictions relating to the taking, use, damming or diversion of water (section 14);
- (c) restrictions relating to the discharge of harmful substances, contaminants, water, waste or other matter into water, onto or into land, or into air (sections 15, 15A and 15B); and
- (d) duty to avoid unreasonable noise (section 16).

Activities covered by sections 12, 14, 15, 15A and 15B may not be undertaken within the coastal marine area unless expressly allowed by a national environmental standard, a rule in a regional plan, or a resource consent. The national environmental standard, plan or resource consent may prescribe the noise standards for those activities (section 16).

2.1.2 National policy statements and environmental standards

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

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

National policy statements (NPS) are instruments issued by the Government under sections 45 and 46 of the RMA. They state objectives and policies for matters of national significance that are relevant to achieving the purpose of the RMA, to which regional plans must give effect to ensure national consistency on their subject matter. There are currently four national policy statements that relate to the coastal environment:

- *New Zealand Coastal Policy Statement 2010*, which sets out objectives and policies for managing the coastal environment (refer section 2.2 below);

- *National Policy Statement on Urban Development Capacity 2016*, which sets out the objectives and policies for providing for urban development capacity;
- *National Policy Statement for Renewable Electricity Generation 2011*, which sets out objectives and policies for managing renewable energy generation; and
- *National Policy Statement on Electricity Transmission 2008*, which sets out objectives and policies for managing the electricity transmission network.

National environmental standards (NES) are Government regulations issued under section 43 and 44 of the RMA. They can prescribe national technical standards, methods, or requirements for environmental matters. The RMA stipulates that a regional plan must not conflict with the provisions of an NES. There are currently six national environmental standards:

- *National Environmental Standards for Air Quality*;
- *National Environmental Standard for Sources of Drinking Water*;
- *National Environmental Standards for Telecommunication Facilities*;
- *National Environmental Standards for Plantation Forestry*;
- *National Environmental Standard for Electricity Transmission Activities*; and
- *National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health*.

2.2 New Zealand Coastal Policy Statement

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.

Policies within the NZCPS address matters including:

- the extent and characteristics of the coastal environment;
- the Treaty of Waitangi, tangata whenua and Māori heritage;
- adopting a precautionary approach where there is uncertainty;
- providing for the integrated management of natural and physical resources;

- consideration of effects on land or water in the coastal environment that is managed under other Acts;
- development and other activities, and;
- reclamation and de-reclamation;
- [protection of](#) ⁽⁴³⁾ indigenous biological diversity;
- harmful aquatic organisms;
- preservation and restoration of natural character;
- protection of natural features and natural landscapes (including seascapes) of the coastal environment;
- protection of surf breaks of national significance;
- protection of historic heritage;
- allowing for public open space, walking access and control of vehicles;
- enhancement of water quality and control of sedimentation;
- management of discharges of contaminants; and
- identification and management of coastal hazards.

2.3 Marine and Coastal Area (Takutai Moana) Act 2011

The *Marine and Coastal Area (Takutai Moana) Act 2011* acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of iwi, hapū and whānau in the common marine and coastal area.

Under the Act, neither the Crown nor any other person owns the common marine and coastal area. However, an iwi, hapū or whānau group may have their customary rights in the marine and coastal area acknowledged by negotiating a recognition agreement with the Crown, or by applying for a recognition order from the High Court. Groups can apply for protected customary rights and/or customary marine title.

- A **protected customary right** is a right that has continued to be exercised since 1840 and includes things like collecting hāngi stones or launching waka. When the High

Court grants a protected customary rights order or a recognition agreement is negotiated with the Crown, the iwi, hapū or whānau group has the ability to exercise their protected customary rights without need for a resource consent and without paying occupation charges or royalties.

- **Customary marine title** exists when an applicant group has held a specified area in accordance with tikanga and has exclusively used and occupied the area from 1840 to the present day without substantial interruption, or has since 1840, received an area through customary transfer. When an iwi, hapū or whānau group is granted customary marine title they are given certain permission rights relating to resource management and conservation in the area. One of the rights is an RMA permission right giving the group the ability to give or withhold permission for a new consented activity (with some exceptions).

Iwi of Taranaki currently have claims before the Crown for both customary marine title and protected customary right. ^{(41) (58) (60)}

2.4 Resource Management (Marine Pollution) Regulations 1998

The *Resource Management (Marine Pollution) Regulations 1998* (Appendix 5), made pursuant to section 360(1) of the RMA, control the following:

- dumping of waste or other matter in the coastal marine area from any ship, aircraft or offshore installation;
- discharges from ships or offshore installations in the coastal marine area; and
- incineration of waste or other matter in any marine incineration facility in the coastal marine area.

The regulations set out assessment criteria for a consent authority that is considering an application to dump waste in accordance with regulation 4(2).

2.4A Iwi management plans

Iwi environmental management plans are planning document recognised by an iwi authority (the authority that represents an iwi and that is recognised by that iwi as having authority to do so). Pursuant to Section 66 of the RMA the Council, when preparing or

changing a regional plan, must take into account any relevant planning document recognised by an iwi authority.

At the time of writing there were three iwi planning documents that have been submitted to Council. They are the:

- Ngaa Rauru Kaitiaki Puutaiao Management Plan;
- Ngati Ruanui Environmental Management Plan 2012; and
- Taiao, Taiora: An Iwi Management Plan for the Taranaki Iwi Rohe. ⁽⁴⁰⁾

2.5 Other legislation

All persons responsible for activities in the coastal environment should ensure that they comply with all relevant legislation, regulations and bylaws.

Other legislation relating to the coastal marine area includes:

- *Crown Minerals Act 1991*
- *Biosecurity Act 1993*
- *Marine Reserves Act 1971*
- *Submarine Cables and Pipelines Act 1996*
- *Marine Mammals Protection Act 1978*
- *Continental Shelf Act 1964*
- *Maritime Transport Act 1994*
- *Wildlife Act 1952*
- *Heritage New Zealand Pouhere Taonga Act 2014*
- *Fisheries Act 1996*
- *Hazardous Substances and New Organisms Act 1996*
- *Local Government Act 1974*
- *Local Government Act 2002*
- *Conservation Act 1987*

- Treaty settlement legislation – at the time of writing, includes the *Ngāti Tama Settlement Act 2003*, *Ngāti Mutunga Claims Settlement Act 2006*, *Te Atiawa Claims Settlement Act 2016*, *Taranaki Iwi Claims Settlement Act 2016*, *Ngāruahine Claims Settlement Act 2016*, *Ngāti Ruanui Claims Settlement Act 2003*, and *Ngāa Rauru Kītahi Claims Settlement Act 2005*. ⁽⁴⁰⁾ ⁽⁵⁸⁾ ⁽⁶⁰⁾

3 Coastal management

This section provides an overview of the Taranaki coastal environment, including the resource management matters being addressed in the Plan.

3.1 Taranaki coastal environment

The coastal environment comprises the coastal marine area together with land dominated by the coast and where coastal processes, influences or qualities predominate.

As provided in section 1.4 of this Plan, the Taranaki Regional Council manages the coastal marine area, and some activities landward of mean high water springs relating to river and lake beds, and soil, freshwater and air quality, through its regional plans. The territorial authorities control land use activities above mean high water springs through their district plans.

There is a relatively low demand for activities in Taranaki's coastal marine area. As at June 2016, there were only 254 current coastal permits, comprising 5% of all resource consents administered by the Taranaki Regional Council. Furthermore, the number of coastal permits has reduced over time for some activities e.g. there are now only four major community or industrial discharges to coastal waters, compared with some 25 major discharges 30 years ago. Notwithstanding generally low use and development, it remains important that adverse effects of use and development continue to be avoided, remedied or mitigated and that, as far as is practicable, take into account the wider coastal environment.⁽⁴³⁾

Integrated management

Although few pressures exist in Taranaki's coastal marine area, demand for activities and the effects of subdivision, use and development on land in the coastal environment can be high. It⁽⁴³⁾ is important to recognise that natural and physical resources and the wider environment consist of interconnected systems. Changes to one part of a system may affect other systems. Thus, activities in the coastal marine area, or on land above mean

high water springs, can cause changes across the divide of land and sea. Because of the interconnected nature of biophysical systems, resource management must recognise the wider effects of using, developing and protecting resources on all other natural and physical resources. It also needs to take into account the large number of different agencies with resource management roles, and the often competing or conflicting interests of the community and resource users. It is essential that the interconnected nature of the coastal environment is recognised through an integrated management approach (refer 1 below).

Coastal water quality

Taranaki generally has high quality coastal water, mainly as a result of the region's exposed coastal environment and low development pressures. However, a ~~degradation~~deterioration of coastal water quality can sometimes occur in discrete areas, such as near river mouths and in close proximity to wastewater discharges. At river mouths, water quality can be reduced as a result of contaminants from land use and development (e.g. farming, earthworks, urban centres, industrial sites) entering waterways, particularly during or following heavy rainfall events. Accidental discharges of largely untreated wastewater can have temporary adverse effects on coastal water quality. Wastewater discharges from large population bases can occasionally render shellfish in the area unsuitable for consumption.

Water quality can also be impacted on a short-term or on an ongoing basis by discharges to coastal waters or other activities undertaken in the coastal marine area. Coastal water quality is integral to supporting healthy and functioning ecosystems, traditional uses and practices, and other community uses. In maintaining and enhancing Taranaki's generally high coastal water quality², the effects of discharges in the coastal marine area and on land, including cumulative effects, need to be managed (refer 2 below).

² Additional to human-induced impacts, it is also worth noting that natural variations in Taranaki's coastal water quality can also occur e.g. as a result of waterfowl, naturally eroding soils and iron oxide pans in soils.

Appropriate use and development ⁽⁴³⁾

Some activities rely upon a location in or near the coastal marine area, or are dependent on the use of coastal resources due to a technical need or operational need. ⁽²⁶⁾

Taranaki's coastal resources and developments play a crucial role in both the regional and national economy. As an example, Taranaki is one of the most important mineral producing regions in New Zealand and as at 2017, contains the country's only commercially producing oil and gas fields, including offshore fields.

Port Taranaki, New Zealand's only deep water seaport on the west coast, supports a wide range of regionally and nationally significant activities and contributes to the national transport system.

Other activities, such as the placement of structures in the coastal marine area, can create public benefit, e.g. providing public access, public safety or recreational opportunities. Coastal management will recognise and provide for appropriate resource use and development, and its contribution to enabling people and communities to provide for their social, economic and cultural well-being (refer 3 below).

Natural and historic heritage

Taranaki's distinctive natural and historic heritage is integral to the identity of the region and its people. This heritage is important for its intrinsic. ⁽⁴³⁾ cultural, amenity, biodiversity and tourism values and its contribution to the region's economic, social and cultural well-being.

While some areas represent a typical Taranaki coastal environment, others are iconic or contain values and attributes that are of special significance in relation to natural character, natural features and landscapes, historic heritage associations and indigenous biodiversity. In some areas nature predominates and man-made influences are absent or subservient in the context of the natural environment. In other areas it may be the uniqueness or memorability of a landscape or feature, the presence of a rare or threatened species or habitat, or the historical associations inherent in a site or landscape that are of special significance.

Significant natural and historic heritage values in the coastal environment need to be protected to allow healthy and functioning ecosystems to continue, and to provide for the economic, social and cultural well-being of present and future generations (refer 4 below).

Management agencies generally recognise but may have limited and/or incomplete knowledge of historic heritage values present in the coastal environment. ⁽⁵⁷⁾

Tangata whenua values and relationships

Tangata whenua have a special relationship with natural and physical resources through whakapapa. Inherent in this relationship is kaitiakitanga, which seeks to maintain the māuri of natural and physical resources, while allowing their use and development for social, cultural and economic well-being.

Wāhi tapu, sites, or places of cultural significance, including tauranga waka landing sites, ⁽⁴¹⁾ taonga, and customary resources, are integral to the identity, well-being and cultural integrity of tangata whenua. The coastal environment and associated resources comprise some of the most important taonga to tangata whenua. As kaitiaki of their traditional fishing grounds and reefs, tangata whenua have a responsibility to nurture and safeguard these resources for future benefit. This stewardship ethic is reflected in customary practices and rules such as rotational or seasonal harvesting, collection techniques aimed at preserving the natural state of fishing reefs, the use of rahui (prohibition) on seafood gathered to prevent exploitation, restrictions on gutting and shelling seafood below the high tide mark and avoiding contamination of the coastal habitat by human and animal waste.

It is important that the relationship of tangata whenua with the coastal environment is recognised and provided for (refer 5 below). That includes rivers and tributaries and land areas identified in Appendix 2 [Statutory acknowledgements] that lie landward of the coastal marine area boundary. ⁽⁴¹⁾

Public amenity and enjoyment

The coastal environment is an important and valued part of Taranaki's environment and the quality of life offered by the region. The coastal marine area in particular is an extensive area of public space available for people to use and enjoy. It is where we play, gather food, undertake traditional practices, or relax. Many coastal resources and activities contribute to the economic, social and cultural well-being of communities.

The Taranaki region boasts numerous surf breaks of national and regional significance that draw local and overseas visitors alike and host local, national and international surf competitions. The Taranaki coastal marine area, with its extensive rocky reefs and outcrops and plankton-rich waters, supports diving, fishing and food gathering activities. Taranaki is also famous for its distinctive black sand beaches. Community surveys show

that passive activities including walking, swimming and relaxing are the most popular activities undertaken at the coast. It is important that people can continue to access, use and enjoy the Taranaki coast (refer 6 below).

Coastal hazards

The coastal environment is at high risk of coastal hazards area. Risks include tornados, coastal erosion, tsunami, storm surges, and cliff rock falls and slumps³. The risk of, ~~or and~~ vulnerability to, coastal hazards may will ⁽²¹⁾ increase over time, for instance ⁽⁴⁶⁾ due to climate change and sea level rise.

Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with the soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels. ⁽⁴⁶⁾

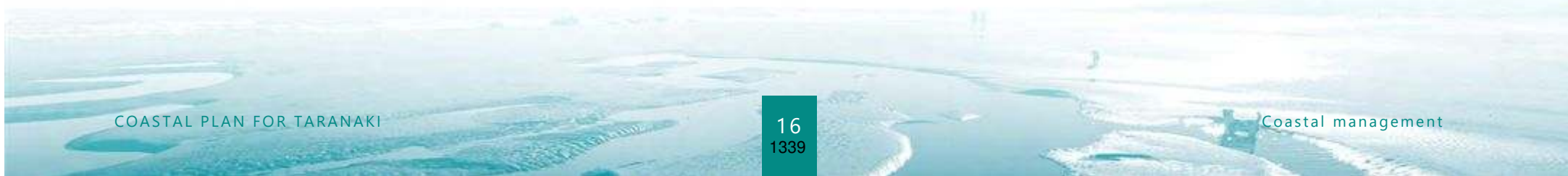
Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that these activities do not use and development of the coastal marine area does not increase coastal hazard risk or ⁽⁴⁶⁾ pose a threat to the health and safety of people or property (refer 7 below).

3.2 Managing the Taranaki coastal environment

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

1. Recognising the interconnected nature of the coastal environment through an integrated management approach.
2. Managing the effects of discharges in the coastal marine area and on land in the coastal environment to maintain and enhance Taranaki's generally high coastal water quality.
3. Recognising and providing for the role of appropriate use and development of natural resources in the coastal environment and its contribution to the social, economic and cultural well-being, and health and safety of people and communities.
4. Ensuring significant natural and historic heritage and natural processes in the coastal environment are protected for the continuation of healthy and functioning ecosystems, and the social, cultural and economic well-being of present and future generations.
5. Ensuring the relationship of tangata whenua Māori and their cultural and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga, including their traditions, social and cultural values are recognised and provided for in the management of Taranaki's coastal environment.
6. Ensuring people can continue to access, use and enjoy the Taranaki coast, where and when it is appropriate to do so. ^{(40) (58)}
7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk to unacceptable levels ⁽⁴⁶⁾ or pose a threat to the health and safety of people or property.

³ Based on Civil Defence Emergency Management Group Plan for Taranaki 2012 and National Hazardscape Report 2007.



4 Objectives

This section presents the thirteen objectives for managing Taranaki's coastal environment: All objectives are relevant to managing Taranaki's coastal environment and no objective should be viewed in isolation. ⁽⁶¹⁾

Objective 1: Integrated management

Management of the coastal environment, including the effects of subdivision, ^{(20) (43)} use and development on land, air and fresh water, is carried out in an integrated manner.

Objective 2: Appropriate Use and development ⁽⁴³⁾

Natural and physical resources of the coastal environment are used efficiently, and activities that have a functional need or an operational need, that depend on the use and development of these resources, are provided for in appropriate locations. ^{(26) (32)}

Objective 3: Reverse sensitivity Impacts on established operations and activities ⁽²⁶⁾

The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate incompatible subdivision, ⁽²⁰⁾ use and development occurring in proximity to the infrastructure or activity ⁽⁴⁷⁾ in the coastal environment.

Objective 4: Life-supporting capacity and mauri

The life-supporting capacity and mauri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment.

Objective 5: Coastal water quality

Water quality in the coastal environment is maintained where it is good, and enhanced where it is degraded. ^{(29) (47)}

Objective 6: Natural character

The natural character of the coastal environment is preserved and protected from inappropriate subdivision, ^{(20) (43)} 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 subdivision, ^{(20) (43)} use and development.

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 9: Relationship of tangata whenua with the coastal environment

Traditional and continuing relationships of tangata whenua and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga ⁽⁵⁷⁾ in the coastal environment, including the role of tangata whenua as kaitiaki, are recognised and provided for.

Objective 10: Treaty of Waitangi

The principles of the Treaty of Waitangi, including the principles of mai te maunga Taranaki kite tai a Kupe, whakapapa, kaitiakitanga, manaakitanga, whanaungatanga, kawanatanga, and rangatiratanga kawanatanga, rangatiratanga, partnership, active participation, resource development and spiritual recognition ⁽⁴¹⁾, are taken into account in the management of the coastal environment.

Objective 11: Cultural and Historic heritage ⁽⁶¹⁾

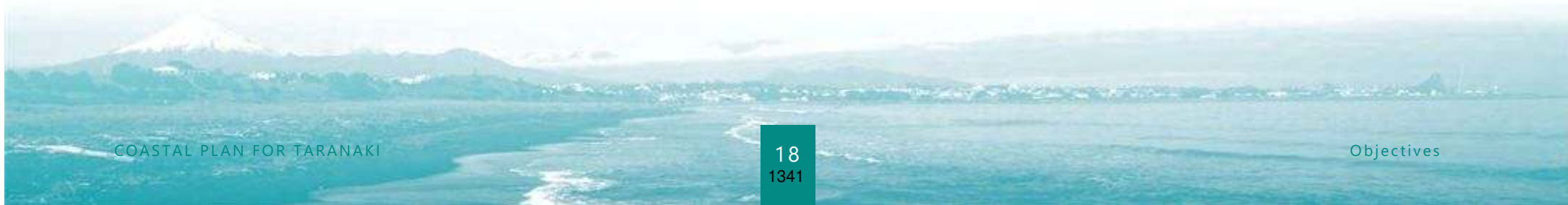
Cultural and Historic heritage in the coastal environment is protected from inappropriate subdivision, ⁽²⁰⁾ use and development. ⁽⁶¹⁾

Objective 12: Public use and enjoyment

~~People's~~ The public's ⁽²⁹⁾ use and enjoyment of the coastal environment, including amenity values, traditional practices and appropriate ^{(40) (41) (47) (58) (59)} public access to and within the coastal environment, is maintained and enhanced.

Objective 13: Coastal hazard risk and public health and safety

The risk of social, cultural, environmental, and economic harm in the coastal environment
(20) (43) from coastal hazards is not increased and public health, safety and property is not compromised by use and development of the coastal marine area.



5 Policies

This section includes the policies that implement the Plan objectives.

When assessing an activity, regard will be had to all relevant general and activity-based policies and no individual policy viewed in isolation.

Section 5.1 contains general or overarching policies applicable to the wider **coastal environment**, including the coastal marine area, for the purposes of achieving integrated management and which relate to:

- [5.1.1](#) management of the coastal environment
- [5.1.2](#) use and development of resources
- [5.1.3](#) natural [character](#) form and functioning
- [5.1.3A](#) [indigenous biodiversity](#)
- [5.1.3B](#) [historic heritage](#)
- [5.1.3C](#) [tangata whenua culture, values and traditions](#) ⁽⁵⁷⁾
- [5.1.4](#) public use and enjoyment
- [5.1.5](#) coastal hazards and public health and safety.

Section 5.2 contains policies specific to activities in the **coastal marine area** and which relate to:

- [5.2.1](#) discharges
- [5.2.2](#) coastal structures and occupation of space
- [5.2.3](#) disturbance, deposition and extraction
- [5.2.4](#) reclamation and drainage
- [5.2.5](#) taking, use, damming or diversion of coastal water, or taking or use of heat or energy from coastal water
- [5.2.6](#) noise.

The same activity-based categories are also used in the Rules section of the Plan.

5.1 General policies

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 landward where coastal processes, influences or qualities are significant and as indicatively shown on the planning maps ⁽⁴³⁾) in order to achieve the objectives of this Plan.

The policies apply to all activities in the coastal environment. The policies set out a coastal management framework, provide for use and development, protect, maintain and enhance significant and outstanding values, and manage coastal hazards and risks to public health and safety, 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). ⁽⁴³⁾

5.1.1 Management of the coastal environment

Policy 1: Coastal management areas

Manage the coastal ~~marine area~~ environment ⁽²⁰⁾ in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.

In managing the use, development and protection of resources in the coastal marine area ⁽²⁰⁾ under the Plan, recognition will be given to the following coastal management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:

- (a) **Outstanding Value:** Coastal areas of outstanding value (identified in Schedule 2) refers to those areas listed in Schedule 1(a) and are identified as having outstanding natural character and/or outstanding natural features or landscape values. These areas that characteristically: ⁽⁴³⁾
- (i) are areas of outstanding natural character and/or outstanding natural features or landscapes; ⁽⁴³⁾
 - (ii) contain values and attributes that are exceptional, including in relation to landforms, land cover, biodiversity, cultural and heritage associations, and visual qualities identified in Schedule 2 (refer corresponding Policy 78);
 - (iii) contain marine areas with legal protection, including Parinihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve (identified in Schedule 1); and

- (iv) are iconic to the region's identity and sense of place.

- (b) **Estuaries Unmodified:** refers to those estuaries, not identified in (a) or (c) of this policy, that are permanently open to tidal movements and listed in Schedule 1(b). These areas do not include estuaries identified in (a) or (c) of this policy and characteristically: ⁽⁴³⁾

- (i) have high natural character, ^{(29) (43)} 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; and
- (iv) are valued by Māori for taonga species, and cultural, spiritual, historical and traditional associations. ^{(40) (58) (61)}

- (c) **Estuaries Modified:** refers to the Pātea, Waiwhakaiho and Waitara estuaries that are permanently open to tidal movements and listed in Schedule 1(c). These areas characteristically: ⁽⁴³⁾

- (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; and
- (v) are valued by Māori for taonga species, and cultural, spiritual, historical and traditional associations. ^{(40) (58) (61)}

- (d) **Open Coast:** refers to remaining areas of the coastal marine area Areas of the open coast ⁽⁴³⁾ not identified in (a), (b), (c) and (e) of this Policy that characteristically:

- (i) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally naturally eroding;
- (ii) include marinereef systems that provide and habitat to marine life, including migration paths, breeding areas and nursery areas for marine mammals and seabirds; ⁽²⁹⁾

(iiA) ~~include marine systems and marine life and are~~⁽²⁹⁾ valued by Māori for mahinga kai;

(iii) include nationally and regionally important surf breaks identified in Schedule 7 (refer corresponding Policy 19); and

(iv) contain fisheries that are recreationally, culturally and commercially valuable.

[e] **Port:** refers to the operational management area of Port Taranaki. The area is a highly modified environment that characteristically: ⁽⁴³⁾

(i) enables people and communities to provide for their economic well-being;

(ii) contains ~~nationally and~~ regionally important infrastructure;

(iii) contains port related activities that are accepted as appropriate uses of this coastal management area; and

(iv) has a low level of natural character, although is located adjacent to an area of outstanding value; ~~and~~

(v) ~~can have significant effects on areas outside of the Port, including contributing to coastal erosion along the New Plymouth foreshore.~~ ⁽³²⁾

Policy 2: Integrated management

Provide for the integrated management of the coastal environment by:

(aa) recognising ki uta ki tai by taking into account the interconnected nature of resources and natural processes in the management of adverse effects across air, land, freshwater bodies and the coastal environment; ^{(20) (29) (43)}

(a) implementing Plan provisions in managing the effects of activities (positive and ~~negative adverse~~) ^{(40) (50) (58)} by having regard to the location, form and limits of the activity ⁽⁴³⁾ undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;

(b) implementing policies, methods and rules in other regional plans for Taranaki ⁽²⁰⁾ in relation to managing adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance;

(c) ~~taking into account the potential for cross-media effects and the connections between freshwater bodies and coastal water;~~ ^{(20) (29) (43)}

(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;

[e] considering the effects of activities in the coastal marine area on outstanding natural features and landscapes or areas of outstanding natural character or significant indigenous biodiversity ⁽⁴³⁾ identified in other regional or district plans for the Taranaki region; ⁽²⁰⁾

(f) managing natural and physical ~~coastal~~ ⁽⁴⁵⁾ resources in a manner that ~~has regard to~~ recognises and provides for ⁽²⁶⁾ the social, economic and cultural objectives and well-being of the community and the functional needs and/or operational needs ^{(26) (45) (46)} ~~and/or location constraints of nationally or~~ regionally important infrastructure and industry; ^{(45) (46) (47)} and

(g) working collaboratively with government departments, territorial authorities, district health boards, ⁽⁴⁸⁾ other agencies, and tangata whenua in accordance with Policy ~~15~~ 16, ^{(19) (43)} 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 subdivision, ⁽²⁰⁾ use and development beyond the coastal marine area.

Policy 3: Precautionary approach

Adopt a precautionary approach, ~~which may include using an adaptive management approach,~~ ⁽⁴³⁾ where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

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) having particular regard to areas identified in a district plan or proposed district plan as being the coastal environment or equivalent (map link); and

(b) on a case by case basis recognising:

(i) areas landward of the coastal environment line where coastal processes, influences or qualities are significant, including areas at risk from coastal hazards; coastal vegetation and coastal habitat of indigenous species; elements and features of natural character, landscapes, visual qualities or amenity values; inter-related coastal marine and terrestrial systems; and may include items of cultural and historic heritage and physical resources and built facilities. ~~coastal~~

~~lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas;~~

- (ii) ~~and 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.~~ ^{(2) (29) (35) (43) (45) (46)}

5.1.2 Use and development of resources

Policy 5: Appropriate use and development of the coastal environment

~~Consider~~⁽⁴³⁾ whether ~~subdivision and~~ ⁽²⁰⁾ use and development of the coastal environment is in an appropriate ~~place location~~ ⁽⁴³⁾ and form, and within appropriate limits, by having regard to ~~(but not limited to) the following:~~ ⁽⁴³⁾

- (a) the functional need ~~or operational need~~ ^{(26) (47)} for the activity to be located in the coastal marine area. ~~Conversely, a~~ ^{(45) (46)} activities that do not have a functional need ~~or operational need~~ ^{(26) (47)} 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);
- ~~(aa) whether the activity relates to the use, operation, maintenance and alteration of regionally important infrastructure;~~ ⁽²⁶⁾
- (b) the benefits to be derived from ~~the other~~ ⁽⁴⁵⁾ activities at a local, regional and national level, including ~~the existing and potential contribution of agriculture, petroleum and mineral resources, and~~ the potential contribution of aquaculture and renewable energy resources; ^{(6) (25) (47)}
- (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, ~~including best practicable options for preventing or minimising adverse effects on the environment;~~ ⁽⁶⁾
- (d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Māori and their culture and traditions with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka (canoe landing sites), nga toka (rocks) and tauranga ika (fishing grounds);
- (e) the degree to which the activity will be ~~threatened by, or contribute to, subject to unacceptable risks or exacerbate~~ ⁽⁴⁶⁾ coastal hazards ~~risk, or pose a threat to~~ public health and safety with particular reference to Policy 20;

- (f) the degree to which the activity contributes to the ~~maintenance,~~ ⁽⁶⁾ enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;
- (g) the degree to which the activity contributes to the ~~maintenance,~~ ⁽⁶⁾ enhancement or restoration of ~~appropriate~~ ⁽³²⁾ public access or public use of the coast including for recreation;
- (h) whether any landward component, development or use of land-based infrastructure or facilities associated with the activity can be appropriately provided for;
- (i) whether the activity is for scientific investigation or educational study or research; and
- (j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of:
 - (i) cumulative effects of otherwise minor activities;
 - (ii) the sensitivity of the environment ~~with particular reference to Policy 1~~ ⁽⁴³⁾; and
 - (iii) the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be remedied or mitigated.

Policy 6: ~~Activities important to the well-being of people and communities~~ ⁽²⁶⁾ Benefits of regionally important infrastructure

Recognise ~~and provide for the benefits of~~ new and existing ~~infrastructure of~~ regionally important ~~infrastructure or of significance~~ to the social, economic and cultural well-being of people and communities in Taranaki, ~~and provide for the safe and efficient operation of regionally important infrastructure~~ ^{(26) (32) (43) (45) (46)} subject to the appropriate ~~management avoidance, remediation or mitigation~~ ⁽⁴³⁾ of adverse environmental effects.

Policy 6A: Management of adverse effects of the National Grid ^{(26) (43)}

~~Where the National Grid has a functional need or operational need to locate in the coastal environment, manage the adverse effects arising from their activities by:~~

- (a) ~~recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas;~~
- (b) ~~seeking to avoid adverse effects on:~~

- (i) areas of outstanding value;
- (ii) significant indigenous biodiversity;
- (iii) historic heritage as identified in schedules 5A and 5B; and
- (iv) nationally or regionally significant surf breaks as identified in Schedule 7A and B;
- (c) where it is not practicable to avoid adverse effects on the values of the areas listed in (b) above because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values; and
- (d) avoiding, remedying or mitigating other adverse effects. ⁽²⁶⁾

Policy 7: Impacts on **lawfully** established activities

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on Protect~~ existing lawfully established activities ~~from reverse sensitivity effects that may arise from the establishment of new activities or the intensification of other existing activities by:~~

- (a) avoiding significant adverse effects on regionally important infrastructure;
- (b) avoiding, remedying or mitigating other adverse effects on regionally important infrastructure and other activities. ^{(45) (46) (47)}

5.1.3 ~~Protection, maintenance or enhancement of natural and historic heritage~~ Natural character form and functioning

Policy 8: Areas of outstanding value

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule ~~4~~ **2** ⁽²⁹⁾ from inappropriate subdivision, ^{(20) (43)} use and development by:

- (a) avoiding adverse effects of activities on the values and characteristics including those ⁽⁴³⁾ 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.

Policy 9: Natural character and natural features and landscapes

Protect ~~all other areas of the natural character, features and landscapes of~~ the coastal environment not addressed in Policy 8 identified in Schedule 2 ⁽²⁹⁾ 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) maintains, ⁽²⁰⁾ ~~contributes to the~~ ~~enhancement~~ or ~~restoration of~~ ⁽³⁷⁾ 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~~ ⁽³⁷⁾ within the surrounding landscape, its representativeness and ability to accommodate change;
 - (iv) is of an appropriate form, scale and design to ~~be sympathetic to~~ minimise adverse effects on values of ⁽³⁷⁾ 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 protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity; ⁽⁴³⁾
 - (vi) maintains the integrity of historic and cultural ^{(40) (58)} 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; and
 - (ix) in areas of high natural character in the coastal marine area, minimises to the extent practicable, seabed and foreshore disturbance and modifications, placement of structures, and discharges of contaminants. ⁽⁴³⁾

Policy 10: Restoration of natural character

Promote the restoration 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.

Policy 11: Coastal water quality

Maintain coastal water quality where it is good ⁽⁴⁷⁾ ~~and or~~ ⁽⁶⁾ enhance coastal water quality where it is degraded ⁽⁴⁷⁾ by avoiding, remedying and mitigating the adverse effects of activities on:

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

Policy 12: Restoration of coastal water quality

Promote the restoration of coastal water quality where ~~deterioration~~degradation ⁽⁴³⁾ 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.

Policy 13: Coastal air quality

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

5.1.3A Indigenous biodiversity**Policy 14: Significant ~~indigenous~~ biodiversity**

Protect ~~areas of~~ ⁽²⁹⁾ significant indigenous biodiversity in the coastal environment ~~and maintain and enhance indigenous biodiversity~~ ⁽⁴³⁾ by:

- (a) 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) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) areas containing nationally significant examples of indigenous community types; and
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; ~~and~~
- (b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:
- (i) areas of predominantly indigenous vegetation in the coastal environment;
 - (ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:
 - i. estuaries;
 - ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);
 - iii. areas that provide passage for diadromous species;
 - iv. marine mammal resting, feeding and breeding areas; and
 - v. bird roosting and nesting areas;
 - (iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as identified in Schedule 4B;
 - (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - (v) habitats, including areas and routes, that are important to migratory species; and
 - (vi) ecological corridors and areas important for linking or maintaining biological values identified under this policy; ~~and~~

- (c) avoiding, remedying or mitigating the adverse effects of activities in significant marine animal and seabird areas consistent with (a) and (b) above. ⁽⁴³⁾

Policy 14A: Indigenous biodiversity

Maintain or enhance indigenous biodiversity generally in the coastal environment by:

- (a) avoiding, remedying and mitigating the adverse effects of activities on indigenous biodiversity; and
- (b) when assessing adverse effects on indigenous biodiversity, having regard to the extent of effects, including consideration of:
- (i) the association of the ecological site and values with other interrelated, but not necessarily contiguous, ecological sites and values;
 - (ii) the nature, location, extent and design of the proposed development and the effects of these factors on indigenous biodiversity;
 - (iii) the degree to which indigenous biodiversity values will be lost, damaged, destroyed, or enhanced, recognising that:
 - i. the scale of the effect of an activity is proportional to the size and sensitivity of the ecological area and associated indigenous biodiversity values;
 - ii. discrete, localised or otherwise minor effects not impacting on the ecological area may be acceptable; and
 - iii. activities with transitory effects may be acceptable, where they can demonstrate the effects are not long-term and/or irreversible. ⁽⁴³⁾

Policy 14B: Taonga species

Maintain or enhance taonga species as identified in Schedule 4C by:

- (a) avoiding significant adverse effects of activities on the habitat of taonga species, mahinga kai, tāiapure or mataitai and customary uses and values unless:
the activity is necessary for the provision of regionally important infrastructure,
avoidance of adverse effects is not practicable and adverse effects are remedied or mitigated to the extent practicable; and
- (b) avoiding, remedying or mitigating other adverse effects of activities on taonga species habitat, mahinga kai, tāiapure or mataitai. ^{(40) (41) (42) (58) (60) (61)}

5.1.3B Historic heritage

Policy 15: Historic heritage

Protect historic heritage in the coastal environment from inappropriate subdivision. ⁽²⁰⁾
use and development by:

- (a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and historic areas identified in Schedule 5A;
- (b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with sites of significance to Māori identified in Schedules 5A and 5B;
- (c) avoiding, remedying or mitigating adverse effects on the values associated with all other historic heritage sites, including those identified in Schedule 5 and those identified by New Zealand Archaeological Association's ArchSite (Archaeological Site Recording Scheme);
- (d) when assessing adverse effects on 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, historic heritage sites and their collective significance in the context of historic landscapes and areas;
 - (ii) the degree to which 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 historic heritage values;
 - (iv) the classification given to the historic heritage, as set out in Schedule 5A and the reasons for which it has been scheduled;
 - (v) the extent to which the historic heritage has been damaged by natural events, weather, or environmental factors and any subsequent risk to public safety;
 - (vi) the importance (if any) of land surrounding the historic heritage;
 - (vii) the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements;
 - (viii) any investigation and documentation of the site to provide a historical record; and

- (ix) the outcome of any consultation with any relevant body or individual, such as Heritage New Zealand Pouhere Taonga, the Department of Conservation, or local iwi and/or hapū; and
- (e) allowing the maintenance, repair or restoration of identified historic heritage where it is based on a clear understanding of the heritage values of the place, and undertaken in accordance with good practice conservation principles and methods.

5.1.3C Tangata whenua culture, values and traditions ⁽⁵⁷⁾

Policy 16: Relationship of tangata whenua

Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment, including the role of tangata whenua as kaitiaki, and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. ^{(40) (41) (58) (61)}

The Taranaki Regional Council will provide opportunities for working in partnership with ⁽⁴⁸⁾ 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, including but not limited to environmental plans, management plans, kaitiaki plans and marine spatial plans recognised by an iwi authority. ⁽⁴¹⁾
- (b) taking into account any relevant memorandum of understanding or kaitiaki agreement with between the Taranaki Regional Council and ^{(40) (57)} the iwi authorities; ⁽⁵⁷⁾
- (c) implementing 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;
- (d) responding to requests for give effect to Mana Whakahono a Rohe to enhance the opportunities for collaboration with that provide agreements about how iwi may contribute to resource management processes; ^{(41) (61)}
- (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 (s) ⁽⁴¹⁾ with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua, in consultation with the relevant iwi authority; ⁽⁶⁰⁾
- (h) recognising the importance of mātauranga Māori, customary, traditional and intergenerational knowledge;
- (i) requiring that resource consent applications or plan change applications provide cultural impact assessments and/or archaeological assessments where appropriate; ~~and~~
- (j) involving tangata whenua in the development of consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate; and
- (k) considering consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment. ^{(40) (41) (58) (60)}

5.1.4 Public use and enjoyment

Policy 17: Public access

Maintain and enhance public access to, along and adjacent to the coastal ~~environment~~ marine area ^{(2) (20)} by:

- (a) avoiding, remedying or mitigating any adverse effects of activities on public access;
- (b) promoting the enhancement or restoration of public access, where a demand exists, ⁽²⁾ including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, ^{(40) (41) (42) (58)} improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and
- (c) only ⁽²⁾ imposing a restriction on public access, including vehicles, where such a restriction is necessary to:
 - (i) protect significant natural or historic heritage values;
 - (ii) protect dunes, estuaries and other sensitive natural areas or habitats;
 - (iii) protect sites and activities of cultural value to Māori;

- (iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;
 - (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;
 - (vi) provide for defence purposes in accordance with the *Defence Act 1990* or port or airport purposes;
 - (vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;
 - (viii) provide for temporary activities or special events;
 - (ix) ensure a level of security for lawfully established activities ^{(2) (52)} consistent with the activity, including protection of equipment; or
 - (x) provide for other exceptional circumstances where restriction to public access is justifiable;
- and alternative access routes for the public have been considered and provided where practicable.

Policy 18: Amenity values

Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on those qualities and characteristics that contribute to amenity values in:

- (a) coastal areas of outstanding value identified in Schedules 1 and ⁽⁶¹⁾ 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) coastal sites with significant indigenous biodiversity identified in Schedule 4, taonga species identified in Schedule 4C, or historic heritage sites including those identified in Schedule 5A and B and Appendix 2 ^{(41) (43) (58) (61)}
- (e) other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a), (b), (c) and (d). ⁽²⁹⁾

Policy 19: Surf breaks and Significant Surfing Area

Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:

- (a) avoiding adverse effects on:
 - (i) ~~all~~ nationally significant surf breaks as identified in Schedule 7; and
 - (ii) ~~all~~ surf breaks within the designated Significant Surfing Area as identified in Schedule 7;
- (b) avoiding significant adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area ~~unless the activity is necessary for the provision of regionally important infrastructure, avoidance of effects is not possible and effects are remedied or mitigate;~~ ^{(26) (32)}
- (c) avoiding, remedying or mitigating adverse effects on all locally significant surf breaks listed in Schedule 7;
- (d) ~~within the Significant Surfing Area, avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on seascape, including development which would have an adverse effect on the remote feel of the area; and~~ ⁽⁴⁹⁾
- (e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:
 - (i) effects on the quality or consistency of the surf break by considering the extent to which the activity may: change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and
 - (ii) ~~the effects on access to surf breaks and other qualities and characteristics that contribute to use and enjoyment of surf breaks, including natural character, water quality, and amenity values.~~ ^{(2) (19) (41) (58)}

5.1.5 Coastal hazards and public health and safety

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

Avoid increasing the risk of social, environmental and economic harm from coastal hazards ~~or posing a threat~~ and avoid increased risks ^{(6) (46)} to public health and safety, or aircraft or navigation safety including by:

- (a) for coastal hazard risk, ensuring:
 - (i) where appropriate, the design, placement, and long-term efficiency and use of structures, reclamations or works take into account dynamic coastal processes, including the expected effects of tsunamis, climate change and sea level rise, assessed over at least a 100 year time frame;
 - (ii) activities that involve disturbance, deposition or extraction do not remove or interact with such quantities of sediment from the onshore-offshore or longshore drift systems as to materially increase the rate of coastal erosion; and
 - (iii) structures and reclamations are designed and managed to avoid or remedy erosion and scour as a consequence of the structure, including by reflection, refraction or diffraction of wave energy, and the interaction or interception of sediment; and
- (b) for aircraft or navigation safety, and general public health and safety:
 - (i) ensuring activities allow the free and safe passage of vessels to and from lawful launching, mooring or berthing areas;
 - (ii) separating conflicting recreational and commercial activities;
 - (iii) ensuring activities do not adversely affect the functioning of navigation aids;
 - (iv) ensuring discharges to air are not hazardous to human health or restrict visibility in accordance with Policy 30;
 - (v) requiring structures to be maintained to an appropriate standard;
 - (vi) requiring structures to be appropriately located and lit whilst avoiding light emissions that could affect the safe navigation of vessels and aircraft; and
 - (vii) enabling the removal of structures in accordance with Policy 38, where they are no longer functional or required, or have been abandoned.

Policy 21: Natural hazard defences

Protect, restore and enhance the ability of natural features and systems, including beaches, estuaries, wetlands, intertidal areas, reef systems, coastal vegetation, dunes, coastal cliffs, peninsulas and barrier islands, to provide a natural defence from coastal hazards.

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. Where a policy in this section is inconsistent with a general policy in 5.1, the general policy takes precedence. ⁽⁵⁷⁾

5.2.1 Discharges to the coastal marine area

Policy 22: Discharge of water or contaminants to coastal waters

Discharges of water or contaminants to water in the coastal marine area ~~will~~ must: ⁽⁴⁰⁾ ⁽⁴⁸⁾

- (a) be of an acceptable quality with regard to:
 - (i) the sensitivity of the receiving environment and associated uses and values: ⁽⁶⁰⁾
 - (ii) the nature and concentration of the contaminants to be discharged and the efficacy of ~~waste~~ ⁽⁴⁶⁾ reduction, treatment and disposal measures;
 - (iii) the capacity of the receiving environment to assimilate the contaminants and achieve the required water quality, taking into account the potential for cumulative or synergetic effects;
- (b) avoid the accumulation of persistent toxic contaminants in the environment;
- (c) adopt the best practicable option for the treatment and discharge ⁽⁴⁷⁾ to prevent or minimise adverse effects on the environment, having consideration to:
 - (i) discharging contaminants onto or into land above mean high water springs as an alternative to discharging contaminants into coastal waters;
 - (ii) the use of constructed wetlands or other land-based treatment systems as an alternative to discharging directly to water unless there is no other practicable option;
 - (iii) the nature of the discharge and sensitivity of the receiving environment;
 - (iv) the capital, operating and maintenance costs of alternative technical options to reduce the effects of the discharge, the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and

- (v) the weighting of costs in proportion to any benefits to the receiving environment offered by each option;
- (d) be required, where appropriate, to reduce adverse environmental effects through a defined programme of works, over an appropriate timeframe, ⁽⁴⁷⁾ set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;
- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the adverse effects on the life supporting capacity of water ⁽⁴⁷⁾ within the mixing zone; and
- (f) avoid, remedy or mitigate adverse effects, after reasonable mixing.

Policy 23: Discharge of untreated human sewage

Discharges of untreated human sewage to coastal water are not allowed.

Policy 24: ~~Existing~~ Discharge of treated wastewater containing human sewage

Existing lawfully established ~~d~~Discharges of treated wastewater containing human sewage to coastal water will only occur where: ⁽⁴¹⁾

- (a) an adequate consideration of alternative methods, disposal locations and routes for the discharge has been undertaken, including land disposal and wetland treatment;
- (b) adequate consultation with tangata whenua has been undertaken so that their values and the effects on those values are understood; and
- (c) there has been consultation with the general community.

Policy 25: New discharges of wastewater containing human sewage

New discharges of treated wastewater containing human sewage are not allowed ~~will not occur in the coastal management areas: Outstanding Value, Estuaries Unmodified, Estuaries Modified and Port.~~ ⁽⁴⁰⁾ ⁽⁴¹⁾ ⁽⁴³⁾

Policy 26: Improving existing wastewater discharges

Adverse effects of existing wastewater discharges to coastal water will be minimised, and:

- (a) in the case of existing discharges from wastewater treatment plants, the best practicable option will be used to improve water quality and reduce the quantity of discharges; and

- (b) in the case of existing consented wastewater overflows that contain untreated human sewage, including those occurring during or following extreme rainfall events, the frequency and/or volume of discharges should be progressively reduced and eliminated over the course of the existing consent as, in accordance with Policy 23, no further consents will be granted.

Policy 27: Discharge of stormwater

Discharges of stormwater to the coastal marine area ~~must will~~ ^{(40) (48) (58)} be appropriately managed by:

- (a) adequate consideration of:
- (i) the nature of the activities undertaken, and substances stored or used, within the contributing catchment;
 - (ii) the use of source controls to avoid the contamination of stormwater;
 - (iii) the use of measures (~~which may include~~ ^{being} treatment) ^{(41) (58)} to prevent or minimise contamination of the receiving environment;
 - (iiiA) the location of the discharge in relation to avoiding, remedying or mitigating any adverse environmental effects: ^{(40) (41) (58)}
 - (iv) the use of design options to reduce the overall volume of stormwater requiring disposal to the coastal marine area, including discharging into or onto land; and
 - (v) integrated management of whole stormwater catchments and stormwater networks where appropriate;
- (b) avoiding, where practicable, and otherwise remedying cross contamination of sewage and stormwater systems; ~~and~~
- (c) ensuring discharge rates and volumes, and outlet structures are designed and managed to avoid, remedy or mitigate erosion and scour; ~~and~~
- (d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects. ⁽⁴⁷⁾

Policy 28: Harmful aquatic organisms

The following activities in the coastal marine area ~~must will~~ ^{(40) (48) (58)} be managed in a way that minimises the risk of introduction or spread of harmful aquatic organisms:

- (a) maintenance (including hull cleaning ~~and scraping~~) ⁽²⁹⁾ of structures, movable objects and ships;
- (b) introduction or placement of a structure or installation;
- (c) relocation of equipment or machinery; and
- (d) relocation of stock in the case of aquaculture.

Policy 29: Impacts from ~~offshore petroleum~~ ⁽⁶⁾ drilling and production

Activities associated with ~~petroleum~~ ⁽⁶⁾ drilling and production in the coastal marine area must be managed to avoid, remedy or mitigate adverse environmental effects associated with ~~accidental any~~ ^{(40) (41) (58)} discharges by ~~ensuring~~:

- (a) ~~ensuring~~ use of industry best practice drilling, construction and maintenance methods, including the type of mud systems and maintenance and construction materials;
- (aa) in relation to offshore production activities, adopting adequate separation distances having regard to the values and sensitivity of the environment: ⁽⁵¹⁾
- (b) ~~ensuring~~ discharges of fluids from any well do not occur unless specifically authorised;
- (c) ~~ensuring~~ compliance with relevant recognised standards, codes of practice, or regulations; and
- (d) ~~ensuring it~~ is undertaken in an appropriate manner and location having regard to the values and sensitivity of the environment potentially affected and the degree and significance of effects.

Policy 30: Discharge of contaminants to air

Discharges of contaminants to air in the coastal marine area must:

- (a) not occur at a volume, concentration or rate, or in such a manner that causes or is likely to cause a hazardous, noxious, dangerous, toxic, offensive or objectionable effect on the environment including human or animal health or the significant restriction of visibility or soiling of property;
- (b) not cause odours that are offensive or objectionable to people on private property or public places of assembly or on their use and enjoyment of the coast; and
- (c) adopt the best practicable option to prevent or minimise adverse effects on the environment by giving consideration to the following:
 - (i) the nature of the discharge;
 - (ii) the sensitivity of the receiving environment;
 - (iii) the capital, operating and maintenance costs of relative technical options to reduce the effects of the discharge, the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and
 - (iv) the weighting of costs in proportion to any benefits to the receiving environment offered by each option.

5.2.2 Coastal structures and occupation of space in the coastal marine area

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

~~Allow~~ Structures in appropriate locations ~~will be allowed for~~, ⁽²⁶⁾ 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
- (d) the efficient operation of ~~nationally and~~ regionally important infrastructure.

Policy 32: Placement of structures

Structures placed in the coastal marine area:

- (a) must generally be limited to those that have a functional need ~~or operational need~~ ^{(26) (47)} to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate;
- (b) must not be located in Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve identified in Schedule 1 apart from boundary marker buoys or temporary structures associated with scientific or educational study or research;
- (c) should be placed in an appropriate location with consideration given to the sensitivity of the environment;
- (d) must be designed, located and managed so as to avoid, remedy or mitigate:
 - (i) any increase in coastal hazard risk including increased rates of erosion or accretion;
 - (ii) settlement or loss of foundation material;
 - (iii) movement or dislodgement of individual structural elements; and
 - (iv) adverse effects on the environment and associated uses and values, including cumulative effects;
- (e) should be made available for public or multiple use where it will not conflict with operational or safety requirements; and
- (f) where appropriate, should be made of, or finished with, materials that ~~are visually and aesthetically compatible with~~ minimise effects on the natural character and visual amenity of ⁽³⁷⁾ the adjoining coast.

Policy 33: Hard protection structures in coastal areas of outstanding value

Hard protection structures located within the coastal management area – Outstanding Value (identified in Schedule 2) must not have an adverse effect on the values and characteristics identified in Schedule 2 that contribute to an area having outstanding value, in accordance with Policy 8.

Policy 34: Appropriateness of hard protection structures

Hard protection structures are discouraged and the use of alternatives promoted, ~~whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important infrastructure.~~⁽⁴⁷⁾

Appropriateness of hard protection structures must be assessed by the provision of evidence that demonstrates:

- (a) an adequate consideration of alternative methods to hard protection structures including non-intervention, natural defences in accordance with Policy 21, 'soft' protection options such as beach re-nourishment and planting, and the relocation or removal of existing development or structures at risk;
- (b) the levels of risk and any likely increase in disaster or risk potential over at least a 100 year time frame;
- (c) the national and regional importance of existing infrastructure, use or value at threat;
- (d) the costs and benefits to people and the community;
- (e) that hard protection structures to protect private assets are not located on public land unless there is a significant public or environmental benefit from doing so;
- (f) the ~~structure has works have~~ been designed by a suitably qualified and experienced professional; and
- (g) the degree and significance of actual or potential adverse effects on the environment including consideration of:
 - (i) cumulative effects;
 - (ii) the sensitivity of the environment; and
 - (iii) the efficacy of measures to avoid, remedy or mitigate such effects.

Policy 35: Temporary hard protection structures

Temporary hard protection structures with a duration of less than five years may be allowed provided that:

- (a) the protection is temporary in order to provide time to prepare and implement a plan to remove or reduce coastal hazard risk through approaches that do not involve a further hard protection structure;
- (b) the proposed structure is removable; and

- (c) ~~no permanent any~~ adverse effects on the environment ~~will result resulting~~ from the placement, use and removal of the structure, will be less than minor and transitional.⁽⁶⁰⁾

Policy 36: Maintenance, ~~repair, replacement and~~ minor alteration or minor extension of existing structures

Maintenance, ~~repair, replacement and~~ minor alteration or minor extension of existing lawful structures and reclamations will be allowed ~~in order to:~~

- (a) in order to:⁽⁴³⁾
 - (i) enable compliance with applicable standards and codes;
 - (ii) ensure structural integrity;
 - (iii) maintain or improve efficiency; or
 - (iv) address health and safety or navigational safety issues; and
- (b) where it does not increase the scale or intensity of the adverse effects of the activity or structure; and

subject to the appropriate avoidance, remediation or mitigation ~~management~~ of adverse effects.⁽⁴³⁾

Policy 37: Major alteration or extension of existing structures

Major alteration or extension of existing lawful structures will be allowed in locations where the activity will not have significant adverse effects on other lawfully established structures or⁽⁴³⁾ uses and values and must:

- (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.

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure ~~will must~~⁽⁵⁸⁾ be considered planned for⁽³²⁾ as part of the initial design and installation and removal will generally be required.

~~Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless~~ When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply one or more of the following applies:⁽³⁷⁾

- (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, is permanent⁽³²⁾ or has reuse value that is considered appropriate in accordance with Policy 5;
- (d) the removal of the structure is technically unfeasible; or
- (e) the removal of the structure poses unreasonable risk on human health and safety.^{(25) (37)}

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.

5.2.3 Disturbance, deposition and extraction

Policy 40: Disturbance, deposition ~~and~~ extraction in marine areas with legal protection

Disturbance of, or deposition on, the foreshore or seabed or the extraction of natural material must not occur in areas managed or held under other Acts for statutory protection (including⁽⁴¹⁾ Parininihi Marine Reserve, Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve identified in Schedule 1) apart from that associated with:

- (a) recreational activities including boating and anchoring;
- (b) scientific or educational study or research; and
- (c) the placement and maintenance of boundary marker buoys.

Policy 41: Disturbance, deposition or extraction activities that provide public or environmental benefit

Allow 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, ~~including protecting or maintaining the safe and efficient operation of regionally important infrastructure,~~⁽²⁶⁾ ~~will be allowed,~~ subject

to appropriate avoidance, remediation or mitigation~~management~~⁽⁴³⁾ 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, altering or extending or upgrading⁽²⁶⁾ 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.

Policy 42: Disturbance of the foreshore or seabed

Activities that cause disturbance of the foreshore or seabed must:

- (a) be managed with regard to the sensitivity of the site specific values present;
- (b) avoid significant adverse effects caused by the release of contaminants;
- (c) avoid, remedy or mitigate other adverse effects; and
- (d) ensure that the foreshore or seabed is, as far as practicable, reinstated in a manner that is consistent with the natural character and visual amenity of the area.

Policy 43: Port dredging

Maintenance and capital dredging activities for Port Taranaki, including spoil disposal, must be managed in order that:

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

- (b) fine particle sediment (silt) and any contaminated sediment is deposited in appropriate offshore spoil disposal ~~areas~~ locations; ⁽⁴³⁾
- (c) best practicable methods and procedures for dredging and depositing contaminated sediments, or dredging in the zone of natural oil seeps, are used so that sediment or contaminant mobilisation and dispersal is minimised as far as practicable; and
- (d) adverse environmental effects are avoided, remedied or mitigated.

Policy 44: Extraction or deposition of material

Extraction of sand, shingle, shell and other natural material from the foreshore or seabed, or deposition of material on the foreshore or seabed, not provided for by Policies 39, 40, 41 and 42 ~~43~~ should must; ⁽⁴³⁾

- (a) 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;
- (b) generally not occur in coastal management areas – Outstanding Value, Estuaries Unmodified and Estuaries Modified;
- ~~(ba) not occur close to moderate or high relief offshore reefs~~; ⁽⁹⁾
- (c) 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;
- (d) where applicable, have regard to the volumes of material to be extracted over the duration of the activity and where appropriate:
 - (i) the natural rate of sediment being deposited over sediment lost from the area where extraction is proposed; and
 - (ii) the interaction of sediment within the extraction site with the nearshore littoral system;
- (e) 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;
- (f) where applicable and appropriate, ensure that the deposited material is of a similar size, sorting and parent material as the receiving sediments; and

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

5.2.4 Reclamation and drainage

Policy 45: Appropriateness of reclamation or drainage

~~Consider r~~ Reclamation or drainage of land in the coastal marine area ~~will not be allowed unless only in circumstances~~ where: ^{(26) (43)}

- (a) land outside the coastal marine area is not available for the proposed activity;
- (b) ~~the activity which requires reclamation or drainage can only occur~~ there is a functional need or operational need for the activity to be located ⁽⁴³⁾ in or adjacent to the coastal marine area;
- (c) there are no practicable alternative methods of providing for the activity; and
- (d) the activity provides significant public benefit with particular regard to the extent to which the reclamation or drainage and intended purpose would provide for the efficient operation of ~~nationally and~~ regionally important infrastructure including, but not limited to, ports, airports, coastal roads, pipelines, electricity transmission, railways, marinas and electricity generation.

Policy 46: Design of reclamation

Subject to Policy 45, the design and form of any reclamation of land in the coastal marine area must:

- (a) take into account the potential effects of climate change, including sea level rise, over 100 years;
- (b) as far as reasonably practicable, provide public access to and maintain connectivity along the coastal marine area at high tide, unless a restriction on public access is appropriate in accordance with Policy 17(c); and
- (c) 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.

5.2.5 Taking, use, damming and diversion of coastal water, or taking or use of heat or energy from coastal water

Policy 47: Taking and use of coastal water or taking of heat or energy from coastal water

Allow the taking and use of coastal water and any taking of heat or energy from coastal water will be allowed provided subject to it is not being taken in a quantity or at a rate and in a manner that avoids, remedies or mitigates that would cause adverse environmental effects. ⁽³³⁾

Policy 48: Damming or diversion of coastal water

Damming or diversion of coastal water should not cause adverse environmental effects.

5.2.6 Noise

Policy 49: Noise and vibration

Noise and vibration from activities undertaken in the coastal marine area, including underwater activities, will be managed to minimise avoid, remedy or mitigate ⁽⁴³⁾⁽⁶⁰⁾ adverse environmental effects.

6 Methods of implementation

This section contains the methods, in addition to the rules contained in section 8 that will be used to implement the policies of the Plan. Unless the context indicates otherwise, the methods of implementation apply to the coastal environment.

6.1 General

- I. Provide **advice and information**, including guidelines to coastal users, consent holders and the public:
 - a) to generally promote awareness of the need for the protection of the natural character of the coastal environment and the importance and values of coastal areas of outstanding value and other coastal areas of value;
 - aa) to promote awareness of the need to consult with any persons likely to be affected by coastal activities, including tangata whenua if their interests are affected, prior to lodging any resource consent application;⁽⁴¹⁾
 - ab) to promote awareness of the natural, cultural, historic, and amenity attributes and values of the coastal environment, including the cultural significance and importance of the coastal and marine environments to Māori and iwi/hapū;⁽⁴¹⁾
(49)
 - b) to encourage the adoption of practices that avoid or mitigate adverse effects on the coastal environment;
 - c) to encourage the use of industry recognised guidelines or codes of practice that avoid or mitigate adverse effects on the coastal environment;
 - d) to encourage appropriate coastal use, development and protection practices to maintain or enhance coastal values, including public use and enjoyment;
 - e) on siting, design, installation, operation and maintenance systems;
 - f) on procedures to avoid or mitigate adverse effects on the coastal environment; and
 - g) on responsibilities and processes under other legislation, for example, *Fisheries Act 1996, Biosecurity Act 1993, Reserves Act 1977, and Heritage New Zealand Pouhere Taonga Act 2014, the Marine Mammal Protection Act 1978, Wildlife Act*

1953 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.⁽⁴³⁾

2. Consider the use of other **economic instruments** such as financial contributions, environmental enhancement grant funding and rates relief to maintain or enhance coastal values, including biodiversity values, historical and cultural values, public use and enjoyment, surf breaks (including the Significant Surfing Area),⁽⁴⁹⁾ and natural hazard management.
3. Consider undertaking **works and services** to maintain or enhance coastal values, including biodiversity values, historical and cultural values, recreational use and enjoyment, surf breaks (including the Significant Surfing Area),⁽⁴⁹⁾ and natural hazard management.
4. 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.
5. **Gather or collate information** on the resources and values of the coastal environment of Taranaki.
- 5A Develop and implement **spatial planning** to achieve integrated management of the coastal environment, including the identification of sites and places with significant values, and, where appropriate, make this publicly available.^{(28) (55) (56) (61)}
6. Develop and implement a monitoring, review and reporting programme to assess the **effectiveness and efficiency of the Plan**, including whether the objectives have been achieved.
7. Support, as and when appropriate, **research and investigation** into coastal management.

6.2 Management of the coastal environment

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 the following coastal management areas:
 - a) Outstanding Value
 - b) Estuaries Unmodified

- c) Estuaries Modified
- d) Open Coast
- e) Port.

8A Implement Plan objectives, policies and methods of implementation that allow, regulate or prohibit activities in locations, areas or places with significant values in a manner that avoids, remedies or mitigates adverse effects on:

- a) infrastructure of regional importance;
- b) natural character and natural features and landscapes;
- c) indigenous biodiversity;
- d) historic heritage, including sites of significance to Māori; and
- e) amenity values, including surf breaks. ⁽⁴³⁾

8B Review and, if necessary, amend the *Regional Policy Statement for Taranaki* to set out criteria for assessing the significance of natural character, natural features and landscapes and indigenous biodiversity. ^{(29) (43)}

- 9. **Advocate** to and liaise with territorial authorities to promote alignment and consistency, where appropriate, between the Plan and district plans.
- 10. **Advocate** to relevant sector and industry groups, territorial authorities, and government departments and agencies for the adoption of policies, strategies or programmes to assist in the implementation of the objectives, policies and methods of the Plan.
- 11. Consider in accordance with section 33 of the RMA the **transfer of functions** that other agencies could carry out more efficiently, effectively and appropriately.

6.3 Use and development of resources

- 12. Implement Plan objectives, policies and methods of implementation that **recognise and provide for appropriate use and development** in the coastal environment.

6.4 Natural heritage

- 13. **Participate** as appropriate, in central government planning for a network of marine protected areas around New Zealand.

- 14. **Advocate** when appropriate, to relevant agencies, to protect significant indigenous biodiversity, including ⁽²⁹⁾ the establishment of marine protected areas and including marine reserves to preserve the natural character of the coastal environment.
- 15. Assist, when appropriate, with the **integrated management** of marine protected areas.
- 16. Maintain and update GIS **databases** of all known coastal sites 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.
- 17. Prepare **biodiversity plans** for coastal sites with regionally significant indigenous biodiversity values and work with landowners, tangata whenua and care groups to implement these plans.
- 18. Provide **environmental enhancement grants** and general advice to support the active protection of biodiversity in Taranaki, including coastal habitats for threatened or regionally distinctive native flora and fauna.
- 19. Promote active restoration of sand dunes and coastal herb fields, wetlands and forests through working with landowners and tangata whenua ⁽⁶⁰⁾ and providing **advice and funding** for planting, weed and pest control and other related matters.
- 20. Encourage **legal protection** of sand dunes and coastal herb fields, wetlands and forests with significant indigenous biodiversity values.

6.5 Historic and cultural ⁽⁶¹⁾ heritage

- 21. **Advocate** to:
 - a) Heritage New Zealand, New Zealand Archaeological Association, Department of Conservation, local territorial authorities, and iwi to maintain and regularly update databases and records of historic heritage; and
 - b) relevant agencies the use of other legislation (such as the *Conservation Act 1987*, *National Parks Act 1980*, *Reserves Act 1977*, *Queen Elizabeth II National Trust Act 1977* and the *Heritage New Zealand Pouhere Taonga Act 2014*), for the purpose of identifying and protecting the region's historic heritage values.
- 22. Actively support, as and when appropriate, **surveys, research and investigation** into identifying historic heritage in the region.

23. Protect, through both the Plan and **resource consent processes**, spiritual and cultural values, traditional uses and practices, and economic well-being of tangata whenua.
24. **Support and assist** iwi ~~as appropriate, with their~~ **to identify sites and places of special cultural and traditional value associated with the coastal environment, including the** ⁽⁴¹⁾ identification of wāhi tapu, **wāhi taonga** ⁽⁴²⁾ and other taonga through the development of electronic wāhi tapu inventories, registers or 'silent files'.
25. Consider **iwi involvement or partnerships** in Taranaki Regional Council resource investigations and projects, ~~including developing iwi and Council databases and records that identify sites and places of special cultural and traditional value~~ ⁽⁴¹⁾ associated with the coastal environment.
26. Provide **technical assistance and advice** in preparing iwi planning documents and consider financial or other support for preparing such documents.
27. Provide advice and information to generally **promote awareness** of wāhi tapu, **wāhi taonga** ⁽⁴²⁾ and other taonga and the importance and values of such sites and values.
28. Through both the Plan and resource consent processes, have regard to **statutory acknowledgements**, take into account any relevant **planning document** recognised by an iwi authority and lodged with the Council, and recognise and provide for foreshore and seabed reserve management plans in preparing regional policies and plans.
29. Protect **sensitive information** about the location and nature of wāhi tapu in the consent and hearing process through public exclusion and restrictions on the release of this information.
30. Work with iwi authorities to develop **memoranda of understanding** that establish and maintain an effective working relationship between the Taranaki Regional Council and iwi.
31. Provide opportunities for **tangata whenua to be represented** on the Taranaki Regional Council's Policy and Planning Committee, the Consents and Regulatory Committee and other committees arising out of Treaty of Waitangi settlements.

6.6 Public use and enjoyment

32. As appropriate, require new or renewed **resource consents** for the use or development of the coastal marine area to include a condition addressing public access.
33. **Advocate** to territorial authorities the establishment of public access to and along the coast, through esplanade reserves, esplanade strips or access strips following subdivision, or through other means, as appropriate.
34. **Investigate** ~~Establish~~ **ing** a working group that includes relevant agencies, landowners, iwi and interest groups to protect and enhance the recreational values of the **Significant Surfing Area** as described in Schedule 7B. ⁽⁵⁰⁾
35. **Promote** the enhancement of public access to and along the coast through agreements or covenants with landowners under the *Walking Access Act 2008*, the *Reserves Act 1977*, ~~the Queen Elizabeth the Second National Trust Act 1977~~, ⁽⁴²⁾ or through the voluntary creation of esplanade strips under the RMA.
36. Provide **information and technical assistance** to persons and communities wishing to carry out activities to enhance public access to and along the coastal environment.

6.7 Coastal hazards and public health and safety

37. Develop and maintain **hazard information**, including coastal hazards, in partnership with territorial authorities.
38. Provide **advice and information** to resource users and the public on:
 - a) natural coastal processes and hazards;
 - b) the possibility of sea level rise; and
 - c) ways in which individuals and communities can prepare or make adjustments to reduce their susceptibility to natural coastal hazard events.
39. Encourage and support moves by territorial authorities to **restrict vehicle access** in coastal areas where the safety of other beach users is threatened by inappropriate use of vehicles on beaches.

40. Set speed and **navigation safety** controls under the *Navigation Bylaws for Port Taranaki and its Approaches 2009*, and any subsequent bylaws, to promote the safety of all users of the coastal marine area within the gazetted harbour limits of Port Taranaki.
41. Apply **height restrictions** to give effect to New Plymouth Airport flight path protection surfaces in Section 8.6.1 and Appendix 3 of this Plan. In particular:
- a) controlled activities for placement of structures will not breach the airport flight path protection surfaces; and
 - b) no application to carry out a discretionary activity will be granted if that activity involves a structure that would breach the airport flight path protection surfaces.
42. **Notify** Maritime New Zealand and [the Hydrographic Office of the Royal New Zealand Navy Land Information New Zealand](#) when a coastal permit is granted for a new structure or other harbour work and when that structure or work is completed.

6.8 Coastal water and air quality

43. **Promote** industrial, domestic, and agricultural discharge and treatment systems, siting, design, installation, operation and maintenance procedures to avoid or mitigate adverse effects on coastal water or air quality.
44. Provide technical advice and information on:
- a) discharge and treatment system design and their efficient application;
 - b) urban development activities and the development and re-contouring of land; and
 - c) sustainable land management practices that avoid or reduce contamination of coastal water.
45. Undertake **compliance monitoring** of authorised industrial, domestic, and agricultural discharges to water and air in the coastal marine area.
46. Through the **Taranaki Riparian Management Programme**, support rural landowners to reduce diffuse source discharges of contaminants to water by:
- a) preparing riparian plans;
 - b) providing native plants for riparian management purposes at the lowest possible cost; and
 - c) providing ongoing advice and support to plan holders.

47. **Notify** the Medical Officer of Health for Taranaki and the relevant territorial authority if water quality shows that coastal water is unfit for contact recreation or gathering of shellfish for human consumption. [The Taranaki Regional Council will also conduct an investigation to determine the cause of the poor water quality if it is practicable.](#) ⁽⁴⁸⁾
48. Advocate or encourage, as appropriate:
- a) the provision of facilities for the collection of litter and on-board waste by operators of launching, mooring and berthing facilities;
 - b) the provision of areas on dry land, by operators of launching, mooring and berthing facilities, for the maintenance and cleaning of vessels so that waste does not escape into coastal water;
 - c) the undertaking of activities by ship operators and owners of offshore installation in a manner that will avoid or mitigate the effects of discharges of contaminants to water or air the coastal marine area;
 - d) the following of Ministry of Primary Industries' border protection guidelines on the exchange of ballast water to avoid the release of harmful marine organisms into New Zealand waters by ship operators; and
 - e) the uptake of the *Australia and New Zealand Anti-fouling and In-water Cleaning Guidelines 2013* on the in-water cleaning and anti-fouling of vessels and moveable structures to avoid the release of harmful marine organisms into New Zealand waters.

6.9 Coastal structures and occupation, disturbance, and reclamation

49. Prepare and implement the Waitara and Lower Waiwhakaiho **flood protection schemes, works and activities** within the coastal environment to minimise the risk of flooding.
50. Maintain the **Regional Marine Oil Spill Response Plan** under the *Maritime Transport Act 1994* and provide adequate resources and training for emergency responders to ensure an effective response to an oil spill in the coastal marine area.

6.10 Noise

51. **Consideration** of the general standards in this Plan, and of *New Zealand Standards* NZS 6802:2008 *Acoustics - Environmental noise* and NZS 6803: 1999 *Acoustics - Construction Noise* when:
- a) considering applications for coastal permits; or
 - b) determining whether noise levels are ~~excessive~~ in breach ⁽⁴³⁾ for the purpose of enforcement action under Part 126 of the RMA.

7 Reader's guide to the rules

This section provides a reader's guide explaining how the rules (in section 8) are formatted and arranged in the Plan, including an explanation to assist in rule interpretation and application.

7.1 Arrangement of rules

The regional rules are broadly grouped into five categories that reflect the use of the coastal marine area. The five categories are:

- Discharges to the coastal marine area
- Coastal structures and occupation of space in the coastal marine area
- Disturbance, deposition and extraction
- Reclamation or drainage
- Taking or use of water, heat or energy.

7.2 How the rules table are formatted

The rules in the Plan are arranged in tables. Each table has seven columns headed:

- Activity
- Rule
- Coastal management area
- Classification
- Standards/terms/conditions
- ~~Matters of cControl/discretion~~ notification ^{(32) (61)}
- Policy reference.

The table below provides an explanation of the matters covered in the columns of a rules table.

Definitions for many of the terms used in the rules are provided at the back of the Plan.

Note: The rules within this Plan do not address activities that are regulated by the *Resource Management (Marine Pollution) Regulations 1998* (Appendix 5).



7.3 Guide to the rules table

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ⁽³²⁾ ⁽⁶¹⁾	Policy reference
<p>This column specifies the activity or activities covered by the rule.</p> <p><u>It also includes associated activities that are incidental to the main activity as well as activities excluded by the gateway.</u></p>	<p>This column contains the rule number, for reference purposes.</p>	<p>This column identifies which coastal management area(s) the rule applies to.</p>	<p>This column contains the classification of the activity – i.e. permitted, controlled, restricted discretionary, ⁽³²⁾ discretionary, non-complying or prohibited.</p>	<p>This column contains conditions, standards and terms for permitted activities, and controlled activities.</p> <p>The conditions, standards and terms are ongoing requirements that must be met for as long as the activity is undertaken. Failure to comply with these conditions, standards and terms is a breach of the rule.</p> <p>Note <u>all</u> conditions, standards and terms in this column must be met to comply with the rule.</p>	<p>This column is relevant to controlled and restricted discretionary activities only.</p> <p>For controlled activities, this column contains the matters over which the Taranaki Regional Council has reserved its control.</p> <p><u>For restricted discretionary activities, this column contains the matters over which the Taranaki Regional Council has reserved its discretion.</u> ⁽³²⁾</p> <p>If the column is blank, one of three situations applies:</p> <ol style="list-style-type: none"> the activity is a permitted activity, and by definition no control or discretion can be reserved; the activity is a prohibited activity, and by definition no control or discretion can be reserved; or the activity is a discretionary or non-complying activity over which the Taranaki Regional Council has retained full discretion, which will be exercised in accordance with the objectives and policies of the Plan and the matters to be considered in section 104 of the Act. <p>This column also includes any statements about notification. If the column is 'silent' on notification, the default provisions of the RMA apply in terms of whether notification is, or is not, required.</p>	<p>This column provides a cross-reference to the key policies in Section 5 of the Plan that the rule implements.</p> <p>All general policies plus the relevant activity specific policies will be considered by the Council when deciding on a resource consent application and the conditions that may be placed on the consent if granted.</p>

Note:

- If an activity is covered by more than one rule, then the rule that applies is the rule that is more specific for the relevant activity, area or resource, rather than the more general rule.
- Permission may also be required from the relevant territorial council.
- Notes and cross-references are included for information purposes only and do not form part of the rules. Nor should they be considered a complete list.
- Note the default provisions of the RMA apply in terms of whether notification is, or is not, required in relation to any resource consent application. ^{(32) (61)}



5.

7.4 Guide for consent applicants

The steps below set out how to find out whether or not an activity is regulated by the Plan, and if so, whether a resource consent is needed from the Taranaki Regional Council. The rules referred to can be found in section 8 of the Plan on pages 48 to 88.

[The Taranaki Regional Council encourages early engagement with iwi prior to lodging a consent application. Early engagement can contribute to the effective and efficient processing of consents, reduce delays and encourage good will between parties.](#)

Step One: Determine whether the activity involves:

- discharges to the coastal marine area (rules 1–17)
- coastal structures and occupation of space in the coastal marine area (rules 18–50)
- disturbance, deposition and extraction (rules 51–61)
- reclamation or drainage (refer to rules 62–64)
- taking or use of water, heat or energy (rules 65–66).

Step Two: If so, further determine where the activity occurs. The activity will be located within one or more of the five coastal management areas mapped in Schedule 1. Rules only apply to the coastal management areas listed.

Step Three: Having identified the relevant rule(s) based upon activity and location, refer to the classification of the activity under that rule. (Note: if the 'activity' is made up of several parts, several rules and classifications may apply):

- if it is permitted, the activity can be carried out without obtaining a resource consent, provided the permitted activity standards are met
- if it is controlled, a resource consent is needed and the Taranaki Regional Council will grant the consent if the controlled activity standards and terms are met
- if it is restricted discretionary, a resource consent is needed, and the Council will decide whether or not to grant the consent. However, in deciding whether or not to grant the consent, the Council's exercising of discretion is restricted to the list of matters specified in the 'discretion/notification' column of the rule

if it is discretionary, a resource consent is needed, and the Council will decide whether or not to grant the consent having regard to the relevant matters in section 104 of the RMA

- if it is non-complying, a resource consent is needed. The Council cannot grant a consent unless the effects of the activity are minor or the activity will not be contrary to the objectives and policies of the Plan. Even if this test is satisfied, the Council retains discretion to grant or refuse a consent for the activity, having regard to the relevant matters in section 104 of the RMA
- if it is prohibited, the activity cannot proceed, and no resource consent can be applied for.

Figure 5 on the following page shows a simplified version of how the activity classifications work. Neither this diagram nor this discussion can be treated as a substitute for the provisions of the RMA.

Step Four: If any part or parts of the activity require a resource consent:

- check the policies referenced in the Rule Tables to find out which effects are of concern; and
- prepare a document that describes the assessment of effects on the environment; and
- make your resource consent application(s) to the Taranaki Regional Council, and include the assessment of effects on the environment and any other information required.

You are encouraged to consult with any persons likely to be affected by your activity, including tangata whenua if their interests are affected, prior to lodging your resource consent application.

Step Five: If in doubt, particularly regarding the information requirements of Step Four above, or the classification of your activity, telephone the Consents Section of the Taranaki Regional Council on (06) 765 7127.

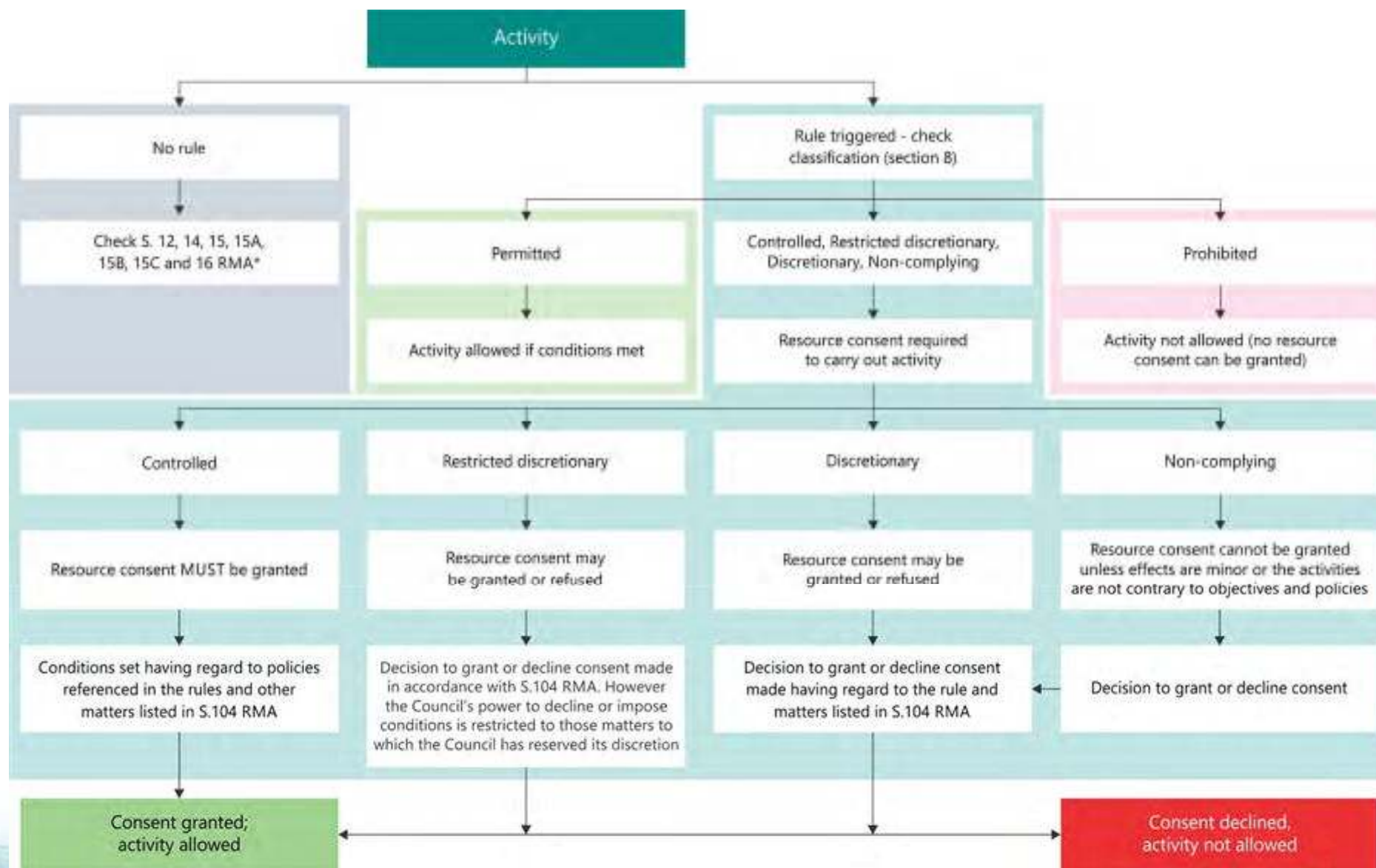


Figure 5: Guide for consent applicants.



8 Regional rules

This section sets out the rules for the Plan.

Index to rules

The table below provides an index of activities covered in the rules – including reference to the relevant rule number and hyperlink to the rule.

Activity	Rule number and hyperlink
Discharges	Water and stormwater discharges ⁽³³⁾ 1A - 3
	Petroleum dispersant use ⁽⁵⁴⁾ 4
	Discharges of untreated human sewage discharges 5
	Wastewater treatment plant discharges 6 - 8
	Sampling and Cleaning biofouling ⁽¹⁶⁾ 9 - 10
	Abrasive blasting discharges 11
	Seismic surveying and Bathymetric testing analysis ^{(40) (41) (42) (43) (44) (51)} 12
	Seismic surveying ^{(40) (41) (42) (43) (44) (51)} 12A
	Other discharges to water or land not provided for in Rules 19 – 12A 13 - 14
	Discharges of contaminants from the storage or transfer of cargo materials within the Port Air Zone 15 - 16
	Other discharges to air not provided for in Rules 15 and 16 17
Structures and occupation	Placement or erection of an Outfall structure placement 18
	Placement or erection of a mooring structure placement 19 - 20
	Placement or erection of a navigation aid erection or placement 21
	Placement or erection of a network utility structure erection or placement 22

Activity	Rule number and hyperlink
Placement or erection of a Port launching, mooring or berthing structure erection or placement in the Port	23
Placement or erection of a s Structure used for whitebaiting	24
Placement or erection of a h Hard protection structure erection or placement	25
Drilling or a geotechnical bore hole ⁽³²⁾	25A
Drilling of an e Exploration or appraisal well drilling	26 - 28
Placement or erection of a p Petroleum production installation erection or placement	29 - 30
Temporary military training activities ⁽³³⁾	31 - 32
Other drilling , structure placement erection, or placement not provided for in Rules 18 to 32	33 - 34
Structure maintenance, repair or minor alteration or minor extension ^{(32) (43)}	35
Hard protection structure repair, alteration, extension or removal and replacement ^{(32) (43) (59)}	36
Maintenance, alteration or extension of a n Network utility structure repair, alteration or extension	37
Structure removal and replacement ^{(21) (43)}	38
Port wharves or breakwaters and attached structure, maintenance, repair or alteration ⁽³²⁾	39 - 40
Maintenance, alteration or extension of Port Structures ⁽³²⁾	40 - 41
Port launching mooring or berthing structure repair, alteration or extension ⁽³²⁾	41
Other structure maintenance, repair, alteration, or extension or removal and replacement not provided for in Rules 35 - 41 ⁽³²⁾	42 - 43
Removal and demolition of a s Structure removal or demolition	44 - 46
Community, recreational or sporting activity	47

Activity	Rule number and hyperlink
	Continued occupation 48 - 49
	Other occupation that is not provided for in Rules 47 to 49 50
Disturbance, deposition and extraction	Clearance of outfalls, culverts and intake structures 51
	Collection of benthic grab samples 52
	Minor disturbance and removal 53
	Burial of dead animals 54
	Dredging and spoil disposal 55 - 56
	Beach replenishment 57
	Introduction or planting of exotic plants 58 - 59
	Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 - 59 60 - 61
Reclamation or drainage	Reclamation or drainage for erosion control or flood control involving reclamation and draining with in areas of outstanding coastal value and unmodified estuaries 62
	Other reclamation or drainage that is not provided for in Rule 62 63 - 64
Taking or use	Taking or use of coastal water, heat or energy 65 - 66



8.1 Discharges

Temporary water discharges ⁽³³⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion	Policy reference
<p>Temporary discharge of water and minor contaminants on the foreshore, seabed or into waters of the coastal marine area and any associated disturbance of the foreshore or seabed.</p> <p><i>Note: If the activity does not come within or 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>	1A	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) <u>The activity does not cause any scouring or erosion beyond the point of discharge;</u></p> <p>(b) <u>after reasonable mixing, the activity does not cause:</u></p> <p>(i) <u>any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</u></p> <p>(ii) <u>any conspicuous change of colour or visual clarity;</u></p> <p>(iii) <u>any emission of objectionable odour;</u></p> <p>(iv) <u>any significant change to salinity;</u></p> <p>(v) <u>any change in the temperature of the receiving environment by more than 3°C; or</u></p> <p>(vi) <u>any significant change the turbidity;</u></p> <p>(c) <u>the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</u></p> <p>(d) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u></p> <p>(e) <u>the activity does not have a significant adverse effect on aquatic life; and</u></p> <p>(f) <u>the activity does not exceed 31 days or part days during any 12 month period.</u> ⁽³³⁾</p>		

Stormwater discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification ⁽³²⁾ ⁽⁶¹⁾	Policy reference
<p>StormwaterDischarge <u>of stormwater</u> 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 <u>in quantities or of a type that exceed any of the hazardous property threshold values identified in Schedule 8AA</u> ⁽⁵³⁾</p> <p><u>and any associated disturbance of the foreshore or seabed.</u></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 <u>come within or</u> 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 <u>activitydischarge</u> 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 <u>activitydischarge</u> does not have an adverse effect on any <u>significant indigenous biodiversity,threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾</p> <p>(e) the <u>activitydischarge</u> does not have an adverse effect on the values associated with historic heritage identified in Schedule 5<u>A and B</u> ⁽⁵⁸⁾ [Historic heritage];</p> <p>(ee) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; ⁽⁶¹⁾</p> <p>(f) <u>after reasonable mixing, the activity does not cause:</u></p> <p>(i) <u>any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</u></p> <p>(ii) <u>any conspicuous change of colour or visual clarity; or</u></p> <p>(iii) <u>any emission of objectionable odour;</u></p> <p><u>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;</u></p> <p>(g) the discharge does not emit an objectionable odour;</p> <p>(g) the <u>activitydischarge</u> does not adversely affect the suitability of the receiving water for bathing after reasonable mixing;</p> <p>(h) the <u>activitydischarge</u> does not render marine organisms unsuitable for human consumption <u>within recognised mātaītai reefs/resources;</u> ⁽⁴⁰⁾ ⁽⁵⁸⁾</p> <p>(i) the <u>activity does not cause anyre are no</u> undesirable biological growths <u>as a result of the discharge;</u> and</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/ discretion notification ^{(32) (61)}	Policy reference
				(j) the activity discharge does not change cause the natural temperature of the receiving environment to be changed by more than three degrees 3°C at the time of discharge from normal seasonal water temperature fluctuations, after reasonable mixing.		
<p>Stormwater Discharge of water or stormwater into water or onto land in the coastal marine area that does not come within or comply with Rule 1 and any associated disturbance of the foreshore or seabed that does not come within or comply with Rules 1A or 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			General Policies 1 to 21 and Activity-based policies 22, 27
<p>Stormwater Discharge of water stormwater into water or onto land in the coastal marine area that does not come within or comply with Rules 1A or 1, and any associated disturbance of the foreshore or seabed that does not come within or comply with Rules 1A or 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>	3	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying			General Policies 1 to 21 and Activity-based Policies 22, 27

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of Control/ discretion notification ⁽³²⁾ (61)	Policy reference
<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>						

Petroleum dispersant use ⁽⁵⁴⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
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. <i>Note: Excludes dispersant use regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</i>	4	Port	Permitted	(a) — discharge is of a petroleum dispersant approved for use in marine oil spills by Maritime New Zealand; (b) — dispersant is applied at the rates and by the methods recommended by the manufacturer; and (c) — Taranaki Regional Council is informed of dispersant use within 24 hours by entering details of the activity at www.trc.govt.nz/informcouncil . ⁽⁵⁴⁾		

Discharge of ~~u~~Untreated human sewage discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
Discharge of uUntreated human sewage discharge into water or onto land in the coastal marine area; excluding sewage discharges regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5). <i>Note: this rule does not apply to discharges from ships.</i>	5	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited			

Wastewater treatment plant discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
Continuation of an existing lawfully established ⁽⁴⁰⁾ wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area after its consent expires; excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5). <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>	6	Estuaries Modified Open Coast	Discretionary			General Policies 1 to 21 And Activity-based Policies 22, 24, 26,
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). ^{(21) (40) (41) (58)} <i>Note: For a new wastewater discharge that does not contain human sewage refer to Rule 13.</i>	7	Open Coast	Discretionary			General Policies 1 to 21 And Activity-based Policies 22, 25

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	<u>Matters of cControl/discretionnotification</u> (32) (61)	Policy reference
<p>New discharge of 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 either Rule 123 or Rule 134 depending on the Coastal Management Area involved.</i></p>	8	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open coast (21) (40) (41) (58)</p> <p>Port</p>	Prohibited			

Sampling and ⁽¹⁶⁾ Cleaning of biofouling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of <u>cControl/discretion</u> notification ⁽³²⁾ ⁽⁶¹⁾	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling <u>Discharge of contaminants from the cCleaning 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</u> into water in the coastal marine area ⁽¹⁶⁾ and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p> <p><i>Note (1) If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule 13.</i></p> <p><i>Note (2) For the purposes of this rule, further guidance is provided in the <u>Anti-fouling and In-water Cleaning Guidelines (June 2013)</u>.</i></p> <p><i>Note (3) International vessels arriving into New Zealand waters have additional obligations under the <u>Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)</u>.</i> ⁽¹⁶⁾</p>	9	Port	Permitted	<p>(a) The anti-foul coating on the <u>ship, moveable object or navigation aid</u> 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 <u>activity does not involve any species designated as unwanted organisms or pest species under the Biosecurity Act 1993</u>; ⁴ Ministry for Primary Industries, or subsequent replacement Ministry, is advised immediately if a suspected invasive or non-indigenous aquatic species is encountered. ⁽¹⁶⁾ ⁽³³⁾</p> <p>(d) <u>macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid is less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005))</u>; ⁵ and</p> <p>(e) <u>all biological material that cannot pass through a 50 micron sieve that is dislodged during cleaning (other than goose barnacles) is captured and disposed of at an approved landfill (microfouling and goose barnacles may be cleaned without capture).</u> ⁽¹⁶⁾</p>		

⁴ If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species are present, that person should cease the activity immediately and notify the Ministry for Primary Industries without unreasonable delay. Cleaning should not recommence until notified by the Ministry for Primary Industries. ⁽¹⁶⁾

⁵ 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. ⁽¹⁶⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of <u>cControl/discretionnotification</u> (32) (61)	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling Discharge of contaminants from the cleaning of biofouling from (16) the part of a ship, moveable object or navigation aid that is normally below the water surface, involving the discharge of a substance (16) (29) into water in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p>	10	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast	Non-complying			General Policies 1 to 21 And Activity-based Policies 22, 28

Abrasive blasting discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of <u>cControl/discretionnotification</u> (32) (61)	Policy reference
<p>Abrasive blasting involving Discharge of contaminants into water, into air or onto land from abrasive blasting 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): (26)</p>	11	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 30, 39, 40, 41

Seismic surveying and Bathymetric testing analysis ⁽⁴⁰⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of Control/discretion/notification ^{(32) (61)}	Policy reference
<p>Seismic surveying or Discharge of energy for the purpose of bathymetric testing analysis 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 is 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	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>with regards to seismic testing:</p> <p>(a) — survey complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations or any subsequent applicable Code of Conduct;⁽⁴⁰⁾ and</p> <p>(b) — Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil</p> <p>with regards to bathymetric testing:</p> <p>activity does not have an adverse effect on marine mammals:</p> <p>(c) the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and ⁽⁴⁰⁾</p> <p>(d) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]. ^{(40) (61)}</p>		

Seismic surveying ^{(37) (40) (41) (42) (43) (44) (51)}

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion	Policy reference
<p><u>Discharge of energy for the purpose of seismic surveying into water in the coastal marine area and any associated:</u></p> <p>(a) <u>placement of monitoring equipment; and</u></p> <p>(b) <u>noise.</u></p> <p><i>Note: If the activity is 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>	12A	<p><u>Outstanding Value</u></p> <p><u>Estuaries Unmodified</u></p> <p><u>Estuaries Modified</u></p> <p><u>Open Coast</u></p> <p><u>Port</u></p>	<u>Controlled</u>	<p>(a) <u>The activity complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations;</u></p> <p>(b) <u>the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</u></p> <p>(c) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u></p> <p>(d) <u>the activity complies with the general standards in Section 8.6.</u></p>	<p><u>Control is reserved over:</u></p> <p>(a) <u>location, method, timing and notification of works;</u></p> <p>(b) <u>effects on other authorised structures or activities;</u></p> <p>(c) <u>effects on indigenous biodiversity values;</u></p> <p>(d) <u>effects on cultural and historic heritage values;</u></p> <p>(e) <u>effects on navigation;</u></p> <p>(f) <u>effects of noise and light;</u></p> <p>(g) <u>monitoring and information requirements;</u></p> <p>(h) <u>duration of consent; and</u></p> <p>(i) <u>review of consent conditions.</u></p>	<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policy 49</u></p>

Other discharges to water or land not provided for in Rules 19 to 12A

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Discharge of energywater or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 19 to 12A, any other Rule in this Plan</p> <p>excluding discharges regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾</p> <p><u>Note: A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</u> ⁽⁴⁶⁾</p>	13	Open Coast Port	Discretionary			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22 to 30</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	<u>Matters of cControl/discretionnotification</u> (32) (61)	Policy reference
<p>Discharge of energywater or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 19 to 12A, any other Rule in this Plan</p> <p>excluding discharges regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾</p> <p><i>Note: A discharge into a district council managed stormwater system is a discharge to land outside the coastal marine area and an assessment for consent requirement should be made under the Freshwater Plan not this rule.</i> ⁽⁴⁶⁾</p>	14	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying			General Policies 1 to 21 and Activity-based Policies 22 to 30

Discharge of contaminants from the sStorage or transfer of cargo materials within the Port Air Zone

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Discharge of contaminants to air and water</u> ⁽³²⁾ during the sStorage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air.</p> <p><i>Note (1): Map showing the Port Air Zone is included as Schedule 8.</i></p> <p><i>Note (2): If the activity is not covered by this Rule or does not meet the standards, terms and conditions in this Rule refer to Rule 16.</i></p>	15	Port	Permitted	<p>(a) <u>The activity</u>discharge does not result in offensive or objectionable odour or dust at or beyond the boundary of the Port Air Zone;</p> <p>(b) <u>the activity</u>discharge does not result in noxious or toxic levels of airborne contaminants at or beyond the boundary of the Port Air Zone;</p> <p>(c) <u>the activity</u>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;</p> <p>(d) <u>the activity does not have a significant adverse effect on aquatic life; and</u></p> <p>(e) <u>after reasonable mixing, the activity does not cause:</u></p> <p>(i) <u>any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</u></p> <p>(ii) <u>any conspicuous change of colour or visual clarity; or</u></p> <p>(iii) <u>any emission of objectionable odour.</u> ⁽³²⁾</p>		
<p><u>Discharge of contaminants to air and water</u> ⁽³²⁾ during the sStorage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to airthat does not come within or comply with Rule 15.</p> <p><i>Note: Map showing the Port Air Zone is included as Schedule 8.</i></p>	16	Port	Discretionary			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 30</p>

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

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	<u>Matters of cControl/discretionnotification</u> (32) (61)	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 <u>or comply with</u> Rules 15 or 16 <u>or any other Rule in this Plan</u> <u>includingexcluding</u> discharges <u>regulatedcovered</u> by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).	17	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast <u>Port</u>	Discretionary			General Policies 1 to 21 and Activity-based Policies 22 <u>9</u> , 29, 30

8.2 Structures and occupation

Placement or erection of an outfall structure placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Placement or erection of an outfall structure placement</u> 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) If the activity does not <u>come within or meet the standards, terms and conditions in this Rule</u> 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> <p><i>Note (2): this rule does not authorise a <u>discharge from the outfall structure. The discharge rules are Rules 1A to 3 and 5 to 8.</u></i> (43)</p> <p><i>Note (3): Iwi authorities that have requested to <u>be informed of this activity will be advised by the Council.</u></i></p>	18	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) Structure has a maximum internal diameter of <u>150300</u> mm ⁽³²⁾ and extends a maximum of 0.5 m seaward of the line of mean high water springs;</p> <p>(b) <u>the activity does not cause</u> erosion or scour <u>results from placement of the structure</u>;</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) the structure is not placed <u>or erected</u> in any Marine Reserve or Marine Protected Area;</p> <p>(e) <u>the activityplacement of the structure</u> does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B ⁽⁶⁸⁾ [Historic heritage];</p> <p>(f) <u>the activityplacement of the structure</u> does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾</p> <p>(fa) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u> ⁽⁶¹⁾ and</p> <p>(g) 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>		

Placement or erection of a mooring structure

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion/notification (32) (61)	Policy reference
<p><u>Placement or erection of a mooring structure</u> that does not require <u>mechanical</u> 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): If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule 23.</i></p>	19	Port	Permitted	<p>(a) Mooring structure is placed, secured and maintained in accordance with the instructions of the Taranaki Regional Council Harbourmaster;</p> <p>(b) at least one working day before placement <u>or erection</u>, the Harbourmaster is notified that placement <u>or erection</u> is to occur.</p> <p>(c) if the mooring structure is placed <u>or erected</u> 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;</p> <p>(d) <u>the activity</u> placement of the mooring structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 <u>A and B</u> ⁽⁴¹⁾ [Historic heritage];</p> <p>(e) <u>the activity</u> placement of the mooring structure does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversity species and ecosystems</u>]; ⁽²⁹⁾ <u>and</u></p> <p>(da) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]</u>; ⁽⁶¹⁾</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Placement or erection of a mooring structure placement</u> for monitoring or sampling equipment that does not require <u>mechanical</u> 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 <u>come within or</u> 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 <u>five</u> working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(b) <u>the activityplacement of the mooring structure</u> does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 <u>A and B</u> ⁽⁴¹⁾ [Historic heritage];</p> <p>(c) <u>the activityplacement of the mooring structure</u> does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾ and</p> <p>(ca) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]</u>; ⁽⁶¹⁾ and</p> <p>(d) the mooring structure and the monitoring or sampling equipment does not occupy an area exceeding 5 m² of the coastal marine area.</p>		

Placement or erection of a navigation aid ~~erection or placement~~

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p>Maritime navigation aid erection or placement that does not require mechanical 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	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(aa) The activity is undertaken by:</p> <p>(i) Taranaki Regional Council or its agents; or</p> <p>(ii) Port Taranaki or its agents (within Port Taranaki and its approaches); or</p> <p>(iii) Maritime New Zealand or its agents; ⁽²⁹⁾</p> <p>(a) The structure does not interfere with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3;</p> <p>(b) the structurenavigation-aid does not occupy an area exceeding 5 m² of the coastal marine area;</p> <p>(c) 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>(d) 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 (for activities within the Port);</p> <p>(e) navigation aid erection or placement does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B ⁽⁴¹⁾ [Historic heritage]; and</p> <p>(ea) the activity does not have an adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and ⁽⁶¹⁾</p> <p>(f) navigation aid erection or placement or erection does not have an adverse effect on significant indigenous biodiversity, 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 species and ecosystems]. ⁽²⁹⁾</p>		

Placement or erection of a nNetwork utility structure ~~erection or placement~~

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretion notification ^{(32) (61)}	Policy reference
<p><u>Placement or erection of a nNetwork utility structure erection or placement</u> where the structure is:</p> <p>(a) a pipeline that is buried or attached to a bridge, <u>wharf</u>⁽⁴⁶⁾ 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 <u>or line that is buried or attached to a bridge, access structure or pole</u>^{(12) (13) (14)}; 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).⁽²⁶⁾</p> <p><i>Note: If the activity does not <u>come within or</u> 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	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) <u>the activity does not cause no</u> erosion or scour <u>results from erection or placement of the structure</u>;</p> <p>(b) <u>the activity</u>erection or placement of the structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B⁽⁴¹⁾ [Historic heritage];</p> <p>(c) <u>the activity</u>erection or placement of the structure does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversity species and ecosystems</u>];⁽²⁹⁾ and</p> <p>(ca) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u>⁽⁶¹⁾</p> <p>(d) the 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) effects on water quality;</p> <p>(f) effects on <u>ecological natural character, features and landscapes values</u>.⁽⁴³⁾</p> <p>(fa) <u>effects on indigenous biodiversity</u>⁽⁴³⁾ values;</p> <p>(g) effects on <u>cultural and</u> historic, <u>cultural and amenity heritage</u> values;</p> <p>(h) effects on <u>amenity values, including</u> 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.^{(32) (61)}</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>

(29) (30) (43)

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion	Policy reference
<p><u>Placement or erection of a network utility structure where the structure is:</u></p> <p>(f) <u>a pipeline that is buried or attached to a bridge, wharf or access structure;</u></p> <p>(g) <u>an outfall structure which does not come within or comply with Rule 18;</u></p> <p>(h) <u>an intake structure;</u></p> <p>(i) <u>a communication or electricity cable or line; or</u></p> <p>(j) <u>marine communications equipment and any associated;</u></p> <p>(k) <u>occupation of space in the common marine and coastal area;</u></p> <p>(l) <u>disturbance of the foreshore or seabed;</u></p> <p>(m) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(n) <u>discharge of sediment</u></p> <p><u>and does not come within or comply with Rule 22</u></p> <p><i>Note: If the activity does not come within this Rule refer to Rule 33 or Rule 34 depending on the coastal management area involved.</i></p>	22A	<u>Estuaries Unmodified</u> <u>Estuaries Modified</u> <u>Open Coast</u> <u>Port</u> <u>Outstanding value</u>	<u>Restricted discretionary</u>		<p>(a) <u>Discretion is reserved over:</u></p> <p>(b) <u>location, method, timing and notification of works;</u></p> <p>(c) <u>design, construction, maintenance and decommissioning of structure;</u></p> <p>(d) <u>effects on other authorised structures or activities;</u></p> <p>(e) <u>sediment movement and erosion;</u></p> <p>(f) <u>effects on water quality;</u></p> <p>(g) <u>effects on natural character, features and landscapes values;</u></p> <p>(h) <u>effects on indigenous biodiversity values;</u></p> <p>(i) <u>effects on cultural and historic, cultural heritage values;</u></p> <p>(j) <u>effects on amenity values, including surf breaks;</u></p> <p>(k) <u>effects of occupation on public access;</u></p> <p>(l) <u>effects on navigation;</u></p> <p>(m) <u>effects of noise and light;</u></p> <p>(n) <u>monitoring and information requirements;</u></p> <p>(o) <u>duration of consent; and</u></p> <p>(p) <u>review of consent conditions.</u></p>	<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policies</u></p> <p><u>22, 31, 32, 39,</u></p> <p><u>40, 41, 42, 49</u></p>

Placement or erection of a ~~Port~~ launching, mooring or berthing structure ~~erection or placement~~ in the Port

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification (32) (61)	Policy reference
<p>Placement or erection of a 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 come within or 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) the activitystructure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B ⁽⁴¹⁾ [Historic heritage]; and</p> <p>(c) the activitystructure does not have an adverse effect on significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversityspecies and ecosystems]; ⁽²⁹⁾ and</p> <p>(d) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]. ⁽⁶¹⁾</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 natural character, features and landscapes values ⁽⁴³⁾</p> <p>(ga) effects on indigenous biodiversity ⁽⁴³⁾ values;</p> <p>(g) effects on cultural and historic, cultural and amenity heritage values;</p> <p>(h) effects on amenity values, including 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. ^{(32) (61)}</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 39, 40, 41, 42, 49</p>

Placement or erection of a structure used for whitebaiting

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Erection or placement or erection of a structure used for whitebaiting and any associated:</p> <p>(a) <u>occupation of space in the coastal marine area and coastal area.</u></p>	24	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited			

Placement or erection of a hHard protection structure ~~erection or placement~~

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Placement or erection of a hHard protection structure erection or placement for the purpose of erosion control 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>	25	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			<p>General Policies</p> <p>1 to 21 and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 33, 34, 35, 39, 40, 41, 42, 44, 45, 46, 49</p>

Geotechnical bore hole drilling ⁽³²⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of control/discretion	Policy reference
<p><u>Drilling of a geotechnical bore hole by a rig, and placement of a casing structure in, on, under or over the foreshore or seabed</u></p> <p><u>and any associated:</u></p> <p>(a) <u>disturbance of the foreshore or seabed;</u></p> <p>(b) <u>deposition in, on or under the foreshore or seabed;</u></p> <p>(c) <u>discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</u></p> <p>(d) <u>taking of water and heat incidental to the drilling process;</u></p> <p><u>excluding discharges regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</u></p> <p><u>Note: If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 27.</u></p>	25A	Port	Controlled	<p>(a) <u>Drilling hole does not exceed 120 mm in diameter or 50 m in depth;</u></p> <p>(b) <u>the activity is not undertaken within any site identified in Schedule 5A and B [Historic heritage];</u></p> <p>(c) <u>the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity];</u></p> <p>(d) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u></p> <p>(e) <u>only water-based or synthetic-based drilling fluids and muds are used; and</u></p> <p>(f) <u>the activity complies with the general standards in Section 8.6 of this Plan.</u></p>		<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policies</u></p> <p><u>22, 28, 30, 31,</u></p> <p><u>32, 36, 37, 38,</u></p> <p><u>39, 40, 41, 42,</u></p> <p><u>44, 47, 49</u></p>

Drilling of an eExploration or appraisal well drilling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification ^{(32) (61)}	Policy reference
<p><u>Drilling of an eExploration or appraisal well drilling</u> 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) <u>repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</u></p> <p>(b) <u>temporary exclusive</u>⁽³⁷⁾ 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></p>	26	Open Coast Port	Controlled	<p>(a) <u>drilling is not undertaken the activity does not involve the discharge or deposition of drilling fluids, muds or cuttings</u>⁶:</p> <p>(i) within 2,000 m of any <u>site/sea bed location</u> where drilling has occurred in the previous five years; <u>or</u></p> <p>(ii) <u>from multiple wells originating from a single well head</u>; ⁽³⁷⁾ ⁽⁵¹⁾</p> <p>(b) <u>the activity/drilling</u> 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) <u>the activity/drilling</u> is not undertaken within any site identified in Schedule 5A or B ⁽⁴¹⁾ [Historic heritage];</p> <p>(d) <u>the activity/drilling</u> does not have an adverse effect on <u>significant indigenous biodiversity any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversity/species and ecosystems</u>]; ⁽²⁹⁾</p> <p>(da) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]</u>; ⁽⁶¹⁾</p> <p>(e) <u>the activity/drilling</u> 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) the activity complies with the general standards in Section 8.6 of this Plan.</p>	<p>Control is reserved over:</p> <p>(h) compliance with relevant legislation and regulations' managing well integrity and discharges (including relating to the management of hazardous substances), and provision of relevant supporting documentation²;</p> <p>(i) well integrity, maintenance and abandonment;</p> <p>(j) any incidental discharges;</p> <p>(k) location, method, timing and notification of works;</p> <p>(l) effects on other authorised structures or activities;</p> <p>(m) sediment movement and erosion;</p> <p>(n) effects on water quality;</p> <p>(o) effects on <u>ecological natural character, features and landscapes values</u> ⁽⁴³⁾</p> <p>(ha) <u>effects on indigenous biodiversity</u> ⁽⁴³⁾ values;</p> <p>(p) effects on <u>cultural and historic, cultural and amenity heritage</u> values;</p> <p>(q) effects on <u>amenity values, including</u> surf breaks;</p> <p>(r) effects of occupation on public access;</p> <p>(s) effects on navigation;</p> <p>(t) effects of noise and light;</p>	<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>

⁶ Drilling fluids, muds and cuttings must be removed for authorised disposal.

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
Note(2): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 27.					<ul style="list-style-type: none"> (u) monitoring and information requirements; (v) duration of consent; and (w) review of consent conditions. <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.^{(32) (61)}</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	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p><u>Drilling of an e</u>Exploration or appraisal well <u>drilling</u> 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) 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 <u>25A6</u> or <u>26</u>.</p>	27	Open Coast Port	Discretionary			<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>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p><u>Drilling of an e</u>Exploration or appraisal well <u>drilling</u> 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) 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 <u>25A6</u> or <u>26</u>.</p>	28	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying			<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>

Placement or erection of a pPetroleum production installation erection or placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Placement or erection of a pPetroleum production installation erection or placement</u>, including drilling of any production wells and placement of any <u>associated</u> pipelines, in, on, under or over the foreshore or seabed and any associated:</p> <p>(a) <u>repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</u></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>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>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Placement or erection of a p</u>Petroleum production installation <u>erection or placement</u>, including drilling of any production wells and placement of any <u>associated</u> 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 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>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>

Temporary military training activities ⁽³³⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Temporary military training activities that do not involve <u>mechanical</u> excavation or use of explosives <u>(except for the firing of blank rounds which are not excluded)</u>, including placement of temporary structures and temporary exclusive occupation of the common marine and coastal area</p> <p>and any associated:</p> <p><u>(aa) occupation of space in the common marine and coastal area;</u></p> <p><u>(ab) placement of temporary structures;</u></p> <p>⁽³³⁾</p> <p>(a) noise;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.</i></p> <p><i>Note (2): If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule 32.</i></p>	31	Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) <u>The duration of the activity occurs on no more than 30 days over a 12 month period occupation is for a period of no more than three consecutive weeks;</u> ⁽³³⁾</p> <p>(b) the activity does not involve construction of permanent structures;</p> <p>(c) Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(d) <u>written notice is given to the adjacent territorial authority at least five working days prior to the activity commencing;</u> ⁽³³⁾</p> <p>(e) signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the activity commencing;</p> <p>(f) the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 working days prior to the activity commencing;</p> <p>(g) the activity complies with the general standards specified in Section 8.6 of this Plan;</p> <p>(h) the activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p>(i) the activity does not hinder the operational requirements of emergency services including the coastguard, police and surf lifesaving;</p> <p>(j) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B ⁽⁴¹⁾ [Historic heritage]; <u>and</u></p> <p>(k) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversity species and ecosystems</u>]; <u>and</u> ⁽²⁹⁾</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
				(l) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].</u> ⁽⁶¹⁾		
<p>Temporary military training <u>activities involving placement of temporary structures and temporary exclusive occupation of the common marine and coastal area</u> and any associated</p> <p><u>(aa) occupation of space in the common marine and coastal area;</u></p> <p><u>(ab) placement of temporary structures;</u> ⁽³³⁾</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 come within or meet the standards, terms and conditions in this Rule refer to Rule 32 or Rule 33 or Rule 34 ⁽²⁹⁾ depending on the coastal management area involved.</i></p>	32	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) The 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>(b) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 <u>A and B</u> ⁽⁴¹⁾ [Historic heritage]; and</p> <p>(c) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversity species and ecosystems</u>]; ⁽²⁹⁾ and</p> <p>(d) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].</u> ⁽⁶¹⁾</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;</p> <p>(f) effects on <u>ecological natural character, features and landscapes values</u> ⁽⁴³⁾</p> <p><u>(fa) effects on indigenous biodiversity</u> ⁽⁴³⁾ values;</p> <p>(g) effects on <u>cultural and historic, cultural and amenity heritage</u> values;</p> <p>(h) effects on <u>amenity values, including surf breaks</u>;</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><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u> ^{(32) (61)}</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>

Other drilling, structure placement or erection or placement or temporary military training activities ⁽²⁹⁾ not provided for in Rules 18 to 32

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<u>Other drilling, sStructure placement or erection or placement temporary military training activities</u> ⁽²⁹⁾ and any associated: (a) occupation of space in the common marine and coastal area (b) <u>noise</u> ; (c) <u>disturbance of the foreshore or seabed</u> ; (d) <u>deposition in, on or under the foreshore or seabed; and</u> (e) <u>discharge of sediment</u> ⁽²⁹⁾ and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾	33	Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49
<u>Other drilling, sStructure placement, erection, or placement temporary military training activities</u> ⁽²⁹⁾ and any associated: (a) occupation of space in the common marine and coastal area (b) <u>noise</u> ; (c) <u>disturbance of the foreshore or seabed</u> ; (d) <u>deposition in, on or under the foreshore or seabed; and</u> (e) <u>discharge of sediment</u> ⁽²⁹⁾ and does not come within or comply with Rules 18 to 32, any other Rule in this Plan or the Resource Management	34	Outstanding Value Estuaries Unmodified	Non-complying			General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretion notification (32) (61)	Policy reference
(National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). (26)						

Structure maintenance, ~~repair or minor alteration~~ or minor extension ^{(32) (43)}

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Maintenance, minor alteration or minor extension of an e</u>Existing lawfully established structure maintenance, repair or minor alteration ^{(21) (32) (43) (45) (46)} 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). ⁽²⁶⁾</p> <p><i>Note (1): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 37 for network utility structures, Rule 40 for Port structures, and Rule 42 or Rule 43 for other structures depending on the coastal management area involved.</i></p> <p><i>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i> ⁽⁴¹⁾</p>	35	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p><u>Port</u> ^{(32) (46)}</p>	Permitted	<p>(a) size ofMinor extensions are incidental to maintenance or alteration activities and the structure, including length, width and height, does not increase beyond <u>5% of</u> the original size; ⁽³²⁾</p> <p>(aa) except for existing communications cables, or electricity transmission or distribution lines where these activityies does not result cause in an increase in the design voltage above 33kV ⁽⁴⁵⁾ 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) for structures identified in Schedule 5A and B ⁽⁴¹⁾ [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>(d) 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>(e) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity and is restored to its previous state 48 hours following the completion of the activity; ⁽²⁹⁾</p> <p>(f) the activity complies with general standards in Section 8.6;</p> <p>(g) the activity does not have an adverse effect on significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
				<p>including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾; and</p> <p><u>(ga) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u> ⁽⁶¹⁾</p> <p>(h) 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~~ ^{(32) (43) (59)}

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Existing lawfully established hard protection structure repair, alteration, extension or removal and replacement and any associated: occupation of space in the common marine and coastal area; disturbance of the foreshore or seabed; deposition in, on or under the foreshore or seabed; and discharge of sediment	36	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 49

Maintenance, ⁽⁴⁵⁾ ⁽⁴⁶⁾ alteration or extension of a network utility structure repair, alteration or extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Maintenance, ⁽⁴⁵⁾ ⁽⁴⁶⁾ alteration or extension of a lawfully established network utility structure repair, alteration or extension</u> where the structure is:</p> <p>(a) a bridge, wharf or access structure, including any attached pipelines, cables or lines that are buried or attached; a pipeline that is buried or attached to a bridge or access structure; ⁽⁴⁶⁾ ⁽⁵⁹⁾</p> <p>(b) an outfall structure;</p> <p>(c) an intake structure;</p> <p>(d) a communication or electricity cable or line that is buried or attached to a bridge or access structure; ⁽⁴⁵⁾ 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</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 does not come within or comply with Rule 35</p> <p>excluding activities regulated by the Resource Management (National</p>	37	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) The activity structure is necessary to enable the safe and efficient conduct of utility operations;</p> <p>(aa) the structure envelope, including length, width and height, does not increase beyond 10% of the original size within a five year period; ⁽²⁹⁾ ⁽⁴³⁾</p> <p>(b) the activity does not cause erosion or scour results from the structure;</p> <p>(c) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A or B ⁽⁴¹⁾ ⁽⁵⁸⁾ [Historic heritage]; and</p> <p>(d) the activity structure does not have an adverse effect on significant indigenous biodiversity, 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 species and ecosystems]; ⁽²⁹⁾ and</p> <p>(e) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]. ⁽⁶¹⁾</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 natural character, features and landscapes values ⁽⁴³⁾</p> <p>(fa) effects on indigenous biodiversity ⁽⁴³⁾ values;</p> <p>(g) effects on cultural and historic, cultural and amenity heritage values;</p> <p>(h) effects on amenity values, including 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. ⁽³²⁾ ⁽⁶¹⁾</p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 34, 36, 37, 39, 40, 41, 42, 44, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	<u>Matters of cControl/discretionnotification</u> (32) (61)	Policy reference
<p>Environmental Standards for Electricity Transmission Activities)) Regulations 2009 (Appendix 6); (26)</p> <p>Note: If the activity does not <u>come within or meet the standards, terms and conditions in this Rule refer to Rule 37A if the activity relates to a network utility structure, or Rule 42 or Rule 43 depending on the coastal management area involved.</u></p>						
<p><u>Maintenance, alteration or extension of a lawfully established network utility structure and any associated:</u></p> <p>(a) <u>occupation of space in the common marine and coastal area;</u></p> <p>(b) <u>disturbance of the foreshore or seabed;</u></p> <p>(c) <u>deposition in, on or under the foreshore or seabed; and</u></p> <p>(d) <u>discharge of sediment</u></p> <p><u>and does not come within or comply with Rules 35 or 37.</u> (30) (32)</p>	37A	<p><u>Outstanding Value</u></p> <p><u>Estuaries Unmodified</u></p> <p><u>Estuaries Modified</u></p> <p><u>Open Coast</u></p>	<u>Restricted discretionary</u>		<p><u>Discretion is reserved over:</u></p> <p>(a) <u>location, method, timing and notification of works;</u></p> <p>(b) <u>design, construction, maintenance and decommissioning of structure;</u></p> <p>(c) <u>effects on other authorised structures or activities;</u></p> <p>(d) <u>sediment movement and erosion;</u></p> <p>(e) <u>effects on water quality;</u></p> <p>(f) <u>effects on natural character, features and landscapes values</u></p> <p>(fa) <u>effects on indigenous biodiversity values;</u></p> <p>(g) <u>effects on cultural and historic-heritage values;</u></p> <p>(h) <u>effects on amenity values, including surf breaks;</u></p> <p>(i) <u>effects of occupation on public access;</u></p> <p>(j) <u>effects on navigation;</u></p> <p>(k) <u>effects of noise and light;</u></p> <p>(l) <u>monitoring and information requirements;</u></p> <p>(m) <u>duration of consent; and</u></p>	<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policies</u></p> <p><u>22, 31, 32, 36, 34, 37, 39, 40, 41, 42, 44, 49</u></p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretion notification (32) (61)	Policy reference
					(n) review of consent conditions.	

Structure removal and replacement ^{(21) (43)}

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<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) the activity complies with the general standards in Section 8.6;</p> <p>(i) structure is not located within any historic heritage site identified in Schedule 5 [Historic heritage] or any other archaeological site;</p> <p>(j) structure is not located at any site identified in Schedules 5 [Sites of geological significance];</p> <p>(k) 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];</p> <p>(l) 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>		

Port wharves or breakwaters and attached structures, maintenance, repair or alteration ⁽³²⁾

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 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];</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>		

Maintenance, alteration or extension of Port structures ⁽³²⁾

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p><u>Maintenance, alteration or extension of an e</u>Existing ⁽⁴⁶⁾ lawfully established structure maintenance, repair or alteration within the Port ^{(21) (32) (43) (45)} where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures <u>excluding</u></p> <p>(a) <u>any seaward extension of the Main Breakwater or Lee Breakwater;</u></p> <p>(b) <u>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;</u> ⁽³²⁾</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 <u>sedimentscontaminants</u></p> <p>and activity does not come within or comply with Rule 359. ^{(21) (32) (43) (45) (46)}</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 420A.</i></p>	40	Port	Controlled	<p>(BB) <u>Port launching or berthing structures are not extended by greater than 50m, or, for other port structures, the structure envelope, including length, width and height, does not increase beyond 10% of the original size within a five year periodsize of the structure does not increase beyond original size; and</u> ⁽²⁹⁾</p> <p>(a) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at-risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾</p> <p>(b) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u> ⁽⁶¹⁾</p> <p>(c) <u>The activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B [Historic heritage];</u> ⁽³²⁾</p> <p>(d) <u>the structure, when completed, does not prevent reasonable navigation between any existing launching, mooring or berthing facility and the Port entrance;</u> ⁽³²⁾</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 <u>ecological natural character, features and landscapes values</u> ⁽⁴³⁾</p> <p>(ea) <u>effects on indigenous biodiversity</u> ⁽⁴³⁾ values;</p> <p>(f) effects on <u>cultural and historic, cultural and amenity heritage</u> values;</p> <p>(g) <u>effects on amenity values, including surf breaks;</u></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><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u> ^{(32) (61)}</p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 34, ⁽³²⁾</p> <p>36, 37, 39, 40, 41, 42, 44, 49</p>
<u>Maintenance, alteration or extension of an existing lawfully established structure within the Port</u>	40A	Port	Restricted discretionary		<u>Discretion is reserved over:</u>	<u>General Policies</u>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<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 does not come within or comply with Rules 35 or 40.⁽³²⁾</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 natural character, features and landscapes values</p> <p>(g) effects on indigenous biodiversity values;</p> <p>(h) effects on cultural and historic, heritage values;</p> <p>(i) effects on amenity values, including 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) monitoring and information requirements;</p> <p>(n) duration of consent; and</p> <p>(o) review of consent conditions.</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>

Port launching mooring or berthing structure repair, alteration or extension ⁽³²⁾

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>	44	Port	Controlled	<p>(3) 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>(4) structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; and</p> <p>(5) 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 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 24 and Activity-based Policies 22, 31, 36, 37, 39, 40, 41, 42, 44, 49</p>

Other structure ~~maintenance, repair, alteration, or extension or removal and replacement~~ not provided for in Rules 35 to 41 ^{(21) (32) (43)}

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
Structure maintenance, repair, ^{(45) (46)} alteration, extension or removal and replacement ^{(21) (43)} and any related occupation of the common marine and coastal area <u>and any associated:</u> (a) <u>occupation of space in the common marine and coastal area;</u> (b) <u>disturbance of the foreshore or seabed;</u> (c) <u>deposition in, on or under the foreshore or seabed; and</u> (d) <u>discharge of sediment</u> and the activity or structure does not come within or comply with any of Rules 35 to 41 <i>or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</i> ⁽²⁶⁾	42	Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 36, 37, 38
Structure maintenance, repair, ^{(45) (46)} alteration, extension or removal and replacement ^{(21) (43)} and any related occupation of the common marine and coastal area <u>and any associated:</u> (a) <u>occupation of space in the common marine and coastal area;</u> (b) <u>disturbance of the foreshore or seabed;</u> (c) <u>deposition in, on or under the foreshore or seabed; and</u> (d) <u>discharge of sediment</u>	43	Outstanding Value Estuaries Unmodified	Non-complying			General Policies 1 to 21 and Activity-based Policies 36, 37, 38

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of Control/ discretion notification ^{(32) (61)}	Policy reference
and the activity or structure does not come within or comply with any of Rules 35 to 41 or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6). ⁽²⁶⁾						

Removal and demolition of a sStructure removal and demolition

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Removal and demolition of a sStructure removal and demolition</u> 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 <u>associated</u> pipelines;</p> <p>(d) hard protection structures; and</p> <p>(e) bridges</p> <p>and any associated:</p> <p>(f) occupation of space in the common marine and coastal area;</p> <p>(g) disturbance of the foreshore or seabed;</p> <p>(h) deposition in, on or under the foreshore or seabed; and</p> <p>(i) discharge of sediment</p> <p><u>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6):</u> ⁽²⁶⁾</p> <p><i>Note (1): If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule 45.</i></p> <p><i>Note (2): <u>Iwi authorities that have requested to be informed of this activity will be advised by the Council.</u></i> ⁽⁴¹⁾</p>	44	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) <u>the extent of D</u>disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity <u>and is restored to its previous state 48 hours following the completion of the activity:</u> ⁽²⁹⁾</p> <p>(b) the structure <u>to be removed</u> is removed completely with no <u>waste remnant material</u> being placed into the coastal marine area;</p> <p>(c) <u>the activityremoval or demolition of structure</u> does not significantly affect sediment movement or lead to increased erosion or scour;</p> <p>(d) the activity complies with the general standards in Section 8.6;</p> <p>(e) <u>the activitystructure</u> is not located within any historic heritage site identified in Schedule 5A and B ⁽⁴¹⁾ [Historic heritage] or any other archaeological site;</p> <p>(f) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type</u> including those identified in Schedule 4A [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾ and</p> <p><u>(fa) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]</u> ⁽⁶¹⁾</p> <p>(g) 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	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Structure-Removal and demolition of a structure excluding:</p> <p>(a) Waitara and Patea River control arms;</p> <p>(b) Main Breakwater or Lee Breakwater; and</p> <p>(c) petroleum production installations and <u>associated</u> 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 44⁽²⁹⁾ or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5).⁽²⁶⁾</p> <p><i>Note: If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 46.</i></p>	45	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(aa) The activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity].^{(29) (43)}</p> <p>(ab) activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].⁽⁶¹⁾ and</p> <p>(a) the activitystructure is not located within any historic heritage site identified in Schedule 5A and B⁽⁴¹⁾ [Historic heritage] or any other archaeological site.</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;</p> <p>(e) effects on <u>ecological natural character, features and landscapes values</u>.⁽⁴³⁾</p> <p>(ee) effects on indigenous biodiversity.⁽⁴³⁾ values;</p> <p>(f) effects on <u>cultural and historic, cultural and amenity heritage</u> values;</p> <p>(g) effects on <u>amenity values, including</u> 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) 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..^{(32) (61)}</p>	General Policies 1 to 21 and Activity-based Policies 22, 38, 40, 41, 42, 44, 49

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Structure R Removal and demolition of a structure and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and the activity does not come within or comply with Rules 44, or 45 or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5); ⁽²⁶⁾</p>	46	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			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	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Temporary occupation of the common marine area for the purpose of a cCommunity, 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 (1): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 50. (43)</i></p> <p><i>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council. (41)</i></p>	47	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) The activity does not have an adverse effect on significant indigenous biodiversity, 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 species and ecosystems]; (29)</p> <p>(aa) The activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; (61)</p> <p>(b) the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B (41) [Historic heritage];</p> <p>(c) the activity does not present a hazard to navigation and shipping;</p> <p>(d) the activity complies with the general standards in Section 8.6;</p> <p>(e) the 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>(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 days prior to the event;</p> <p>(g) 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>(h) written notice is given to the adjacent Territorial Authority at least five working days prior to the activity commencing;</p> <p>(i) 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 for at least the seven working days prior to the activity commencing;</p> <p>(j) the activity does not restrict public access or exclude the public for a period of longer than four consecutive days;</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/ discretion notification (32) (61)	Policy reference
				<p>(k) all litter and other refuse attributable to the activity is removed from the area of the activity on a daily basis;</p> <p>(l) 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>(m) 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	Matters of c Control/ discretion notification ^{(32) (61)}	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	<p>(a) The structure is being used for its original <u>ly permitted</u> ⁽⁴³⁾ purpose;</p> <p>(b) <u>the structure does not cause erosion or scour;</u></p> <p>(c) <u>the structure does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</u></p> <p>(d) <u>the structure does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species].</u> ^{(40) (41)}</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	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	(a) The structure is being used for its originally consented purpose.	(a) maintenance and decommissioning of structure; (b) effects on other authorised structures or activities; (c) sediment movement and erosion; (d) effects on water quality; (e) effects on <u>ecological natural character, features and landscapes values</u> ⁽⁴³⁾ <u>(ee) effects on indigenous biodiversity</u> ⁽⁴³⁾ values; (f) effects on <u>cultural and historic, cultural and amenity heritage</u> values; (g) effects on <u>amenity values, including</u> surf breaks; (h) effects of occupation on public access; (i) effects on navigation; (j) effects of noise and light; (k) monitoring and information requirements; (l) duration of consent; and (m) review of consent conditions. Resource consent applications under this Rule will not be publicly notified but may be limited notified. ^{(32) (61)}	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	Matters of cControl/discretionnotification (32) (61)	Policy reference
Occupation of the common marine and coastal area and the activity does not come within or comply with Rules 47 to 50 49 ⁽²⁹⁾ ⁽³²⁾ or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998 (Appendix 5). ⁽²⁶⁾	50	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 31, 32, 39

8.3 Disturbance, deposition and extraction

Clearance of outfalls, culverts and intake structures

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Disturbance and deposition of material on the foreshore or seabed for the purpose of cClearance of lawfully established⁽⁴³⁾ outfalls, culverts and intake structures or boat ramp involving disturbance of the foreshore or seabed and deposition of materials onto the foreshore or seabed and any associated:</u></p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of <u>sedimentcontaminants.</u></p> <p><i>Note: If the activity does not come within or 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) <u>The activitydisturbance</u> 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>(aa) <u>the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]:</u> (40) (43) (58) (61)</p> <p>(ab) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]:</u> (40) (61)</p> <p>(ac) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A and B [Historic heritage]:</u> (40) (43) (57) (58) (61)</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) the activity complies with the general standards in Section 8.6; and</p> <p>(e) <u>the activity is completed in the minimum time and extent necessary, and</u> does not restrict public access for more than <u>2472 hours</u> ⁽⁴⁷⁾.</p>		

Collection of benthic grab samples
Disturbance for sampling or monitoring

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p><u>Disturbance drilling and removal of material in, on, under or over the foreshore or seabed for the purpose of 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</u></p> <p>and any associated:</p> <p>(a) deposition of materials onto the foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area; <u>and</u></p> <p>(c) discharge of sediment;</p> <p>(d) <u>taking of water incidental to the drilling process; and</u></p> <p>(e) <u>noise.</u> ^{(6) (32)}</p> <p><i>Note (1): If the activity does not <u>come within or</u> meet the standards, terms and conditions in this Rule refer to Rule <u>6025A</u> or Rule <u>6425B</u> depending on the coastal management area involved.</i></p> <p><i><u>Note (2): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</u></i> ⁽⁴¹⁾</p>	52	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) <u>Disturbance</u>Sampling is confined to <u>unconsolidated</u> mud, silt, sand, gravel and other fine sediments <u>and associated biota</u>;</p> <p>(b) <u>except for a duplicate sample for verification purposes:</u></p> <p>(i) spacing between sampling locations is not less than 0.5 km; <u>and</u></p> <p>(ii) <u>(e)</u> recurrent sampling at the same location does not occur more frequently than once every two months;</p> <p>(d) the volume of material removed from a sampling location does not exceed 0.3 m³;</p> <p>(e) the area of seabed disturbed at a sampling location does not exceed 3 m²;</p> <p><u>(ea) for drilling:</u></p> <p>(i) <u>in the Open Coast and Port coastal management areas, the drill hole does not exceed 150 mm in diameter and 20 m in depth; and</u></p> <p>(ii) <u>in Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas, the drill hole does not exceed 100mm in diameter and 5 m in depth;</u></p> <p><u>(eb) for drilling, only water based drilling fluids and muds are used;</u></p> <p><u>(ec) the activity complies with general standards in Section 8.6 of this Plan;</u></p> <p>(f) <u>the activity</u>sampling does not have an adverse effect on the values associated with historic heritage identified in Schedule 5A <u>and B</u> ⁽⁵⁸⁾ [Historic heritage];</p> <p>(g) <u>the activity</u>sampling does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat</u> ⁽²⁹⁾ including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; <u>and</u></p> <p><u>(ga) the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u> ⁽⁶¹⁾</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of Control/discretion/notification ^{(32) (61)}	Policy reference
				(h) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil .		
<p><u>Disturbance, drilling, coring and removal of material in, on, under or over the foreshore or seabed for the purpose of scientific research or monitoring and any associated:</u></p> <p>(a) <u>deposition in, on or under the foreshore or seabed;</u></p> <p>(b) <u>discharge of contaminants into water, into, on or under the foreshore or seabed, or into air;</u></p> <p>(c) <u>taking of water and heat incidental to the drilling process;</u></p> <p>(d) <u>placement or erection of a casing structure; and</u></p> <p>(e) <u>noise</u></p> <p><u>and does not come within or comply with Rule 52.</u></p> <p><i>Note (1): this rule does not apply to drilling for exploration or appraisal of hydrocarbons. Refer to Rules 26, 27 and 28 for this activity.</i></p> <p><i>Note (2): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 25B7.</i></p>	52A	Port Open Coast	Controlled	<p>(a) <u>Drill hole does not exceed 150 mm in diameter or 50 m in depth;</u></p> <p>(b) <u>except for a duplicate sample for verification purposes, spacing between sampling locations is not less than 0.5km;</u></p> <p>(c) <u>only water-based or synthetic drilling fluids and muds are used;</u></p> <p>(d) <u>the activity complies with the general standards in Section 8.6 of this Plan;</u></p> <p>(e) <u>the activity is not undertaken within any site identified in Schedule 5A and B [Historic heritage];</u></p> <p>(f) <u>the activity does not have an adverse effect on significant indigenous biodiversity, including those identified in Schedule 4 [Significant indigenous biodiversity]; and</u></p> <p>(g) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4CC [Taonga species].</u></p>	<p>Control is reserved over:</p> <p>(a) <u>reinstatement and/or abandonment;</u></p> <p>(b) <u>any incidental discharges;</u></p> <p>(c) <u>location, method, timing, frequency and notification of works;</u></p> <p>(d) <u>effects on other authorised structures or activities;</u></p> <p>(e) <u>sediment movement and erosion;</u></p> <p>(f) <u>effects on water quality;</u></p> <p>(g) <u>effects on natural character, features and landscapes values</u></p> <p>(h) <u>effects on indigenous biodiversity values;</u></p> <p>(i) <u>effects on cultural and historic heritage values;</u></p> <p>(j) <u>effects on amenity values, including surf breaks;</u></p> <p>(k) <u>effects of occupation on public access;</u></p> <p>(l) <u>effects on navigation;</u></p> <p>(m) <u>effects of noise and light;</u></p> <p>(n) <u>monitoring and information requirements;</u></p> <p>(o) <u>duration of consent; and</u></p> <p>(p) <u>review of consent conditions.</u></p>	<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policies</u></p> <p><u>22, 28, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</u></p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
<p><u>Disturbance, drilling, coring and removal of material in, on, under or over the foreshore or seabed for the purpose of scientific research or monitoring and any associated:</u></p> <p>(a) <u>deposition in, on or under the foreshore or seabed;</u></p> <p>(b) <u>discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</u></p> <p>(c) <u>taking of water and heat incidental to the drilling process;</u></p> <p>(d) <u>placement or erection of a casing structure.</u></p> <p><u>Note (1): this rule does not apply to drilling for exploration or appraisal of hydrocarbons. Refer to Rules 26, 27 and 28 for this activity.</u></p> <p><u>Note (2): If the activity does not come within or meet the standards, terms and conditions in this Rule refer to Rule 27.</u></p>	52B	<p><u>Outstanding Value</u></p> <p><u>Estuaries Unmodified</u></p> <p><u>Estuaries Modified</u></p> <p><u>Open Coast</u></p> <p><u>Port</u></p>	<u>Discretionary</u>			<p><u>General Policies</u></p> <p><u>1 to 21</u></p> <p><u>and</u></p> <p><u>Activity-based Policies</u></p> <p><u>22, 28, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</u></p>

Minor disturbance and removal

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Minor disturbance of the foreshore and seabed for the removal of sand, shell, shingle or other natural material involving minor disturbance of the foreshore and seabed;</u></p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of <u>sedimentcontaminants.</u></p> <p><i>Note: If the activity does not come within or 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	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 historic heritage identified in Schedule 5A and B ⁽⁵⁸⁾ [Historic heritage];</p> <p>(b) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat</u> including those identified in Schedule 4 [Significant <u>indigenous biodiversityspecies and ecosystems</u>]; ⁽²⁹⁾</p> <p>(ba) <u>the activity does not have an adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species];</u> ⁽⁶¹⁾</p> <p>(c) 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>(d) the removal of natural material is not for commercial gain;</p> <p>(e) the area of excavation is smoothed over after the completion of the activity (e.g. no holes left on the foreshore);</p> <p>(f) the extent of the foreshore and seabed disturbance is limited to that required to undertake the activity; and</p> <p>(g) 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	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p><u>Disturbance of the foreshore and seabed and the excavation and deposition of material for the bBurial of dead animals found on the foreshore or seabed.</u></p> <p>undertaken by the Taranaki Regional Council, a territorial authority, the Department of Conservation, or agents of those organisations, <u>involving disturbance of the foreshore and seabed and excavation and deposition of material</u></p> <p>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></p> <p><i>Note: (2) If the activity does not <u>come within or</u> 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 historic heritage identified in Schedule 5A and B ⁽⁴¹⁾ [Historic heritage];</p> <p>(b) the activity does not occur at any site identified in 65B [Sites of significance to Māori and associated values] except with express permission of the relevant iwi authority; ⁽⁴⁰⁾ ⁽⁵⁸⁾</p> <p>(c) the activity complies with the general standards in Section 8.6;</p> <p>(d) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat</u> including those identified in Schedule 4 [Significant <u>indigenous biodiversity species and ecosystems</u>]; and ⁽²⁹⁾</p> <p>(da) <u>the activity does not have a significant adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u> ⁽⁶¹⁾</p> <p>(e) <u>except for seal</u>, ⁽²⁹⁾ 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	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Disturbance of the seabed for the purpose of maintenance or capital dredging to ensure a safe navigational depth within Port Taranaki and its approaches involving disturbance of the seabed</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) discharge of contaminants; and</p> <p>(c) incidental deposition.</p>	55	Port	Discretionary			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 30, 39, 40, 41, 42, 43, 44, 49</p>
<p>Deposition of natural material dredged from Port Taranaki or its approaches, from port dredging on the foreshore or seabed</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) discharge of contaminants; and</p> <p>(c) disturbance of the foreshore or seabed.</p>	56	Open Coast	Discretionary			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 39, 40, 41, 42, 43, 44, 49</p>

Beach replenishment

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	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			General Policies 1 to 21 and Activity-based Policies 22, 40, 41, 42, 44, 49

Introduction or planting of exotic plants

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
Introduction <u>or planting</u> of any exotic plant onto the foreshore or seabed.	58	Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 28
Introduction <u>or planting</u> of any exotic plant onto the foreshore or seabed.	59	Outstanding Value Estuaries Unmodified	Non-complying			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	Matters of cControl/discretionnotification (32) (61)	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 that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan</p> <p>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).⁽²⁶⁾</p>	60	Estuaries Modified Open Coast Port	Discretionary			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>39, 40, 41, 42, 44</p>
<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 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).⁽²⁶⁾</p>	61	Outstanding Value Estuaries Unmodified	Non-complying			<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>39, 40, 41, 42, 44</p>

8.4 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	Matters of cControl/discretionnotification (32) (61)	Policy reference
<p>Reclamation or drainage of the foreshore or seabed for the purpose of eErosion control or flood control involving reclamation or draining of the foreshore or seabed</p> <p>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>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 39, 40, 41, 42, 44, 45, 46, 49</p>

Other reclamation or drainage of the foreshore or seabed that is not provided for in Rule 62

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of c Control/ discretion notification ^{(32) (61)}	Policy reference
Reclamation or draining of the foreshore or seabed that does not come within or comply with Rule 62.	63	Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 45, 46
Reclamation or draining of the foreshore or seabed that does not come within Rule 62.	64	Outstanding Value Estuaries Unmodified	Prohibited			

8.5 Taking or use

Taking or use of water, heat or energy

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Matters of cControl/discretionnotification (32) (61)	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 historic heritage identified in Schedule 5A and B [Historic heritage]; ⁽⁴¹⁾</p> <p>(c) the activity does not have an adverse effect on <u>significant indigenous biodiversity, any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat</u> including those identified in Schedule 4 [Significant <u>indigenous biodiversity species and ecosystems</u>]; ⁽²⁹⁾</p> <p>(ca) <u>the taking or use of water is not at a quantity or rate that would cause significant adverse environmental effects;</u> ^{(33) (40) (58)} <u>and</u></p> <p>(cb) <u>activity does not have an adverse effect on the values associated with taonga species identified in Schedule 4C [Taonga species]; and</u> ⁽⁶¹⁾</p> <p>(d) 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 Resource Management Act 1991.</p>	66	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary			General Policies 1 to 21 and Activity-based Policy 47



8.6 General standards

These general standards apply where a rule explicitly states that these standards will be complied with.

8.6.1 Height (New Plymouth Airport)

No structure or part of any structure will interfere with the New Plymouth Airport Flight Path Protection Surfaces described in Appendix 3 of the Plan.

8.6.2 Light

Light sources will be shielded so that the light source is not directly visible from any residence, vehicle on a public road or ship under navigation, except in the following cases:

- (a) Navigation aids; or
- (b) Lighting required under the Acts of Parliament for the safety of ships or offshore installations and aircraft.

8.6.3 Noise

(a) Port activities

Port activities in the coastal marine area will not create noise that exceeds the following when measured at any point at or landward of the Port Noise Inner Control Boundary (Appendix 6):

- (i) Day-night average sound level over a period of 5 consecutive days shall not exceed 65 dB L_{dn}
- (ii) On any day between 10pm to 7am the following day shall not exceed 60 dB L_{Aeq} (9hours) provided that no single 15 minute sound measurement level shall exceed 65 dB L_{Aeq} and 85 dB L_{Amax} .

Port activities in the coastal marine area will not create noise that exceeds the following when measured at any point at or landward of the Port Noise Outer Control Boundary (Appendix 6):

- (i) On any day between 10pm to 7am the following day shall not exceed 50 dB L_{Aeq} (9hours) provided that no single 15 minute sound measurement level shall exceed 55 dB L_{Aeq} and 75 dB L_{Amax} .

For the purpose of Port Noise, daytime is defined as 7am to 10pm on any day, and night-time is defined as 10pm to 7am the following day.

Port noise shall be measured and assessed in accordance with *New Zealand Standard NZS 6809:1999 Acoustics – Port Noise and Land Use Planning*.

(b)

Construction, maintenance or demolition activities

The noise from any construction, maintenance, alteration, extension and demolition activities in the coastal marine area must be measured, assessed, managed and controlled in accordance with the requirements of *New Zealand Standard NZS6803:1999 Acoustics – Construction noise*.

(c)

Temporary military training activities ⁽³³⁾

Temporary military training activities in the coastal marine area will not create noise that exceeds the following when measured 1m from any side of any building used for accommodation:

- (i) ~~when measured 1 m from any side of any building used for accommodation: All activities excluding live weapons firing, firing of blanks, or use of explosives:~~

Time (any day)	Limits (dB)	
	L_{Aeq}	L_{Amax}
0630 – 0730	60	75
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 0630	45	75

- (ii) Noise resulting from ~~the use of explosives will not exceed 120 dBC when measured 1 m from any side of any building used for accommodation: live firing, firing of blank, or use of explosives:~~

Time (any day)	Limits (dBC)		Separation distances ⁷

⁷ Distance from any side of any building used for accommodation.

0700 – 1900	L_{Aeq(15min)} 7095	500 meters
1900 -0700	85	1,250 meters

- (iii) ~~Explosions (including live firing and firing of blanks) shall not occur between the hours of 2000 and 0730 hours the following day. Noise resulting from helicopter landing shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.~~

Noise must be measured, assessed, managed and controlled in accordance with the requirements of New Zealand Standard ~~NZS6803:1999 Acoustics – Construction noise, as if the Temporary Military Training Activity noise was construction noise~~ NZ6801:2008 Acoustics – Measurement of Environmental Sound.⁽³³⁾

(d) **All other activities**

Noise generated by any other activity in the coastal marine area (excluding those in (a), (b) and (c) above) shall not exceed the following at any point landward of at or beyond⁽⁴⁸⁾ the boundary of the coastal marine area:

Time (any day)	Limit
7am to 7pm –	50 dB L _{Aeq} (15 min)
7pm to 10pm –	45 dB L _{Aeq} (15 min)
10pm to 7am –	40 dB L _{Aeq} (15min)
10pm to 7am –	70 dB L _{Amax}

Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with New Zealand Standard NZS 6802:2008 Acoustics – Environmental Noise.



9 Financial contributions and environmental compensation ⁽³²⁾

This section outlines when and how financial contributions may be applied. Where the Taranaki Regional Council grants a coastal permit under the rules in the Plan, it may impose a condition requiring that a financial contribution be made for the purposes specified in the Plan.

Note: Changes to the RMA mean that from **18 April 2022** Councils will no longer be able to require financial contributions to be paid under the RMA. Similar contributions may continue beyond this time through mutually agreed consent conditions.

The term 'financial contribution' is defined in Section 108(9) of the RMA to mean:

"... a contribution of:

money; or

land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Māori Act 1993 unless that Act provides otherwise; or

a combination of money and land. "

Financial contributions may be for various purposes specified in the Plan including the purposes of ensuring positive effects on the environment to mitigate any adverse effects. All monies collected under the financial contributions regime of the Plan are collected by the Taranaki Regional Council for use under the provisions of this plan. When deciding how those contributions should be levied or allocated, consideration will be given to matters contained within any submissions on a coastal permit application.

The provisions that follow reflect the requirements of the Act and set out:

- (a) the purposes for which such contributions may be required and used; and
- (b) the manner in which the amount of the contribution will be determined.

Note: The Council is not operating a charging regime for occupation of the coastal area.
(29)



9.1 Purpose

Financial contributions may be imposed on any coastal permit for the purposes set out below. Contributions of money to the Taranaki Regional Council will be used for the purpose for which the contribution is required.

The following provisions set out the purposes for which financial contributions may be imposed.

9.1.1 Maintenance or improvement of public access to and along the coast

Purpose: To remedy or mitigate the effects of an activity limiting public access to or along the coast by:

- (a) providing for public access through or around the area to which the consent applies; or
- (b) contributing to new or enhanced access to or along another part of the coastal marine area within the same general locality or serving the same general community.

Note: The operation of this section is limited to mitigating restrictions on access caused by activities within the coastal marine area. The limitation of access to and along the coastal marine area from activities that are conducted solely above mean high water springs is not able to be compensated for under this section.

9.1.2 Protection, maintenance or enhancement of recreational amenity values

Purpose: To mitigate adverse effects of an activity on recreational amenity values in the coastal marine area by creating or improving:

- (a) recreational opportunities;
- (b) facilities; or
- (c) other public amenities

on or in the vicinity of the site, at an alternative location in the same general locality or serving the same general community. This may include contributing to the maintenance or enhancement of public reserves or nationally and regionally significant surf breaks.

9.1.3 Protection, maintenance or enhancement of biodiversity

Purpose: to mitigate the adverse effects of damage, destruction or erosion of coastal habitats by:

- (a) enhancing or restoring habitat on the site; or
- (b) creating, restoring or enhancing a coastal habitat at a site in the same general locality.

9.1.4 Protection, maintenance or enhancement of visual amenity and landscape

Purposes: to mitigate the adverse effects of erection or placement of a structure and/or disturbance of the foreshore or seabed by:

- (a) landscaping or planting of the area to reduce loss of visual amenity; or
- (b) landscaping or planting of a site adjacent to the site to improve the visual amenity of the general area.

9.1.5 Protection, maintenance or restoration of sites of cultural and historic importance ⁽⁶⁰⁾

Purpose: To mitigate adverse effects on sites of historic importance by:

- (a) providing for works that protect, maintain or restore the affected site; ~~or~~
- (b) contributing to protection, maintenance or restoration of some alternative historic site in the same general locality; or
- (c) enhancing or restoring habitat of taonga species. ⁽⁶⁰⁾

9.1.6 Protection, restoration or enhancement of seabed and foreshore

Purpose: To mitigate adverse effects on the seabed or foreshore by protecting, restoring or enhancing the seabed or foreshore, including (without limitation):

- (a) maintenance and planting of vegetation;

- (b) sediment replenishment;
- (c) erosion protection works;
- (d) fencing; and
- (e) foreshore protection

and including contribution to such measures elsewhere in the same general locality.

9.1.7 Esplanade reserves or esplanade strips on reclamation

Purpose: To mitigate the adverse effects of reclamation or draining of the foreshore and/or seabed by:

- (a) establishment of an esplanade reserve or esplanade strip

for the purpose of contributing to biodiversity values, or enabling public access to or along the sea, or enabling public recreational use of the esplanade reserve or strip and adjacent coastal marine area.

9.1.8 General - environmental compensation

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.

9.2 Determining a financial contribution

The amount of contribution will be determined on a case-by-case basis by the Taranaki Regional Council with reference to the matters set out in section 9.2.1 and will provide for such projects or works reasonably necessary to avoid, remedy or mitigate the adverse effects of the activity. They will be used to provide positive mitigation effects reasonably equivalent in standard, amenity value or environmental value to those amenities or resources which will be lost, compromised or adversely affected. These may be determined as part of the pre-hearing process for notified resource consent applications.

9.2.1 Matters to be considered

In deciding whether or not to impose financial contributions, the types of contribution and their value, the Taranaki Regional Council will have particular regard to the following matters:

1. The purpose of the financial contribution is to avoid, remedy or, mitigate the community or environmental effects caused or contributed to by the activity and not otherwise avoided, remedied or mitigated by the resource consent holder.
2. Whether adverse effects are likely to occur notwithstanding any avoidance, remediation or mitigation undertaken.
3. Whether the adverse effects for which a contribution is imposed can be avoided, remedied or mitigated directly by project design or, in the case of a discharge, adoption of the best practicable option for preventing or minimising the effects.
4. Whether granting a resource consent and requiring a financial contribution would be more effective in achieving the purpose of the RMA (including recognition of the economic and social benefits of the activity) and the objectives and policies of the Plan than declining consent, or granting a consent without a condition requiring a financial contribution.
5. Financial contributions will relate to the effects of the activity for which consent is granted and be consistent with the significance of any adverse effects resulting from the activity that are not otherwise mitigated.
6. Any financial contribution required will be reasonable, and consistent with the purpose of the RMA and the effects of the activity. Where the Taranaki Regional Council grants a coastal permit under the rules in the Plan, it may impose a condition requiring that a financial contribution be made for the purposes specified in the Plan.

10 Monitoring and review of the Plan

This section outlines the monitoring and review provisions for the Plan.

10.1 Monitoring the efficiency and effectiveness of the Plan

The Taranaki Regional Council is required by section 35 of the RMA to undertake monitoring and keep records. In summary, the Taranaki Regional Council will:

1. monitor the state of the regional environment (to the extent necessary to carry out the Taranaki Regional Council's functions under the RMA);
2. monitor the efficiency and effectiveness of the policies, rules or other methods in the Plan;
3. monitor the exercise of any transferred functions, powers or duties;
4. monitor the exercise of resource consents; and
5. take any action that is appropriate in the circumstances.

The monitoring of the efficiency and effectiveness of the Plan's policies and methods will be carried out in conjunction with monitoring of the *Regional Policy Statement for Taranaki* and other regional plans. The following methods will be used to monitor the effectiveness of the Plan:

1. State of the environment monitoring programmes for the coastal marine area, including:
 - (a) continuation of water quality monitoring at bathing beaches, and
 - (b) continuation of marine ecological monitoring at hard and soft substrata sites around the coast.
2. Compliance monitoring carried out in relation to individual coastal permits. Where appropriate to the nature and scale of effect of an activity, individual consent monitoring programmes will be designed and implemented in conjunction with the consent holder.

3. Continuation of recording and evaluating unauthorised discharges to land, water and air in the coastal marine area, along with other unauthorised activities in the coastal marine area.

3A. Investigate, develop and implement appropriate and relevant monitoring methods for the incorporation of mātauranga Māori into state of the environment monitoring for the coastal environment. ^{(41) (50) (60) (61)}

4. Use of appropriate and relevant monitoring and research programmes carried out by other agencies where appropriate.
5. Use of appropriate and relevant information (including requests and complaints) from iwi, territorial authorities, other agencies and the public, where appropriate.
6. Keep records of the numbers, types and location of permitted activities that are reported where notification to the Taranaki Regional Council is required by rules in the Plan.
7. Keep records of the numbers, types and location of notified and non-notified consents applied for and the number granted and declined in each category.
8. Keep records of the numbers, types and location of consent applications made for each type of activity regulated by the Plan.

10.2 Review of the Plan

The RMA requires that all provisions of the Plan be reviewed every 10 years.

The following procedures will be used to review the Plan:

1. A review of the relevant parts or provisions of the Plan may be carried out in response to any changes to the NZCPS or to the *Regional Policy Statement for Taranaki*. This review will be to the extent appropriate to determine and make changes to the Plan so that it gives effect to the Regional Policy Statement.
2. A review of the relevant parts or provisions of the Plan may be carried out if a new issue arises, or if regional monitoring or research programmes show that a review would otherwise be appropriate.

3. A full review of the Plan (within the meaning of section 79 of the RMA) will be carried out no later than 10 years after the date on which the Plan becomes operative.

The procedures to be used to review the Plan will be determined at that time, and may include (as part of a review programme):

1. An assessment of the state of those matters that will be the subject of monitoring in the State of the Environment Monitoring Procedures Document, and comparison with the relevant objectives of the Plan.
2. Internal assessment by officers of the Taranaki Regional Council regarding the efficiency and effectiveness of policies and methods of implementation in achieving the objectives of the Plan.
3. Internal assessment by officers of the Taranaki Regional Council regarding the usefulness of the matters required to be included in an application for a resource consent and of administrative procedures.
4. Internal review of the data arising from the methods used to assess the efficiency and effectiveness of the Plan.
5. Formal and informal liaison with tangata whenua, public authorities and key interest groups regarding the effectiveness of the Plan.
6. Analysis and appropriate incorporation of public submissions regarding proposed changes to the Plan, or re-notification of the Plan, as required by section 79 of the RMA.

Definitions and acronyms

This section provides the meanings of words used in the Plan.

Where a word is followed by an asterisk '*', the meaning that follows is the meaning from the RMA (or in regulations). The other definitions are for a term or expression that has been used in the policies [Section 6] and rules [section 8] of the Plan and for which there is no RMA definition.

Abrasive blasting means the cleaning, smoothing, roughening, cutting or removing of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, short or grit or other material propelled by a blast of compressed air, steam or water or by a wheel ~~and includes:~~

- (a) ~~dry abrasive blasting which refers to abrasive blasting using materials to which no water has been added; and~~
- (b) ~~wet abrasive blasting which refers to abrasive blasting to which water has been added.~~

Accretion means the seaward extension of land as a result of the natural process ⁽⁴³⁾ of the deposition of sediments.

Act or **RMA** means the *Resource Management Act 1991*.

~~**Adaptive management** means a structured, iterative process of robust decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring. For the purposes of this Plan, the principles underpinning adaptive management include:~~

- (a) ~~robust baseline monitoring to establish the existing receiving environment;~~
- (b) ~~resource consent conditions that require effective monitoring of adverse effects using appropriate indicators;~~
- (c) ~~resource consent conditions that set thresholds requiring remedial action to be taken before significant adverse effects eventuate;~~
- (d) ~~that any effects that may arise can be remedied before they become irreversible; and~~
- (e) ~~that the activity is able to cease all or part of its operation, or the scale of part or all of the operation, if the monitoring results warrant it.~~ ⁽⁴³⁾

Alteration in relation to a structures, means any modification to a structure that does not increase its external dimensions. ^{(43) (57)}

Amenity values* means 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.

Archaeological site means

- (a) any place in New Zealand, including any building or structure (or part of a building or structure), that:
 - (i) was associated with human activity that occurred before 1900 or is a site of a wreck of any vessel where the wreck occurred before 1900; and
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- (b) includes a site for which a declaration is made under section 43(1) of the *Heritage New Zealand Pouhere Taonga Act 2014*.

At risk, in relation to indigenous flora and fauna species, means a species facing a long term risk of extinction in the wild (either because of severely reduced or naturally small population size or because the population is declining but buffered by either a large total population or a slow rate of decline) as identified in the New Zealand Threat Classification lists.

Bed* means, in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Best practicable option* in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects;
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied.

Biodiversity or **biological diversity*** means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems.

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.

Coastal area of outstanding value, refers to an area identified in Schedule 2 of the Plan as having outstanding values.

Capital dredging means dredging undertaken to extend navigation channels in an area or to a depth that has not previously been dredged.

Coastal marine area* means the foreshore, seabed, and coastal water, and the air space above the water:

- (a) of which the seaward boundary is the outer limits of the territorial sea;
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point will be whichever is the lesser of:
 - (i) one kilometre upstream from the mouth of the river; or
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by five.

Coastal environment means:

- (a) all of the coastal marine area;
- (b) areas landward of the coastal marine area and identified under Policy 4.
- (c) including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area. ^{(43) (45) (46)}

Coastal water* means seawater within the outer limits of the territorial sea and includes:

- (a) seawater with a substantial freshwater component; and
- (b) seawater in estuaries, fiords, inlets, harbours or embayments.

Common marine and coastal area means the marine and coastal area other than:

- (a) specified freehold land located in that area; and
- (b) any area that is owned by the Crown and has the status of any of the following kinds:
 - (i) a conservation area within the meaning of section 2(1) of the *Conservation Act 1987*;
 - (ii) a national park within the meaning of section 2 of the *National Parks Act 1980*;
 - (iii) a reserve within the meaning of section 2(1) of the *Reserves Act 1977*; and
- (c) the bed of Te Whaanga Lagoon in the Chatham Islands.

Conditions*, in relation to plans and resource consents, includes terms, standards, restrictions and prohibitions.

Consent authority* means a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under the RMA.

Contaminant* includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Controlled activity means an activity which is described in the RMA, regulations, a plan, or a proposed plan as a controlled activity, such that a resource consent is required for the activity; and

- (a) the consent authority will grant a resource consent except if:
 - (i) section 106⁸ of the RMA applies; or

⁸ Section 106 does not apply to regional consents.

- (ii) section 55(2) of the *Marine and Coastal Area (Takutai Moana) Act 2011* applies; and
- (b) the consent authority's power to impose conditions on the resource consent is restricted to the matters over which control is reserved (whether in its plan or proposed plan, a national environmental standard, or otherwise); and
- (c) the activity will comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Data deficient species means those species that are likely to be at risk or threatened, however, populations are so low that information is not available to determine their status under the New Zealand Threat Classification. This includes, but is not limited to, species identified as such in Schedule 4A. ⁽⁴³⁾

Diadromous means a species that lives in both fresh and salt water.

Discharge* includes emit, deposit and allow to escape.

Discretionary activity means an activity which is described in the RMA, regulations, a plan, or a proposed plan as a discretionary activity, a resource consent is required for the activity; and

- (a) the consent authority may decline the consent or grant the consent with or without conditions; and
- (b) if granted, the activity will comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

District plan* means an operative plan approved by a territorial authority under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).

Disturbance includes excavation, extraction, dredging, drilling and tunnelling.

Ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

Effect* includes:

- (a) any positive or adverse effect;
- (b) any temporary or permanent effect;
- (c) any past, present or future effect; and

- (d) any cumulative effect which arises over time or in combination with other effects, regardless of the scale, intensity, duration or frequency of the effect, and also includes:

- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

Environment* includes:

- (a) ecosystems and their constituent parts, including people and communities;
- (b) all natural and physical resources;
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.

Erosion means the natural (geological) processes of the wearing away of the land surface (including soil, regolith or bedrock) by natural agents and the transport of the derived material. Erosion includes sheet, wind, creep, slump, flow, hill, gully and stream erosion.

Estuary Modified refers to the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiti or Waitara estuaries and river mouths ⁽²⁹⁾, and which are surrounded by extensively modified environments.

Estuary Unmodified refers to estuaries and river mouths ⁽²⁹⁾ identified in Schedule 1 of the Plan that are permanently open to tidal movements and are largely unmodified.

Exotic means not indigenous to New Zealand.

Extension in relation to a structures, means any modification to the external dimensions of a structure, including length, width and height. ^{(43) (57)}

Foreshore* means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.

Form of the foreshore includes the physical nature of the foreshore but does not include those species that live on the foreshore.

Fresh water* means all water except coastal water and geothermal water.

Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment. ^{(26) (45) (46) (47)}

Habitat means the place or type of site where an organism or population naturally occurs.

Hapū means sub-tribe, usually a number of whānau (families) of people of Māori descent ⁽⁴²⁾ with a common ancestor.

Hard protection structure includes a seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose or effect of protecting an activity from a coastal hazard, including erosion.

Hazardous substance means, unless expressly defined otherwise by regulations, any substance:

- (a) with one or more of the following intrinsic properties:
 - (i) explosiveness;
 - (ii) flammability;
 - (iii) a capacity to oxidise;
 - (iv) corrosiveness;
 - (v) toxicity (including chronic toxicity);
 - (vi) ecotoxicity, with or without bioaccumulation; or
- (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a).

Heritage values mean any cultural, traditional, aesthetic or other value related to the past.

Historic heritage*

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;

(vi) technological; and

(b) includes:

- (i) historic sites, structures, places, and areas;
- (ii) archaeological sites;
- (iii) sites of significance to Māori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources.

Incidental water means groundwater extracted incidental to drilling.

Industrial or trade premises* means:

- (a) any premises used for any industrial or trade purposes;
- (b) any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
- (c) any other premises from which a contaminant is discharged in connection with any industrial or trade process

but does not include any production land.

~~**Integrated management** means managing (i.e., identifying, prioritising and acting on) the use, development and protection of natural and physical resources as a whole. Integrated management involves three interrelated parts:~~

- ~~(a) a recognition by management agencies that natural and physical resources exist as part of complex and interconnected social and biophysical systems, where effects on one part of a system may affect other parts of the system and that these effects may occur immediately, may be delayed or may be cumulative; and~~
- ~~(b) the integration of management systems between agencies so that the various roles and responsibilities of those agencies are clearly identified and combined or coordinated to achieve consistency of purpose; and~~
- ~~(c) the integration of management systems within agencies to ensure that other legislative or administrative actions are consistent with promoting sustainable management of natural and physical resources.~~ ⁽⁴³⁾

Intrinsic values* in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

- (a) their biological and genetic diversity; and
- (b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

Issue includes a matter of concern to the region's community regarding activities affecting some aspect of natural and physical resources and the environment of the region.

Iwi means tribe or grouping of people of Māori descent.

Iwi authority* means the authority that represents an iwi and which is recognised by that iwi as having authority to do so.

Iwi o Taranaki or **iwi of Taranaki** refers to iwi whose rohe (territory or boundary) fall either wholly or partially within the Taranaki region.

Kaitiakitanga* means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

Land - *

- (a) includes land covered by water and the air space above land; and
- (b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or a river; and
- (c) in a national environment standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.
(42)

Local authority* means a regional council or territorial authority.

Macrofouling is any biofouling organism not included in the definition of microfouling.
(29)

Mahinga kai means areas from which food resources are gathered and/or propagated.

Marine and coastal area:

- (d) means the area that is bounded:

- (i) on the landward side, by the line of mean high-water springs; and
- (ii) on the seaward side, by the outer limits of the territorial sea; and

- (e) includes the beds of rivers that are part of the coastal marine area (within the meaning of the RMA; and
- (f) includes the air space above, and the water space (but not the water) above, the areas described in paragraphs (a) and (b); and
- (g) includes the subsoil, bedrock, and other matter under the areas described in paragraphs (a) and (b).

Maintenance, in relation to a structure, ~~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 means the ongoing and regular activities that aid in the preservation of a structure and includes repair works conducted for the purpose of keeping the structure in good condition and/or working efficiently and where the character, intensity and scale of the structure remains the same.~~
(43) (45) (46) (57)

Maintenance dredging means dredging undertaken to maintain safe navigation channels in an area and to a depth that has been dredged previously.

Māra kai means garden, cultivation. A garden for cultivating food.

Mātauranga Māori means Māori customary knowledge, traditional knowledge or intergenerational knowledge.

Mātaitai* means food resources from the sea and **Mahinga mātaitai** means the areas from which these resources are gathered.

Method means a specific action, procedure, programme or technique adopted to carry out a policy.

Microfouling is a layer of microscopic organism including bacteria and diatoms and the slimy substances they produce. Often referred to as a 'slime layer' ⁹ (29)

Military training: ~~Any training undertaken by the New Zealand Defence Force for defence purposes (as define by section 5 of the Defence Force Act 1990).~~ (33)

⁹ Microfouling can usually be removed by gently passing a finger over the surface. (29)

Mouri means essential life force or principle; a metaphysical quality inherent in all things, both animate and inanimate.

Mouth* for the purpose of defining the landward boundary of the coastal marine area, means the mouth of a river either:

- (a) as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or
- (b) as declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,

and once so agreed and set or declared will not be changed in accordance with Schedule 1 (of the RMA) or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree.

Nationally significant surf break means the four surf breaks within Taranaki identified in the *New Zealand Coastal Policy Statement 2010* as *Surf Breaks of National Significance*. These are Waiwhakaiho, Stent Road, Backdoor Stent and Farmhouse Stent. The location of these breaks is mapped in Schedule 7A of this Plan.

Natural means a product of nature.

Natural and physical resources* includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural character includes a range of natural elements, patterns and processes and the perception of those qualities

Natural feature means a distinctive or characteristic part of a natural landscape which involves the physical character of the area, the perception of that character and the associations with that area (including cultural, spiritual, historic and heritage associations).

Natural hazard* means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

Natural landscape means a large subset of the natural environment which involves the physical character of the area, the perception of that character and the associations with that area (including cultural, spiritual, historic and heritage associations).

Naturally rare or **originally rare**: means rare before the arrival of humans in New Zealand.

Navigation aid includes:

- (a) any lightship and any floating or other light exhibited for the guidance of ships;
- (b) any description of a fog signal not carried on a ship;
- (c) all marks and signs in aid of marine navigation; and
- (d) any electronic, radio, or other aid to marine navigation not carried on board any ship.

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*.¹⁰

¹⁰ **Network utility operator**, as defined by Section 166 of the RMA, means a person who –

- (a) undertakes or proposes to undertake the distribution of transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- (b) operates or proposes to operate a network for the purpose of-
 - (i) telecommunication as defined in section 5 of the *Telecommunications Act 2001*; or
 - (ii) radiocommunication as defined in the section 2(1) of the *Radiocommunications Act 1989*; or
- (c) is an electricity operator or electricity distributor as defined in section 2 of the *Electricity Act 1992* for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or

- (e) undertakes or proposes to undertake a drainage or sewerage system; or
 - (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
 - (g) is an airport authority as defined by the *Airport Authorities Act 1966* for the purpose of operating an airport as defined by that Act; or
 - (h) is a provider of any approach control service within the meaning of the *Civil Aviation Act 1990*; or
 - (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purpose of this definition by regulations made under this Act.-
- and the words **network utility operation** have a corresponding meaning.

New Zealand coastal policy statement* or **NZCPS** means a statement issued under Section 57 of the RMA.

Ngāmotu Beach refer Appendix 4 of the Plan.

Noise* includes vibration.

Non-complying activity means an activity which is described in the RMA, regulations, a plan, or a proposed plan as a non-complying activity, such that a resource consent is required for the activity and the consent authority may:

- (a) decline the consent; or
- (b) grant the consent, with or without conditions, but only if the consent authority is satisfied that the requirements of section 104D are met and the activity will comply with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Objective means a statement of a desired and specific environmental outcome.

Occupy* means the activity of occupying any part of the coastal marine area:

- (a) where the occupation is reasonably necessary for another activity;
- (b) where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the coastal marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent; and
- (c) for a period of time and in a way that, but for a rule in the regional coastal plan and in any relevant proposed regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the coastal marine area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense.

Offshore installation or **installation** 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.

Open coast means the coastal management area described in Policy 1.

Operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.⁽⁴⁷⁾

Outstanding Value refers to those areas that have been identified in a regional policy statement or regional plan as having outstanding natural character or being outstanding natural features and landscapes, refer Schedules 1 and 2 of the Plan.

Permitted activity means an activity that is described in the RMA, regulations, a plan, or a proposed plan as a permitted activity, such that a resource consent is not required for the activity if it complies with the requirements, conditions, and permissions, if any, specified in the Act, regulations, plan, or proposed plan.

Person* includes the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporated.

Petroleum means:

- any naturally occurring hydrocarbon ~~(other than coal) whether in a gaseous, liquid or solid state; any or any~~⁽⁴²⁾ naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid or solid state; or
- (a) any naturally occurring mixture of one or more hydrocarbons (other than coal) and one or more of the following: hydrogen sulphide, nitrogen, helium or carbon dioxide.

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

Plan* means a regional plan or district plan.

Policy means a specific statement that guides or directs decision making. A policy indicates a commitment to a general course of action when working towards an objective.

Port refers to the coastal management area identified in Schedule 1 of the Plan as Port Taranaki.⁽⁴³⁾

Port Air Zone refer Schedule 8 of the Plan.

Port Taranaki refer Appendix 4 of the Plan.

Produced water means water with high mineral or salt content associated with the production of oil and gas from reservoirs. It may include water, water that has been injected into the reservoir, and any chemicals added during the production/treatment/enhancement process.

Prohibited activity means an activity which is described in the RMA, regulations, or a plan as a prohibited activity, such that:

- (a) no application for a resource consent may be made for the activity; and
- (b) the consent authority will not grant a consent for it.

Rare and uncommon ecosystem type means those ecosystems that would have naturally occurred over a small area in the absence of human activity and are those identified in Schedule 4A.

Reclamation means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area; and

- (a) includes the construction of any causeway; but
- (b) excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.⁽⁴³⁾

Region* means in relation to a regional council, the region of the regional council as determined in accordance with the *Local Government Act 2002*.

Regional coastal plan*:

- (a) means an operative plan approved by the Minister of Conservation under Schedule 1 (of the RMA); and
- (b) includes all operative changes to the Plan (whether arising from a review or otherwise).

Regional council*

- (a) has the same meaning as in section 5 of the *Local Government Act 2002*; and
- (b) includes a unitary authority within the meaning of that Act.

Regionally distinctive in relation to indigenous flora and fauna species, refers to a species, including those identified in Schedule 4A of this Plan, that are locally significant to the Taranaki region, irrespective of their national threat status, and

- (a) are at their distributional limit in Taranaki;
- (b) only occur in or are relatively confined to Taranaki; or
- (c) are particularly uncommon/rare in Taranaki (but are resident).

Regional plan*:

- (a) means an operative plan approved by a regional council under Schedule 1 (of the RMA) including all operative changes to the plan (whether arising from a review or otherwise); and
- (b) includes a regional coastal plan.

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

- (a) Port Taranaki and its approaches¹¹ and on-going development to meet changing operational needs;
- (b) facilities and arterial pipelines for the supply, storage⁽³⁷⁾ 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**^{(12) (13) (14)}, as defined in section 5 of the *Telecommunications Act 2001*;
- (i) **strategic** radiocommunications **facilities**^{(12) (13) (14)} as defined in section 2(1) of the *Radio Communications Act 1989*;
- (j) New Plymouth airport, including flight paths¹²;
- (k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and

¹¹ A map of Port Taranaki and its approaches is contained in Appendix 4 of the Plan.

¹² A map of the New Plymouth airport flight paths is contained in Appendix 3 of the Plan.

- (i) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants.

Regional rule* means a rule made as part of a regional plan in accordance with Section 68 of the RMA.

~~Repair means reconstruction.~~ ^{(43) (45) (46) (57)}

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 existing activity~~ ^{(45) (46)} ~~in their vicinity.~~

River* means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

Rohe means a territory or boundary which defines the area within which a tangata whenua group claims traditional association and mana whenua.

Rongoā means medicine or a substance that soothes or heals the body, mind and spirit.

Seascape means views from land to sea, from sea to land and along the coastline.

Sensitive marine benthic habitats means marine habitats identified in Schedule 4B of the Plan where there is a low tolerance of the habitat to damage from an external factor and where the time taken for its subsequent recovery from damage sustained is significant.

Sewage means human excrement and urine.

- (a) ~~drainage and other wastes from any form of toilet, urinal and WC scupper;~~
- (b) ~~drainage from medical premises (dispensary, sick bay, etc.) via wash basins, tubs, and scuppers located in such premises;~~
- (c) ~~drainage from spaces containing living animals; or~~
- (d) ~~other waste waters when mixed with the drainage defined above.~~ ^{(42) (43)}

Ship means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- (a) a barge, lighter, or other like vessel;

- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;

- (c) a submarine or other submersible.

Significant indigenous biodiversity means areas or habitats that meet one or more of the criteria in Policy 14 of the Plan.

Significant Surfing Area means the area identified in Schedule 7B of the Plan.

Standards and terms means statements of measurement, time, rates or other information used in a regional rule to determine whether an activity comes within a rule.

Stormwater means runoff that has been channelled, diverted, intensified or accelerated by human modification of ~~the~~ land surface or runoff from the ~~external~~ surface of any structure, as a result of precipitation ~~(rainfall)~~ and includes ~~entrained any~~ contaminants ~~and sediment (including that generated during construction or earthworks) contained within.~~ ^{(43) (46)}

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

Subdivision* means-

- (a) the division of an allotment-
 - (i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
 - (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - (v) by the deposit of a unity plan; or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unity plan; or
- (b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226,-

and the term **subdivide land** has a corresponding meaning. ^{(20) (43)}

Surf break means a natural feature that is comprised of swell, currents, water levels, seabed morphology, and wind. The hydrodynamic character of the ocean (swell, currents and water levels) combined with seabed morphology and winds to give rise to a surfable 'wave'. A surf break includes the 'swell corridor' through which the swell travels, and the morphology of the seabed of that wave corridor, through to the point where the waves created by the swell dissipate and become non-surfable.

Surfable wave means a wave that can be caught and ridden by a surfer. Surfable waves have a wave breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest.

Surfing means an activity that involves a person riding on a wave and includes short boarding, long boarding, knee boarding, body boarding, stand up paddle boarding, foiling and kite surfing.¹⁰

Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Swell corridor means the region offshore of the surf break where ocean swell travels and transforms to a surfable wave.

Synthetic based drilling muds means a form of drilling fluid where the base fluid is synthetic and has further compounds added to it to achieve required results during the drilling process.

Tangata whenua* in relation to a particular area, means the iwi, or hapū that holds mana whenua over the area.

Taonga means treasure, ~~and/or prized possession(s), property. Taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Included for example are te reo Māori (the Māori language), wāhi tapu, waterways, fishing grounds and mountains.~~
(42)

Taonga species means the species of birds, plants, and animals identified as such by treaty settlements and described in Schedule 4C. (40) (41) (42) (58) (60) (61)

Temporary military training activity means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are:

- (a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act;
- (b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere;
- (c) the contribution of forces under collective security threats, agreements, or arrangements;
- (d) the contribution of forces to, or for any of the purpose of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations;
- (e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency;
- (f) the provision of any public service. (33)

Tauranga waka* means canoe landing or launching sites.

Territorial authority* means a city council or a district council.

Territorial sea* means the territorial sea of New Zealand as defined by Section 3 of the *Territorial Sea and Exclusive Economic Zone Act 1977*.

Threatened means in relation to indigenous flora and fauna species. It refers to a species identified in the New Zealand Threat Classification lists as facing a very high risk of extinction in the wild and includes nationally critical, nationally endangered and nationally vulnerable species.

Treaty of Waitangi (Te Tiriti o Waitangi)* has the same meaning as the word 'Treaty' as defined in Section 2 of the *Treaty of Waitangi Act 1975*.

Undesirable biological growth means those that have developed to the extent that they have nuisance or otherwise detrimental effects on desirable water uses.

Wāhi tapu or Waahi tapu means a place that is sacred to Māori in a traditional, spiritual, religious, ritual or mythological sense.

Wāhi taonga means a treasured location or place. ⁽⁴²⁾

Wairua means inner identity or force of a being or subject, spirit; non-physical, spiritual, intangible.

Wairuatanga means the practise of Māori spirituality.

Wastewater means liquid waste (and liquids containing waste solids) from domestic, industrial or commercial premises, including, but not limited to, toilet wastes, grey water (household wastewater from kitchens, bathrooms and laundries), sullage and trade wastes and excludes stormwater.

Water*:

- (a) means water in all its physical forms whether flowing or not and whether over or under the ground;
- (b) includes fresh water, coastal water, and geothermal water; and
- (c) does not include water in any form while in any pipe, tank, or cistern.

Water based drilling muds is a form of drilling fluid where the base fluid is comprised of fresh or saline water, to which further compounds are added to achieve required results during the drilling process.

Water quality refers to the physical, chemical and biological characteristics of water.

Well means a hole drilled for the purpose of exploring for, appraising or extracting hydrocarbons and includes:

- (a) any hole for injection or reinjection purposes;
- (b) any down-hole pressure containing equipment; and
- (c) any pressure-containing equipment on top of the well.

Wetland* includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Whanaungatanga means relationship, kinship, sense of family connection – a relationship through shared experiences and working together which provides people

with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group. It also extends to others to whom one develops a close familial, friendship or reciprocal relationship.

Working day* means a day of the week other than:

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day;
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

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Schedule 1 – Coastal management areas

The coastal marine area has been divided into five Coastal management areas as follows.

Coastal Management Area	Map Reference
a) Outstanding Value	
(i) Waihi Stream to Pariokariwa Point and Parininihi	Map Link Map – 1, 2, 3, 4, 5, 43
(ii) Mimi Estuary	Map Link Map - 7
(iii) Paritūtū , Ngā Motu (Sugar Loaf Islands) and Tapuae	Map Link Map - 44
(iv) Hangatahua (Stony) River	Map Link Map - 17
(v) Oaonui (Sandy Bay)	Map Link Map - 23
(vi) Kaūpokonui	Map Link Map - 28
(vii) Kapuni Stream	Map Link Map - 29
(viii) Whenuakura Estuary	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) Waitōtara	Map Link Map - 38, 39
b) Estuaries Unmodified	
(i) Urenui Estuary	Map Link Map - 8
(ii) Onaero Estuary	Map Link Map - 8
(iii) Waiongana Estuary	Map Link Map - 11
(iv) Oākura Estuary	Map Link Map - 14
(v) Waingongoro Estuary	Map Link Map - 30
(vi) Tāngāhoe Estuary	Map Link Map - 32
(vii) Manawapou Estuary	Map Link Map - 32
c) Estuaries Modified	
(i) Waitara Estuary	Map Link Map - 10
(ii) Waiwhakaiho Estuary	Map Link Map - 12
(iii) Pātea Estuary	Map Link Map - 35
d) Open Coast – the area of the CMA not covered by the other management areas	
e) 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 - Parininihi	Map Link Map - 43
ONC 2 - Mimi Estuary	Map Link Map - 7
ONC 3 – Paritūtū , 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 - Waitōtara	Map Link Map – 38, 39

Areas that are Outstanding Natural Features or Landscapes (ONFL)	Map Reference
ONFL 1 - Waihi Stream to Pariokariwa Point	Map Link Map - 1, 2, 3, 4, 5, 43
ONFL 2- Paritūtū , Ngā Motu (Sugar Loaf Islands) and Tapuae	Map Link

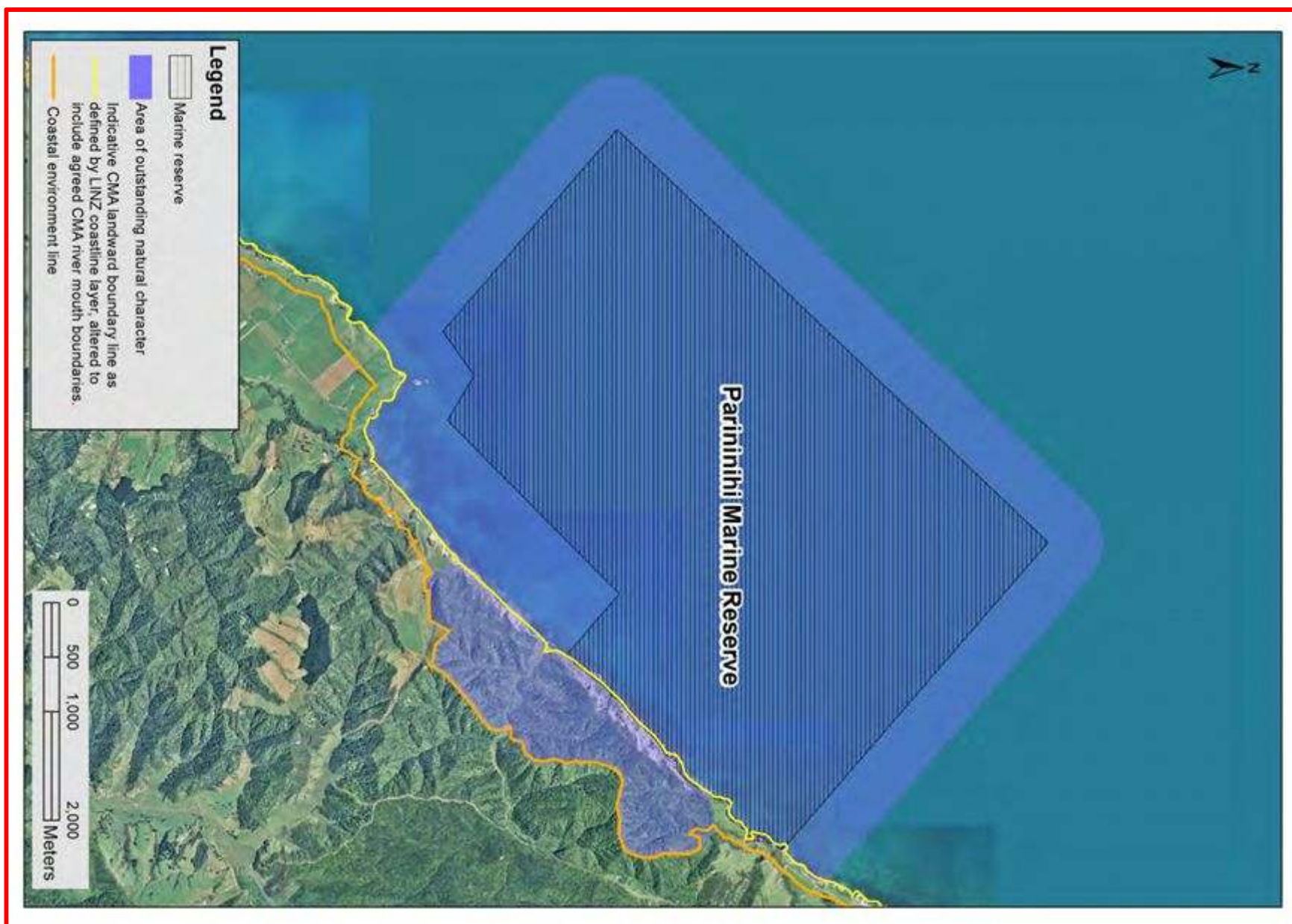
	Map - 44
ONFL 3 - Hangatahua (Stony) River	Map Link Map - 17
ONFL 4 - Oaonui (Sandy Bay)	Map Link Map - 23
ONFL 5 - Kaūpokonui	Map Link Map - 28
ONFL 6 - Kapuni Stream	Map Link Map - 29
ONFL 7 - North and South Traps	Map Link Map - 41
ONFL 8 - Waverley Beach	Map Link Map - 38
ONFL 9 - Waitōtara	Map Link Map – 38, 39

ONC 1 Parininihi

Parininihi includes intact coastal forest, spectacular coastal white cliffs, and a marine reserve which provide exceptional and unique biotic and abiotic values along an unmodified and wild section of coastline.

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> Unmodified and diverse habitats comprising coastal forest, Waipungau Stream and dune system, and offshore reefs The spectacular and prominent White Cliffs coastal cliffs are identified as a well defined landform of scenic value An extensive offshore reef system – unique for the generally sandy north Taranaki coastline 	Very high
Biotic	<ul style="list-style-type: none"> The marine reserve contains internationally important sponge gardens, a high diversity of fish species and important habitat for crayfish and pāua Part of a larger indigenous forest feature, the coastal margins contain one of the best remaining examples of primary coastal hardwood and podocarp-hardwood forests on the west coast of the North Island The forest provides core habitat for many threatened species and contains a large number of regionally significant species Dune system at the mouth of Waipungau Stream supports the only natural population of pīngao (<i>Ficinia spiralis</i>) in the New Plymouth district 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Human activity is minimal associated with low impact recreation use The experience maintains a high sense of wildness and remoteness encountered along a dynamic coastal edge 	Very high
Overall Rating		Outstanding





Parininihi.

ONC 2 Mimi Estuary

Mimi Estuary is relatively unmodified providing exceptional biophysical values and high scenic associations.

[Map Link](#) Map - 7

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> Diverse and rare range of habitat types including riverine estuary, small tidal bays, estuary margins, and sandy foreshore Unmodified natural processes including sand spit and dune processes and river mouth oscillation 	Very high
Biotic	<ul style="list-style-type: none"> Small tidal bays contain a variety of specialised native flora. 'Regionally Distinctive' species include natural populations of saltmarsh ribbonwood (<i>Plagianthus divaricatus</i>), coastal tree daisy (<i>Olearia solandri</i>) and koromiko (<i>Veronica stricta</i> var. <i>macroura</i>) Provides important habitats for a diverse range of resident and migratory birds including the Threatened (Nationally Vulnerable) Northern New Zealand dotterel (<i>Charadrius obscurus aquilonius</i>), Caspian tern (<i>Hydroprogne caspia</i>) and red-billed gull (<i>Larus novaehollandiae scopulinus</i>) Margins of the south side of the estuary contain a well established variety of mainly native plants A small population of 'At Risk (Relict)' pingao (<i>Ficinia spiralis</i>) has established from planting on the foreshore beach area The estuary contains diverse and regionally distinctive native fish 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Human activity is minimal associated with low impact recreation use The experience maintains a sense of remoteness and high scenic associations 	High
Overall Rating		Outstanding

ONC 3 Paritūtū, Ngā Motu (Sugar Loaf Islands) and Tapuae

Paritūtū, Ngā Motu (Sugar Loaf Islands) and Tapuae express a relatively unmodified seascape that includes volcanic islands and subtidal formations which provide exceptional biophysical values and very high wild and scenic associations.

[Map Link](#) Map - 44

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> A diverse range of habitats including islands and stacks, and subtidal canyons, caves, large pinnacles, boulder fields, rock reefs and sand flats Sugar Loaf Islands have significant scientific and educational value 	Very high
Biotic	<ul style="list-style-type: none"> The islands support a diverse range of indigenous plant species including 'Threatened (Nationally Endangered)' Cook's scurvy grass (<i>Lepidium oleraceum</i>) The islands contain a diverse range and significant number of nesting birds including the 'Threatened (Nationally Endangered)' reef heron (<i>Egretta sacra sacra</i>) The marine protected area and marine reserve contain a diverse range of fish species, encrusting sponges and bryozoans The marine protected area and marine reserve provide important habitat for crayfish and pāua Contains the largest fur seal breeding colony on the west coast of the North Island Marine mammals observed at times include common dolphins, pilot whales, orca, humpback whales and southern right whales 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Within the marine protected area and marine reserve, human activity is minimal associated with low impact recreational use Expansive seascape with minimal apparent modification to retain wild scenic associations 	Very high
Overall Rating		Outstanding

ONC 4 Whenuakura Estuary

Whenuakura expresses a relatively unmodified estuary which provide exceptional coastal habitat with significant areas of native vegetation and wildlife.

[Map Link](#) Map - 36

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> • Whenuakura Estuary is relatively unmodified with diverse habitats comprising extensive mudflats, tidal lagoons, an adjacent perched freshwater lagoon, a sand bar and an island forming intermittently • Perched freshwater lagoon and coastal swamp areas • Unmodified mudstone coastal cliffs 	High
Biotic	<ul style="list-style-type: none"> • Predominantly indigenous flora including coastal swamp and wetland habitat • Several threatened, at risk or uncommon indigenous flora and fauna including the largest intact patches known in New Zealand of a mat forming button daisy, (<i>Leptinella dispersa subsp</i>) on wet mudstone cliffs • The Threatened (Nationally Endangered) Australasian bittern inhabits the wetland and coastal swamp areas and Nationally Vulnerable species such as caspian tern (<i>Sterna caspia</i>) and New Zealand dotterel utilise the coast and estuary • The migratory route of several bird species including the variable oystercatcher (<i>Haematopus unicolor</i>) and royal spoonbill (<i>Platalea regia</i>) 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> • Minimal modification throughout the estuary and margins which retains strong wild and scenic associations • Presence of birds amplifies perceived level of naturalness 	Very high
Overall Rating		Outstanding

ONC 5 Waipipi Dunes

Waipipi Dunes express a relatively intact coastal dune system which includes significant areas of native vegetation and wildlife.

[Map Link](#) Map – 36, 37

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> The Waipipi Dunes consist of a highly dynamic complex of low (less than 4 m) dunes and small wet sand flats and depressions (swales) extending from the coast inland 200-300 m to taller (15 m) more stable relic foredunes Permanent wetland swales Identified as the only sizeable area in the Foxton Ecological Area with no artificially induced erosion caused by livestock or recreational vehicle tracks Some very low level grazing is evident on secondary dunes separated from primary dunes established along the coastal edge Most of the area remains dynamic and is continually being eroded by wind and wave action 	Very high
Biotic	<ul style="list-style-type: none"> Predominantly indigenous dune vegetation with some areas of marram and exotic grass / scrub species established on secondary dunes Dunes contain significant population of pīngao (<i>Ficinia spiralis</i>). Sand spike sedge (<i>Eleocharis neozelandica</i>), sand gunnera (<i>Gunnera arenaria</i>) and sand daphne (<i>Pimelea villosa</i>) are also present (all identified as species At Risk and Declining) Includes Significant Natural Area and Regionally Significant Wetland recognising the importance of dune vegetation and habitat 	High
Perceptual and experiential	<ul style="list-style-type: none"> Expansive series of unmodified dune landforms retain a strong sense of wildness and isolation along an intact coastal edge A sense of remoteness is amplified by difficult access which increases perceived naturalness 	Very high
Overall Rating		Outstanding

ONC 6 Project Reef

The Project Reef is an unusually hard and shallow (23 m) structure for its distance offshore (11 km). The clear offshore waters and shallow depth enable the growth of important kelp beds. The reef provides complex habitat supporting a diverse range of marine invertebrates and fish. The unmodified seascape provides exceptional biophysical values with a high sense of wilderness.

[Map Link](#) Map – 42

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> High relief reef comprised of unusually hard cemented concretionary shelly sandstone surrounded by shell hash Shallow depth considering the distance offshore providing an excellent light climate less prone to influence from cliff erosion, river events and other land-based activities Unmodified and diverse marine habitats including cracks, crevices, caves and overhangs 	Very high
Biotic	<ul style="list-style-type: none"> Unusually high diversity of encrusting sensitive benthic invertebrates including dense assemblages of sponges, hydroids and bryozoa, providing valuable biogenic habitat for other invertebrates and fish Important kelp (<i>Ecklonia radiata</i>) beds Abundant and diverse fish assemblages with evidence the reef provides an important nursery ground for blue cod Complex habitat supporting crayfish (<i>Jasus edwardsii</i>), eels, rays, carpet shark (<i>Cephaloscyllium isabella</i>) and many species of reef fish 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Human activity is minimal associated with low impact recreation use The experience maintains a high sense of wildness and remoteness 	Very high
Overall Rating		Outstanding

ONC 7 North and South Traps

The North and South Traps comprise a large reef system located approximately 6 km offshore from Pātea.

[Map Link](#) Map – 41

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> Two large adjoining pinnacle reefs – unusual features on a shelf region dominated by sand 	Very high
Biotic	<ul style="list-style-type: none"> Important kelp (<i>Ecklonia radiata</i>) beds Diverse range of fish and encrusting sponge species Valuable habitat for crayfish 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Human activity is minimal associated with low impact recreational use The experience maintains a high sense of wilderness and remoteness 	Very high
Overall Rating		Outstanding

ONC 8 Waitōtara

Waitōtara contains exceptional biophysical values along an unmodified coastal edge which retains very high wild and scenic associations.

[Map Link](#) Map – 38, 39

Natural character attributes	Values and characteristics	Degree of natural character
Abiotic	<ul style="list-style-type: none"> Actively eroding broken foredune, and extensive series of undulating dunes with hollows and relic foredunes further inland parallel to the beach Contrasting limestone and sedimentary rock outcrops amongst foredune areas Pliocene section along bank of Waitōtara River together with fossilised totara stumps and ventifacts which have high scientific and educational interest 	Very high
Biotic	<ul style="list-style-type: none"> The area contains a diverse range of habitat types including riverine, lacustrine and palustrine wetland systems The foredune is made up of spinifex (<i>Spinifex sericeus</i>) and the At Risk (Declining) pīngao (<i>Ficinia spiralis</i>) with scattered exotic marram (<i>Ammophila arenaria</i>) interspersed with outcrops containing iceplant and glasswort The wetlands and dune systems provide core habitat for Threatened and At Risk native plant and animal species including the Threatened (Nationally Critical) erect herb Sebaea (<i>Sebaea ovata</i>) The reserve also provides habitat for coastal and migratory birds and is occasionally visited by the Threatened (Nationally Critical) kotuku or white heron (<i>Ardea modesta</i>) 	Very high
Perceptual and experiential	<ul style="list-style-type: none"> Human activity is minimal associated with low impact recreation use The experience maintains a high sense of wildness and remoteness retained along the coastal edge 	Very high
Overall Rating		Outstanding

ONFL 1 Waihi Stream to Pariokariwa Point

Waihi Stream to Pariokariwa Point reveals an exceptional sequence of elevated marine terraces and striking coastal white cliffs with erosion along the soft sedimentary rock creating an impressive array of formations. The coastal management area extends out one nautical mile (1.85 km) covering offshore spawning grounds, and areas frequented by marine mammals.

[Map Link](#) Map – 1, 2, 3, 4, 5, 43

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Uplift and active erosional processes have carved an impressive sequence comprising a narrow marine terrace dissected by two estuaries, towering coastal cliffs, and a diverse range of coastal stacks, islands, caves and arches Several Geopreservation Sites which encompass the north Taranaki uplifted marine terraces (from Tongaporutu north), Mōhakatino Estuary and unusually squat sandspit and swamp, spectacular caves, arches and sea stacks carved out of the sedimentary cliffs at Mōhakatino and Tongaporutu, exposed sedimentary structures at Tongaporutu, the spectacular and prominent coastal White Cliffs, and the only reef and shore platform north of New Plymouth at Pariokariwa Point Mōhakatino, Tongaporutu and Parinihi are the few remaining areas in the region that support true coastal forest Offshore fish breeding grounds within open coastal waters Marine reserve contains significant scientific and ecological values including internationally important sponge gardens Mōhakatino and Tongaporutu estuaries contain important breeding areas for native fish. Tongaporutu Estuary contains abundant shellfish with high species diversity and excellent examples of saltmarsh communities The only mainland nesting site for grey-faced petrel (<i>Pterodroma macroptera gouldi</i>) in Taranaki at Rapanui Offshore stacks and cliff edges have breeding colonies of a number of seabirds At Risk (Declining) northern blue penguin (<i>Eudyptula minor iredalei</i>) recorded as nesting in the area A variety of threatened, at risk and regionally distinctive flora and fauna species present 	Very high
Sensory	Legibility or expressiveness	<ul style="list-style-type: none"> The marine terrace and associated coastal stacks, arches and caves and coastal White Cliffs are highly legible of formative and continuing erosional processes and uplift 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> The narrow marine terrace, coastal stacks and the White Cliffs are striking features that remain strong in the memory The form of the narrow marine terrace is accentuated by pastoral cover and the steep hill country behind Highly natural and scenic values within Mōhakatino and Tongaporutu estuaries Small and sporadic coastal edge development remains subordinate to the landscape 	
	Transient values	<ul style="list-style-type: none"> Presence of wildlife throughout different times of the day and year Climatic changes and changing moods, sounds and smells of the sea remain highly apparent 	

Landscape/feature attributes		Values and characteristics	Assessment
Associative		<ul style="list-style-type: none"> Lighting exemplifies the coastal White Cliffs and black volcanic sand at their base at different times of the day 	
	Shared and recognised values	<ul style="list-style-type: none"> The area is used for swimming, diving and fishing and has high scenic value The high scenic values of the landscape are the subject of many photographs and paintings The White Cliffs are iconic to the region Popular walking track along the terrace edge, White Cliffs and beach 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> Ngāti i Tama is the most northern of the Taranaki iwi. They are the descendants of Whata, Rakeiora and Tamaariki of the Tokomaru waka which came ashore and landed at the Mōhakatino River This coastline contains a number of significant pā sites including Kawau, Katikatiaka and Pukearuhe. This coastline is dotted with pūkāwa (reefs) predominantly of papa or sandstone from where mātaitai (seafood) such as kuku/mussels and kōura/crayfish were harvested. Further out to sea were the rich fishing grounds where tāmure/snapper and kahawai were plentiful. Most of this area is now included in the Parininihi Marine Reserve 	
	Historical associations	<ul style="list-style-type: none"> River baches at Tongaporutu SS Alexandra shipwreck in shallow waters offshore from Pukearuhe Recognised former pā sites at Tongaporutu, Kawau, Te Puia and Pukearuhe and redoubt at Pukearuhe Former sea stacks the 'Three Sisters' and Māori petroglyphs carved into cave walls were recognised as important natural geological formations and a cultural and historic site, respectively, at Tongaporutu 	
Overall Rating			Outstanding

ONFL 2 Paritūtū, Ngā Motu (Sugar Loaf Islands) and Tapuae

Paritūtū, Ngā Motu (Sugar Loaf Islands) and Tapuae form a distinctive seascape which has been formed by volcanic and erosional processes and contributes significant ecological, scientific, cultural and recreational values.

[Map Link](#) Map – 44

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> The Sugar Loaf Islands are the oldest volcanic formations in Taranaki, and the type locality for taranakite (phosphate mineral deposit found on the islands) (recognised as a Geopreservation Site) The area contains a diverse range of subtidal landforms including spectacular canyons, caves, large pinnacles, and boulder fields Diverse range and significant number of nesting sea birds present on the islands The islands are important breeding and haul-out sites for kekeno/New Zealand fur seals, and the area represents the largest breeding site for this species on the west coast of the North Island Diverse range of fish species, encrusting sponges and bryozoans Threatened, At Risk and Regionally Distinctive species present 	Very high
	Sensory		
	Legibility or expressiveness	<ul style="list-style-type: none"> Paritūtū, the islands and subtidal landscape are highly expressive of their geological formation through volcanic and erosional processes 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> Limited coastal edge development and modification of the islands retains a very high level of naturalness and exposed coastal edge experience Striking contrast between the water and cone shaped Paritūtū and islands which protrude steeply out of it Paritūtū and the islands are striking features that remain strong in the memory 	
	Transient values	<ul style="list-style-type: none"> Lighting and shadow exemplifies Paritūtū and the islands at different times of the day Presence of wildlife throughout different times of the day and year Climatic changes and the changing moods, sounds and smells of the sea remain highly apparent Two of the near-shore islands connect with the mainland at low tide 	
Associative	Shared and recognised values	<ul style="list-style-type: none"> The area is popular for walking, swimming, diving, surfing, fishing and kayaking Paritūtū and the islands are iconic to the region The high scenic values of the landscape are the subject of many photographs and paintings 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> Paritūtū, Ngā Motu (area returned to Te Atiawa and Taranaki Iwi as part of Treaty settlement agreements with the Crown and local authorities) 	

Landscape/feature attributes		Values and characteristics	Assessment
		<ul style="list-style-type: none"> Area of cultural, historical and spiritual importance to Taranaki and Te Atiawa Iwi. Ngāmotu was occupied at differing times by Taranaki and Te Atiawa Iwi. Sites of significance include Paritūtū, Motu-o-Tamatea, Mataora, Motumahanga, Moturoa, Whareumu, Pararaki, Waikaranga, Tokatapu, Tokamāpuna (Tokomāpuna), Koruanga (Motukūkū) and Onukutaipari. The wider area provided for a rich source of seafood and fish species such as tāmure/snapper, kōura/crayfish and kahawai. The islands were also occupied in seasonal times and evidence of occupation can also be found. The sandy beaches of Moturoa and Onukutaipari provided ease of launch for waka within a short distance to the fishing grounds and areas for setting nets and pots The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical associations to this area. The Tapuae coastal marine area is of high importance as it contains a number of significant pā and kāinga, including tauranga waka and pūkāwa (reefs) 	
	Historical associations	<ul style="list-style-type: none"> Remnants of small port developments on some of the islands Refuge and/or pā sites located on Paritūtū and the islands Petroglyphs (Māori rock art) in the area 	
Overall Rating			Outstanding

ONFL 3 Hangatahua (Stony) River

Hangatahua (Stony) River forms a striking boulder lined braided river which carries water from between Mount Taranaki and the Pouakai Range. It is referred to in Māori mythology and frequently represented in art and literature as the most sacred river of the Taranaki region.

[Map Link](#) Map – 17

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> The only braided river within the Taranaki region and largest and most prominent river carrying water from Mount Taranaki to the sea The rounded boulders lining the river channel form a striking feature associated with the geology of the river A source of sphagnum moss wetlands in the headwaters supports clean water with strong biotic associations High native fish diversity and presence of threatened species 	High
	Legibility or expressiveness	<ul style="list-style-type: none"> The formative processes associated with a braided river form and rounded boulders which roll down the river in high water is highly legible 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> Most of the river bed retains a high natural form with limited modification The margins of the river typically define an abrupt edge with a working rural landscape The configuration of a large boulder lined braided river and crystal clear water are striking features within the landscape which remain strong in the memory Limited discordant elements disrupt the distinctive pattern of boulders along the river bed channel 	
Associative	Transient values	<ul style="list-style-type: none"> Hangatahua (Stony) River catchment is exposed to some of the heaviest rain in New Zealand with rocks rolling down the river in accelerated river flows frequently changing its course At other times the river is recognised for having waters so clear that it appears that it isn't there, however this has declined in more recent years due to natural erosion higher up the catchment in Egmont National Park 	
	Shared and recognised values	<ul style="list-style-type: none"> The river is iconic to the region and identified in literature and art as being the most sacred river in Taranaki Popular for angling and swimming, tramping and walking along river margins, and surfing at Kumera Patch surf break which is off the mouth of the river 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> The river and the surrounding area have strong cultural and spiritual associations for Taranaki Iwi. The area contains significant pā and kāinga, including tauranga waka and pūkāwa (reefs) 	
	Historical associations	<ul style="list-style-type: none"> The outstanding natural characteristics and features of the waters of the Hangatahua (Stony) River were formally recognised and protected through the first water conservation order in New Zealand (the Local Water Conservation (Stony (Hangatahua) River) Notice 1985). Numerous former pā and village sites are situated along the river banks 	
Overall Rating			Outstanding

ONFL 4 Oaonui (Sandy Bay)

Oaonui (Sandy Bay) forms the largest area of intact dunelands in the ring plain and supports a diverse range of dune habitat with very high associated recreation, community and cultural recognition.

[Map Link](#) Map – 23

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Oaonui (Sandy Bay) is largely unmodified and forms the only significant remaining area of coastal sand dunes within the volcanic ring plain (recognised as a Geopreservation Site) The main sand dune area has been retired from grazing and is vegetated with mixed native and exotic colonising species Some pīngao (<i>Ficinia spiralis</i>), which is identified as At Risk (Declining), is also present Important seabird and shorebird feeding, breeding and resting area The beach provides core habitat for a wide variety of threatened and rare flora and fauna species 	High
	Sensory	<ul style="list-style-type: none"> The sand dune system is highly expressive of its geological formation revealing legible sand and wind patterns 	
Sensory	Aesthetic and scenic values	<ul style="list-style-type: none"> The sand dune system appears largely intact and uncompromised by modification (the Maui pipeline passes beneath part of the shoreline without disrupting the form of the overlying dunes) Vegetation established throughout the dunes appears functional and healthy and has been enhanced through an ongoing community restoration project As the only area of expansive sand dunes within the volcanic ring plain the sandy beach and adjoining dunes are a striking feature along the predominately rocky coastal edge Low level dune vegetation appears in harmony with the overlying sand 	Very high
	Transient values	<ul style="list-style-type: none"> Changing sand patterns through moving sand Presence of wildlife including influx of migratory birds 	
	Associative	<ul style="list-style-type: none"> The beach is renowned for windsurfing and kite surfing. Popular surf casting spot and provides for a range of active and passive recreational experiences 	
Associative	Tangata whenua values	<ul style="list-style-type: none"> The area contains a number of pā and kāinga including tauranga waka and pūkāwa (reefs) 	Very high
	Historical associations	<ul style="list-style-type: none"> Several pā and occupation sites occur in the vicinity as well as an urupā (burial ground) The shipwreck 'Northern Monarch' lies offshore 	
Overall Rating			Outstanding

ONFL 5 Kaūpokonui

Kaūpokonui forms a distinctive coastal edge, which has been cut into south Taranaki's rugged coastline through stream mouth oscillation and contributes important recreation and cultural values associated with lowered river terraces and accessible dunes.

[Map Link](#) Map – 28

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Steep enclosing terrace scarps which reach approximately 40 m above the coastal edge Significant scientific values including the remains of several species of moa and other extinct birds Presence of threatened, at risk and regionally distinctive flora species Īnanga spawning site 	High
	Sensory		
Sensory	Legibility or expressiveness	<ul style="list-style-type: none"> The formative processes of stream mouth oscillation are clearly expressed and reveal down cutting resulting in a large break in the cliffs 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> Low impact recreation and camping facilities contained along the true left bank of the Kaūpokonui River The area of dunes retain a high level of naturalness and intact forms A vivid contrast between the flat terrace of the ring plain and the open and deep valley encompassing the terraces adjoining the Kaūpokonui Stream The camping ground and associated buildings remain low impact and ensure the coherence of natural values in the wider area are retained 	
	Transient values	<ul style="list-style-type: none"> Changing patterns in the dune fields through moving sand Presence of wildlife throughout different times of the day and year 	
Associative	Shared and recognised values	<ul style="list-style-type: none"> The landscape is highly valued by locals and tourists for camping, swimming, fishing and surfing Kaūpokonui is commonly cited as the 'jewel of South Taranaki' in terms of amenity values 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> The area is significant to Ngā Ruahine Iwi in that the river was named by Turi the captain of the waka Aotea Utanganui. The flat lands adjacent were named by Turi (Maraekura) where an ancient ceremony was performed to enhance his mana. 	
	Historical associations	<ul style="list-style-type: none"> Former pā site identified at mouth of the Otakeho Stream Midden site at Kaūpokonui/Otamare Māori Reservation Important moa hunting archaeological site with nine species of moa and 59 species of other birds being found in the area 	
Overall Rating			Outstanding

ONFL 6 Kapuni Stream

The mouth of the Kapuni Stream together with an eroding coastline have carved adjoining peninsula and island forms with very high historical and Māori importance.

[Map Link](#) Map – 29

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Steep river scarp terraces and a retreating coastline have carved an impressive configuration of a natural peninsula and flat topped island along the coastline Threatened, at risk and regionally distinctive flora and fauna species present 	High
	Sensory		
Sensory	Legibility or expressiveness	<ul style="list-style-type: none"> The remnant stream channel and associated island and peninsula are highly legible of the formative fluvial processes along steep cliffs formed along an eroding coastline 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> Whilst the area gains much of its significance from historic structures and events that occurred, the river escarpments and terraces have limited levels of modification and retain a strong sense of naturalness The steep natural peninsula and island forms striking and memorable features along the coastal edge The steep coastal scarps remain formidable along the coastal edge with no significant discordant elements in the vicinity of escarpment edges 	
	Transient values	<ul style="list-style-type: none"> Lighting and shadow exemplifies the steep natural cut forms at different times of the day Opportunities to encounter a variety of wildlife through different times of the day and year 	
Associative	Shared and recognised values	<ul style="list-style-type: none"> Widely recognised as a former pā site as a distinctive flat topped island marking the entrance to Kapuni Stream 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> This area contains significant pā and kāinga, including tauranga waka and pūkāwa. Waimate Orangi-tuapeka were fighting pā on the banks of the Kapuni Stream, where the last battle between the Taranaki tribes and the Waikato tribes was fought (1830). The outcome was an agreement of ever lasting peace between the Paramount Waikato Chief Potatau Te Wherowhero and the Taranaki chiefs. 	
	Historical associations	<ul style="list-style-type: none"> The site of several pā, villages and archaeological sites along the island and lowered terraces adjoining the margins of the river Waimate is the site of the first clash between Māori and British troops in New Zealand 	
Overall Rating			Outstanding

ONFL 7 North and South Traps

The North and South Traps are two high-relief rocky reef systems that form a distinctive seascape and contribute significant ecological, cultural and recreational values.

[Map Link](#) Map – 41

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Two adjoining reef systems comprising tall underwater pinnacles – a rare feature for the sandy coast Biotic values, particularly kelp (<i>Ecklonia radiata</i>) beds, diverse fish and sponge communities and valuable habitat for crayfish Significant ecological values including kelp beds (<i>Ecklonia radiata</i>) and a diverse range of fish and sponge communities and species Important habitat for crayfish 	Very high
	Legibility or expressiveness	<ul style="list-style-type: none"> Unique marine feature for this part of the coast 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> Strikingly colourful reef walls due to a diverse range of different encrusting organisms including seaweeds, sponges and anemones Seascape is largely unmodified by human intervention and comprises a naturally functioning and healthy ecosystem 	
Associative	Transient values	<ul style="list-style-type: none"> Presence of wildlife throughout different times of the day and year Climatic changes influence seawater clarity affecting the perception of aesthetic values 	Very high
	Shared and recognised values	<ul style="list-style-type: none"> Popular recreational fishing and diving area Perceptual and experiential values including a high sense of wildness and remoteness; minimal human activity associated with low impact recreation use 	
	Tangata whenua values	<ul style="list-style-type: none"> This area was and still is known by the local iwi and hapū as a rich fishing ground. Source of kaimoana including crayfish 	
Overall Rating			Outstanding

ONFL 8 Waverley Beach

Waverley Beach reveals an exceptional cross section through the elevated marine terraces, with erosion along the soft sedimentary rock creating an impressive array of rugged and varied coastal cliff forms.

[Map Link](#) Map – 38

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none"> Part of the south Taranaki uplifted marine terraces, New Zealand's most complete sequence of uplifted marine terraces Varied eroded coastal edge with a diverse range of coastal stacks, caverns, ravines and blow holes carved into the cliffs by wave erosion (recognised as a Geopreservation Site) Fossilised totara tree stumps and logs in the intertidal area (recognised as a Geopreservation Site) Fossil shellbed located at the base of the cliffs, north of the settlement There are native herbfields on the cliff tops containing a diverse range of specialised coastal cliff species A thriving population of the Threatened (Nationally Vulnerable) minute succulent <i>Crassula manaia</i> 'Threatened' and 'At Risk' species present 	Very high
Sensory	Legibility or expressiveness	<ul style="list-style-type: none"> Coastal cliffs are highly expressive of soft uplifted marine terraces becoming eroded along an exposed coastal edge 	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none"> No apparent coastal edge development and limited inland modification within the southern component of the landscape retains a very high level of naturalness and exposed coastal edge experience Varied cliff forms generate a highly memorable experience along the coastal edge Sand lined beaches along steep rugged coastal cliffs are void of discordant elements that could disrupt their rugged character 	
	Transient values	<ul style="list-style-type: none"> Climatic changes and the changing moods, sounds and smells of the sea remain highly apparent 	
Associative	Shared and recognised values	<ul style="list-style-type: none"> The area is used for swimming and fishing and has high scenic value The setting sun in the west has been the subject of many paintings and photographs taken from within the coastal cliffs 	Very high
	Tangata whenua values	<ul style="list-style-type: none"> The area is of significance for mahinga kai to Māori and Ngā Rauru This area contains significant pā and kāinga including tauranga waka and mātaitai (kaimoana) reefs. 	
	Historical associations	<ul style="list-style-type: none"> Archaeological finds recorded on NZAA database Former Waverley arch was recognised as an important natural geological formation in this area 	
Overall Rating			Outstanding

ONFL 9 Waitōtara

Waitōtara contains exceptional biophysical values along an unmodified coastal edge which retains very strong wild and scenic associations.

[Map Link](#) Map – 38, 39

Landscape/feature attributes		Values and characteristics	Assessment
Biophysical	Natural science values	<ul style="list-style-type: none">• Combined river mouth, low promontory of shell-limestone outcrops and a very dynamic dune system• Several Geopreservation Sites which encompass Wilkies Bluff Pliocene section (on the true left bank of the Waitōtara River), the prominent remains of a tōtara forest that has been drowned and preserved by rising sea-levels or local subsidence; the best example of an area abundant in ventifacts (hardened rocks shaped by wind-blown sand) in the country and one of the largest relatively unmodified dune systems in the Taranaki region• Two distinct vegetation types associated with the dunes and outcrops• One of the best examples of native pīngao-dominated dune fields in the region with the foredune near the Waitōtara River covered almost entirely in native spinafix• Seabird feeding, breeding and resting area• Various Threatened and At Risk species present	Very high
Sensory	Legibility or expressiveness	<ul style="list-style-type: none">• The Waitōtara Estuary and surrounding dune system are highly expressive of their geological formation through erosional and depositional and inundation processes	Very high
	Aesthetic and scenic values	<ul style="list-style-type: none">• No apparent coastal edge development and limited inland modification retains a very high level of naturalness and exposed coastal edge experience• Striking contrast between native plants on outcrops and dune areas• Wild coastal influences retain a highly memorable experience along the coastal edge• Whilst some recreational tracks are evident, the area predominately lacks any discordant elements	
	Transient values	<ul style="list-style-type: none">• Climatic changes and the changing moods, sounds and smells of the sea remain highly apparent• Presence of wildlife throughout different times of the day and year• Changing dune forms and water drainage patterns through moving sand and changing hydrological conditions• Fossilised forest evident in estuary at low tide	
Associative	Shared and recognised values	<ul style="list-style-type: none">• Considerable public interest and education value associated with Geopreservation Sites• Popular fishing area with whitebaiting along the Waitōtara River	Very high
	Tangata whenua values	<ul style="list-style-type: none">• Evidence of historic coastal settlement with the area being of significance for mahinga kai/ food gathering• Area contains significant pā and kāinga, including tauranga waka and mātaītai (kaimoana) reefs.	

Landscape/feature attributes		Values and characteristics	Assessment
	Historical associations	<ul style="list-style-type: none"> The area provided a ferry punt landing for early European settlers and was the site of the original Waitōtara Hotel the 'Rising Sun', which used a cliff cave as the cellar 	
Overall Rating			Outstanding

Schedule 3 – Coastal water quality

This schedule identifies the areas within the coastal marine area where providing for consented discharges has lead to localised degradation of water quality, resulting in restrictions to shellfish gathering and recreational bathing. Restrictions may also occur in other areas of the coast as a result of unauthorised discharges or natural degradation of water quality.

Table 1: Sites where use is restricted due to consented discharges leading to localised degradation of coastal water quality

Location	Reason	Restriction
Waiwhakaiho River mouth to the Mangatī Stream mouth	Discharge of treated municipal wastewater from the New Plymouth wastewater treatment plant, through marine outfall structure 450 m offshore north of the Waiwhakaiho River mouth.	Permanent restriction on collection of shellfish
Waitara embayment	Discharge of screened untreated municipal wastewater via the Waitara Marine Outfall, 1250 m offshore of the Waitara river mouth, during high flow events at the Waitara Pump Station	Temporary restriction on collection of shellfish Temporary restriction on recreational bathing
Waihī Stream (Hāwera) to Tāngāhoe River	Discharge of treated municipal wastes generated in the Hawera and Eltham townships, including treated meat processing and dairy industry wastes, through a combined marine outfall, 1845 m offshore, near Hawera.	Temporary restriction on collection of shellfish

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 4A – Significant species and ecosystems

Threatened, At Risk and Regionally Distinctive Species

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
Bird	Antarctic prion	<i>Pachyptila desolata</i>	At Risk ((Naturally Uncommon))	Least concern					✓
	Antipodean wandering albatross	<i>Diomedea antipodensis antipodensis</i>	Threatened (Nationally Critical)	Vulnerable					✓
	Australasian bittern	<i>Botaurus poiciloptilus</i>	Threatened (Nationally Critical)	Endangered	✓	CMA, Land		✓	
	Banded dotterel	<i>Charadrius bicinctus bicinctus</i>	Threatened (Nationally Vulnerable)		✓	CMA, Land	✓	✓	
	Banded rail	<i>Gallirallus philippensis assimilis</i>	At Risk (Declining)		✓	CMA, Land			
	Black petrel	<i>Procellaria parkinsoni</i>	Threatened (Nationally Vulnerable)	Vulnerable					✓
	Black shag	<i>Phalacrocorax carbo novaehollandiae</i>	At Risk (Naturally Uncommon)			CMA, Land		✓	
	Black-fronted tern	<i>Chlidonias albostratus</i>	Threatened (Nationally Endangered)	Endangered	✓	CMA, Land	✓	✓	✓
	Broad-billed prion	<i>Pachyptila vittata</i>	At Risk (Relict)	Least concern					✓
	Buller's shearwater	<i>Puffinus bulleri</i>	At Risk (Naturally Uncommon)	Vulnerable					✓
	Caspian tern	<i>Hydroprogne caspia</i>	Threatened (Nationally Vulnerable)	Least concern	✓	CMA, Land	✓	✓	✓

¹ New Zealand Threat Classification System.

² International Union for Conservation of Nature and Natural Resources.

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
	Eastern bar-tailed godwit	<i>Limosa lapponica baueri</i>	At Risk (Declining)			CMA, Land	✓	✓	
	Fairy prion	<i>Pachyptila turtur</i>	At Risk (Relict)	Least concern					✓
	Far-eastern ew	<i>Numenius madagascariensis</i>	Non-resident Native (Migrant)	Vulnerable		CMA, Land	✓		
	Flesh-footed shearwater	<i>Puffinus carneipes</i>	Threatened (Nationally Vulnerable)	Least concern					✓
	Fluttering shearwater	<i>Puffinus gavia</i>	At Risk (Relict)	Least concern				✓	✓
	Grey-faced petrel	<i>Pterodroma macroptera gouldi</i>	Not Threatened		✓			✓	✓
	Grey-headed mollymawk	<i>Thalassarche chrysostoma</i>	Threatened (Nationally Vulnerable)	Endangered					✓
	Hutton's Shearwater	<i>Puffinus huttoni</i>	Threatened (Nationally Vulnerable)	Endangered					✓
	Lesser knot	<i>Calidris canutus rogersi</i>	Threatened (Nationally Vulnerable)			CMA, Land	✓	✓	
	Little black shag	<i>Phalacrocorax sulcirostris</i>	At Risk (Naturally Uncommon)	Least concern		CMA, Land		✓	
	New Zealand pipit	<i>Anthus novaeseelandiae novaeseelandiae</i>	At Risk (Declining)			CMA, Land		✓	
	New Zealand white-faced storm petrel	<i>Pelagodroma marina maoriana</i>	At Risk (Relict)						✓
	North Island fernbird	<i>Bowdleria punctata vealeae</i>	At Risk (Declining)		✓	Land			
	Northern blue penguin	<i>Eudyptula minor iredalei</i>	At Risk (Declining)			CMA, Land	✓	✓	✓
	Northern diving petrel	<i>Pelecanoides urinatrix urinatrix</i>	At Risk (Relict)					✓	✓
	Northern giant petrel	<i>Macronectes halli</i>	At Risk (Naturally Uncommon)	Least concern					✓
	Northern New Zealand dotterel	<i>Charadrius obscurus aquilonius</i>	At Risk (Recovering)		✓	CMA, Land	✓	✓	
	Northern royal albatross	<i>Diomedea sanfordi</i>	At Risk (Naturally Uncommon)	Endangered					✓
	Pied shag	<i>Phalacrocorax varius varius</i>	Threatened (Nationally Vulnerable)			CMA, Land	✓	✓	
	Pied stilt	<i>Himantopus himantopus leucocephalus</i>	At Risk (Declining)			CMA, Land	✓	✓	
	Red-billed gull	<i>Larus novaehollandiae scopulinus</i>	Threatened (Nationally Vulnerable)			CMA, Land	✓	✓	✓
	Reef heron	<i>Egretta sacra sacra</i>	Threatened (Nationally Endangered)		✓	CMA, Land	✓	✓	
	Royal spoonbill	<i>Platalea regia</i>	At Risk (Naturally Uncommon)	Least concern	✓	CMA, Land	✓	✓	
	Salvin's Albatross	<i>Thalassarche salvini</i>	Threatened, nationally critical	Vulnerable					✓

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
	Sooty shearwater	<i>Puffinus griseus</i>	At Risk (Declining)	Near threatened				✓	✓
	Sooty tern	<i>Onychoprion fuscatus serratus</i>	At Risk (Naturally Uncommon)				✓		✓
	South Island pied oystercatcher	<i>Haematopus finschi</i>	At Risk (Declining)	Near threatened		CMA, Land	✓	✓	
	Spotless Crake	<i>Porzana tabuensis tabuensis</i>	At Risk (Declining)		✓	CMA, Land			✓
	Variable oystercatcher	<i>Haematopus unicolor</i>	At Risk (Recovering)	Least concern	✓	CMA, Land	✓	✓	
	Westland Petrel	<i>Procellaria westlandica</i>	At Risk, Nationally uncommon	Vulnerable					✓
	White heron	<i>Ardea modesta</i>	Threatened (Nationally Critical)		✓	CMA, Land			
	White-capped Albatross	<i>Thalassarche cauta steadi</i>	At Risk (Declining)	Near threatened					✓
	White-chinned Petrel	<i>Procellaria aequinoctialis</i>	At Risk (Declining)	Vulnerable					✓
	Wrybill	<i>Anarhynchus frontalis</i>	Threatened (Nationally Vulnerable)	Vulnerable	✓	CMA, Land	✓	✓	
Marine mammal	<u>Bryde's whale</u>	<u><i>Balaenoptera brydei/ B. edeni</i></u>	<u>Threatened (Nationally Critical)</u>	<u>Least concern</u> ⁽⁴³⁾					<u>✓</u>
	<u>Bottlenose/Common bottlenose dolphin</u>	<u><i>Tursiops truncatus</i></u>	Threatened (Nationally Endangered)	<u>Least concern</u> ⁽⁴³⁾					✓
	<u>False killer whale</u>	<u><i>Pseudorca crassidens</i></u>	At Risk (Naturally Uncommon)	<u>Near threatened</u> ⁽⁴³⁾					<u>✓</u>
	<u>Fin whale</u>	<u><i>Balaenoptera physalus</i></u>	Data Deficient	<u>Vulnerable</u> ⁽⁴³⁾					<u>✓</u>
	<u>Humpback whale</u>	<u><i>Megaptera novaeangliae</i></u>	<u>Non-resident native (Migrant)</u>	<u>Least concern</u> ⁽⁴³⁾	✓				<u>✓</u>
	<u>Hector's dolphin</u>	<u><i>Cephalorhynchus hectori hectori</i></u>	<u>Threatened (Nationally Vulnerable)</u>	<u>Endangered</u> ⁽⁴³⁾	✓				<u>✓</u>
	Killer whale	<i>Orcinus orca</i> Type A	Threatened (Nationally Critical)	<u>Data deficient</u> ⁽⁴³⁾					✓
	<u>Leopard seal</u>	<u><i>Hydrurga leptonyx</i></u>	<u>At Risk (Naturally Uncommon)</u>	<u>Least concern</u> ⁽⁴³⁾			✓	✓	<u>✓</u>
	<u>Māui dolphin</u>	<u><i>Cephalorhynchus hectori maui</i></u>	<u>Threatened (Nationally Critical)</u>	<u>Critically endangered</u> ⁽⁴³⁾	✓				<u>✓</u>
	New Zealand fur seal	<i>Arctocephalus forsteri</i>	Not Threatened	Least concern	✓		✓	✓	✓
	<u>Short-beaked common dolphin</u>	<u><i>Delphinus delphis</i></u>	<u>Not threatened</u>	<u>Least concern</u> ⁽⁴³⁾	✓				<u>✓</u>

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
	Southern right whale	<i>Eubalaena australis</i>	Threatened (Nationally Endangered) At Risk (Recovering) ⁽⁴³⁾	Least concern					✓
	<u>Sperm whale</u>	<u><i>Physeter macrocephalus</i></u>	<u>Data Deficient</u>	<u>Vulnerable</u> ⁽⁴³⁾					✓
	Pygmy blue whale	<i>Balaenoptera musculus breviceauda</i>	Non-resident Native (Migrant) Data Deficient	Critically endangered Data deficient ⁽⁴³⁾	✓				✓
Freshwater invertebrate	Freshwater mussel	<i>Echyridella menziesii</i>	At Risk (Declining)	Least concern	✓	CMA		✓	
Marine invertebrate	Cushion star	<i>Eurygonias hyalacanthus</i>	At Risk (Naturally Uncommon)						✓
	Hydrozoan	<i>Nemertesia elongata</i>	At Risk (Naturally Uncommon)						✓
	Spider crab	<i>Leptomithrax tuberculatus mortenseni</i>	At Risk (Naturally Uncommon)						✓
	Stony coral	<i>Madrepora oculata</i>	Threatened (Nationally Vulnerable)						✓
	Whelk	<i>Cominella quoyana griseicalx</i>	At Risk (Naturally Uncommon)						✓
<u>Terrestrial</u> invertebrate	Katipo spider	<i>Latrodectus katipo</i>	At Risk (Declining)		✓	Land		✓	
	Moth	<i>Notoreas peromata</i> s.l., TK/NN populations	Threatened (Nationally Vulnerable)		✓			✓	✓
Freshwater fish	Banded kōkopu	<i>Galaxias fasciatus</i>	Not Threatened	Least concern	✓	CMA		✓	✓
	Bluegill bully	<i>Gobiomorphus hubbsi</i>	At Risk (Declining)	Vulnerable A4bc	✓			✓	✓
	Giant kōkopu	<i>Galaxias argenteus</i>	At Risk (Declining)	Vulnerable A4ac	✓	CMA		✓	✓
	Īnanga	<i>Galaxias maculatus</i>	At Risk (Declining)	Least concern		CMA		✓	✓
	Koaro	<i>Galaxias brevipinnis</i>	At Risk (Declining)	Least concern	✓	CMA		✓	✓
	Lamprey	<i>Geotria australis</i>	Threatened (Nationally Vulnerable)	Data Deficient	✓	CMA		✓	✓
	Longfin eel	<i>Anguilla dieffenbachii</i>	At Risk (Declining)			CMA		✓	✓
	Redfin bully	<i>Gobiomorphus huttoni</i>	At Risk (Declining)	Near threatened		CMA		✓	✓

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
Chimaeras, sharks and rays	Shortjaw kōkopu	<i>Galaxias postvectis</i>	Threatened (Nationally Vulnerable)	Endangered	✓	CMA		✓	✓
	Torrent fish	<i>Cheimarrichthys fosteri</i>	At Risk (Declining)	Vulnerable A2bc		CMA		✓	✓
	Basking shark	<i>Cetorhinus maximus</i>	Threatened (Nationally Vulnerable)	Vulnerable A2d; C1 ⁽⁴³⁾					✓
	Great white shark	<i>Carcharodon carcharias</i>	Threatened (Nationally Endangered)	Vulnerable C1 + 2(i,ii); D1 ⁽⁴³⁾					✓
	Smalltooth sand tiger shark	<i>Odontaspis ferox</i>	At Risk (Naturally Uncommon)	Least concern ⁽⁴³⁾					✓
Reptile	Brown skink	<i>Oligosoma zelandicum</i>	At Risk (Declining)	Least concern	✓			✓	
	Common skink	<i>Oligosoma polychroma</i>	Not Threatened		✓			✓	
	Goldstripe gecko	<i>Woodworthia chrysosiretica</i>	At Risk (Relict)		✓			✓	
	Ornate skink	<i>Oligosoma ornatum</i>	At Risk (Declining)		✓			✓	
	Tamatea skink	<i>Oligosoma aff. infrapunctatum</i> "Southern North Island"	Threatened (Nationally Vulnerable)		✓			✓	
Vascular Plant	Button daisy	<i>Leptinella dispersa</i> subsp. <i>rupestris</i>	Threatened (Nationally Critical)					✓	
	Coastal cress	<i>Lepidium flexicaule</i>	Threatened (Nationally Endangered)					✓	
	Coastal kowhai	<i>Sophora chathamica</i>	Not Threatened		✓			✓	
	Coastal tree daisy	<i>Olearia solandri</i>	Not Threatened		✓			✓	
	Coastal woodrush	<i>Luzula banksiana</i> var. <i>banksiana</i>	Not Threatened		✓			✓	
	Cooks scury grass	<i>Lepidium oleraceum</i>	Threatened (Nationally Endangered)					✓	
	Coprosma hybrid	<i>Coprosma</i> aff. <i>acerosa</i> (AK 36799; Taranaki)	At Risk (Naturally Uncommon)		✓			✓	
	Crassula mataikona	<i>Crassula mataikona</i>	At Risk (Naturally Uncommon)					✓	
	Creeping button daisy	<i>Leptinella dispersa</i> subsp. <i>dispersa</i>	At Risk (Naturally Uncommon)					✓	
	Dwarf buttercup	<i>Ranunculus recens</i>	Threatened (Nationally Vulnerable)		✓			✓	
	Dwarf musk	<i>Mazus novaezeelandiae</i> subsp. <i>impolitus</i>	Threatened (Nationally Vulnerable)					✓	

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
	Eelgrass	<i>Zostera muelleri</i> subsp. <i>novazelandica</i>	At Risk (Declining)			✓	✓		✓
	Einadia	<i>Einadia allanii</i>	At Risk (Naturally Uncommon)					✓	
	Euchiton	<i>Euchiton polylepis</i>	At Risk (Naturally Uncommon)					✓	
	Flat leaved rush	<i>Juncus caespiticius</i>	Not Threatened		✓			✓	
	Forget-me-not	<i>Myosotis pansa</i> var. <i>pansa</i> subsp. <i>Praeceptus</i>	Threatened (Nationally Endangered)					✓	
	Golden sand sedge	<i>Ficinia spiralis</i>	At Risk (Declining)					✓	
	Kauri sedge	<i>Schoenus tendo</i>	Not Threatened		✓			✓	
	Koheriki	<i>Scandia rosifolia</i>	At Risk (Declining)					✓	
	Koromiko	<i>Hebe stricta</i> var. <i>macroura</i>	Not Threatened		✓			✓	
	Leafless rush	<i>Juncus pauciflorus</i>	Threatened (Nationally Vulnerable)					✓	
	Limosella 'Manutahi'	<i>Limosella</i> (b) (CHR 55038; <i>Manutahi</i>)	Threatened (Nationally Critical)					✓	
	Minute succulent	<i>Crassula manaia</i>	Threatened (Nationally Vulnerable)					✓	
	Myosotis	<i>Myosotis brevis</i>	Threatened (Nationally Vulnerable)					✓	
	New Zealand hazel	<i>Pomaderris apetala</i> subsp. <i>maritima</i>	Threatened (Nationally Critical)		✓			✓	
	New Zealand mint	<i>Mentha cunninghamii</i>	At Risk (Declining)					✓	
	Ngaio	<i>Myoporum laetum</i>	Not Threatened		✓			✓	
	NZ spinach	<i>Tetragonia tetragonoides</i>	At Risk (Naturally Uncommon)					✓	
	Otakeho wollyhead	<i>Craspedia 'Otakeho'</i>	Not listed (Not listed)		✓			✓	
	Parahebe	<i>Parahebe lanceolata</i>	Not Threatened		✓			✓	
	Paritūtū korokio	<i>Corokia cotoneaster</i>	Not Threatened		✓			✓	
	Peperomia	<i>Peperomia urvilleana</i>	Not Threatened		✓			✓	
	Pickly sow thistle	<i>Sonchus kirkii</i>	At Risk (Declining)					✓	
	Pigmy forget-me-not	<i>Myosotis pygmaea</i>	At Risk (Declining)					✓	
	Pinatoro	<i>Pimelea carnea</i>	Not Threatened		✓			✓	
	Round-leaved selliera	<i>Selliera rotundifolia</i>	At Risk (Declining)					✓	

	Group	Scientific name	NZTCS ¹ category and (conservation status)	IUCN ² Classification	Regionally Distinctive	Found			
						Estuary (CMA or Land)	Intertidal (CMA)	Coastal bioclimatic zone (above CMA)	Marine (CMA)
	Saltmarsh ribbonwood	<i>Plagianthus divaricatus</i>	Not Threatened		✓	✓		✓	
	Sand coprosma	<i>Coprosma acerosa</i>	At Risk (Declining)					✓	
	Sand daphne	<i>Pimelea villosa</i>	At Risk (Declining)					✓	
	Sand gunnera	<i>Gunnera arenaria</i>	At Risk (Declining)					✓	
	Sand spike sedge	<i>Eleocharis neozelandica</i>	At Risk (Declining)					✓	
	Sand tussock	<i>Poa billardierei</i>	At Risk (Declining)					✓	
	Sea sedge	<i>Carex litorosa</i>	At Risk (Declining)					✓	
	Sebaea	<i>Sebaea ovata</i>	Threatened (Nationally Critical)					✓	
	Shore hard fern	<i>Blechnum blechnoides</i>	Not Threatened		✓			✓	
	Shore koromiko	<i>Hebe elliptica</i>	Not Threatened		✓			✓	
	Shore spurge	<i>Euphorbia glauca</i>	At Risk (Declining)					✓	
	Shore stonecrop	<i>Crassula peduncularis</i>	Threatened (Nationally Critical)					✓	
	Sneezeweed	<i>Centipeda minima subsp. minima</i>	Threatened (Nationally Endangered)					✓	
	Titirangi	<i>Hebe speciosa</i>	Threatened (Nationally Vulnerable)					✓	
	Turf carrot	<i>Chaerophyllum (a) (CHR 364086; "minute flower")</i>	At Risk (Naturally Uncommon)					✓	
	Tussock sedge	<i>Schoenus carsei</i>	Threatened (Nationally Endangered)					✓	

Rare and uncommon ecosystem types found on the Taranaki coast

Coastal systems:

- Active sand dunes
- Coastal turfs
- Shingle beaches
- Coastal rock stacks
- Coastal cliffs of acid rocks

Vertebrate induced:

- Seabird burrowed soils
- Marine mammal rookeries and haul outs.

Coastal wetlands:

- Dune slacks
- Estuaries
- Lagoons
- Ephemeral wetlands

Detailed descriptions of these ecosystem types can be found at <http://www.landcareresearch.co.nz/publications/factsheets/rare-ecosystems>.

Schedule 4B – Sensitive marine benthic habitats

The information included within Table 2 has been taken from Cawthron, (August 2016), *Sensitive Habitats and Threatened Species in the Taranaki Coastal Marine Area (TCMA) – Database Investigation*. Information on the marine benthic habitats within the Taranaki CMA is still very limited with only a small area actually having been sampled. Consequently sensitive habits identified in the vicinity of the Taranaki CMA have also been listed as these may also occur within the Taranaki CMA.

Table 2: Sensitive marine benthic habitats found within or in the vicinity of the Taranaki Coastal Marine Area.

Sensitive Marine Benthic Habitats	Present within the Taranaki coastal marine area	Present within 200 m of the Taranaki Coastal Marine Area
(Beds of) large bivalve molluscs	✓	
Brachiopods	✓	
Bryozoans (thickets)	✓	
Calcareous tube worm (thickets)	✓	
Macro-algal (beds)	✓	
Sponge (gardens)	✓	
Rhodolith (maerl beds)	✓	
Chaetopteridae worm (fields)		✓
Sea pens (field)		✓
Stony coral (thickets)		✓
Xenophyophores (sessile protozoan beds)		✓

Schedule 4C – Coastal taonga species ⁽⁶¹⁾

This schedule identifies taonga species with special cultural, spiritual, historical and traditional associations located within the CMA and as identified in the deeds of settlement for iwi o Taranaki.

Māori name	Common name	Scientific name
<u>Tuna</u>	<u>Long finned eel</u>	<u><i>Anguilla dieffenbachia</i></u>
<u>Tuna</u>	<u>Short finned eel</u>	<u><i>Anguilla australis</i></u>
	<u>Australian long finned eel</u>	<u><i>Anguilla rheinhartii</i></u>
<u>Piharau</u>	<u>Lamprey</u>	<u><i>Geotria australis</i></u>
<u>Pūpū</u>	<u>Cat's eye snail</u>	<u><i>Lunella smaragdus/Diloma sp.</i></u>
<u>Kākahi</u>	<u>Freshwater mussel</u>	<u><i>Echyridella menziesi</i></u>
<u>Kōtoretore, Kotore, humenga</u>	<u>Sea anemone</u>	<u>Order Actiniaria</u>
<u>Karengo</u>	<u>Nori</u>	<u><i>Porphyra/Pyropia sp.</i></u>
<u>Waikōura, Kēwai</u>	<u>Freshwater crayfish</u>	<u><i>Paranephrops planifrons</i></u>
<u>Rori, rore</u>	<u>Sea cucumber</u>	<u><i>Australostichopus mollis</i></u>
<u>Rori (which includes ngutungutukaka)</u>	<u>Shield Shell/Seasnail</u>	<u><i>Scutus breviculus</i></u>
<u>Hiihiwa</u>	<u>Yellowfoot paua</u>	<u><i>Haliotis australis</i></u>
<u>Paua</u>	<u>Blackfoot paua</u>	<u><i>Haliotis iris</i></u>
<u>Kutai/Kuku</u>	<u>Blue mussel</u>	<u><i>Mytilus edulis</i></u>
<u>Kutai/Kuku</u>	<u>Green lipped mussel</u>	<u><i>Perna canaliculus</i></u>
<u>Pipi/Kakahi</u>	<u>Pipi</u>	<u><i>Paphies australis</i></u>
<u>Titiko/Karehu</u>	<u>Mud snail</u>	<u><i>Amphibola crenata, Lunella smaragdus, Diloma sp.</i></u>
<u>Kina</u>	<u>Sea urchin</u>	<u><i>Evechinus chloroticus</i></u>
<u>Kōura</u>	<u>Rock lobster/crayfish</u>	<u><i>Jasus edwardsii</i></u>
<u>Īnanga</u>	<u>Whitebait</u>	<u>Family Galaxiidae</u>
<u>Hāpuka</u>	<u>Groper</u>	<u><i>Polyprion oxygeneios</i></u>
<u>Kaeo</u>	<u>Sea tulip</u>	<u><i>Pyura pachydermatina</i></u>
<u>Kahawai</u>	<u>Sea trout</u>	<u><i>Arripis trutta</i></u>

Māori name	Common name	Scientific name
Kanae	Grey mullet	Mugil cephalus
Koeke	Common Shrimp	Palaemon affinis
Mararī	Butterfish	Odax pullus
Moki	Blue Moki	Latridopsis ciliaris
Paraki/Ngaore/Pōrohe	Common smelt	Retropinna retropinna
Pāra	Frostfish	Lepidopus caudatus
Pātiki mahoao	Black flounder	Rhombosolea retiaria
Pātiki rore	New Zealand Sole	Peltorhamphus novaezeelandiae
Pātiki tore	Lemon Sole	Pelotretis flavilatus
Pātiki totara	Yellowbelly flounder	Rhombosolea leporina
Pātiki	Sand flounder	Rhombosolea plebeia
Pātukituki / Rāwaru	Blue cod/Rock cod	Parapercis colias
Pioke, Tope, Mangō	School shark/rig	Galeorhinus galeus
Reperepe	Elephant fish	Callorhynchus millii
Wheke	Octopus	Macroctopus maorum
Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu	Conger eel	Conger verreauxi
Kaunga	Hermit crab	Pagurus novizealandiae
Pāpaka parupatu	Mud crab	Austrohelice crassa
Pāpaka parupatu	Paddlecrab	Ovalipes catharus
Patangatanga, patangaroa, pekapeka	Starfish	Class Asteroidea
Purimu	Surfclam	Dosinia anus, Paphies donacina, Spisula discors, Spisula munchisoni, Crassula aequilatera, Bassina yatei, or Dosinia subrosea
Tuangi	Cockle	Austrovenus stutchburyi
Tuatua	Tuatua	Paphies subtriangulata, Paphies donacina
Waharoa	Horse mussel	Atrina zelandica
Kauraria, ngakihi, tio, repe	New Zealand rock oyster	Saccostrea glomerata
Kuakua, pure, tipa, tipai, kopa	Scallop	Pecten novaezealandiae
All species of marine mammals but specifically:	All species of marine mammals but specifically:	All species of marine mammals but specifically:

Māori name	Common name	Scientific name
<u>Tohorā</u>		
-	<u>Beaked whales</u>	<u>Family Ziphiidae</u>
-	<u>Melon-headed whale</u>	<u>Peponocephala electra</u>
-	<u>Pygmy killer whale</u>	<u>Feresa attenuata</u>
-	<u>False killer whale</u>	<u>Pseudorca crassidens</u>
-	<u>Killer whale</u>	<u>Orcinus orca</u>
-	<u>Long-finned pilot whale</u>	<u>Globicephala melas</u>
-	<u>Short finned pilot whale</u>	<u>Globicephala macrorhynchus</u>
<u>Parāoa</u>	<u>Sperm whale</u>	<u>Physeter macrocephalus</u>
-	<u>Pygmy sperm whale</u>	<u>Kogia breviceps</u>
-	<u>Dwarf sperm whale</u>	<u>Kogia sima</u>
-	<u>Common bottlenose dolphin</u>	<u>Tursiops truncatus</u>
<u>Aihe</u>	<u>Short-beaked common dolphin</u>	<u>Delphinus delphis</u>
-	<u>Hector's dolphin (South Island Hector's dolphin and Māui dolphin)</u>	<u>Cephalorhynchus hectori (Cephalorhynchus hectori hectori and Cephalorhynchus hectori maui)</u>
-	<u>Dusky dolphin</u>	<u>Lagenorhynchus obscurus</u>
-	<u>Risso's dolphin</u>	<u>Grampus griseus</u>
-	<u>Spotted dolphin</u>	<u>Stenella attenuata</u>
-	<u>Striped dolphin</u>	<u>Stenella coeruleoalba</u>
-	<u>Rough-toothed dolphin</u>	<u>Steno bredanensis</u>
-	<u>Sothorn right whale dolphin</u>	<u>Lissodelphis peronii</u>
-	<u>Spectacled porpoise</u>	<u>Phocoena dioptrica</u>

Schedule 5 – Historic heritage

Schedule 5A – Archaeological sites of significance, built heritage ⁽⁵⁷⁾ and historic areas

Sites identified in this schedule include those identified in *Archaeological Scoping Study December 2012*. Site locations are approximate only and are not intended to provide a definitive location or extent of a site.

No.	Type	Name	Location	Category	Number	Built	Lost	Associated values	Map reference
1	Ditch	Te Puia Pā	Midway between Mōhakatino and Tongaporutu	Site of significance to Māori	NZAA Q18/56	Pre 1900		ditch associated with Te Puia Pā	Map Link Map - 2
2	Midden		Rapanui	Site of significance to Māori	NZAA Q18/75	Pre 1900		midden	Map Link Map - 3
3	Petroglyph		Tongaporutu	Site of significance to Māori	NZAA Q18/58	Pre 1900		cave/rock shelter with inscriptions	Map Link Map - 3
4	Shipwreck	Alexandra	Puke Aruhe	B	NZHPT 9520 NZAA Q18/51	1863	1865	shipwreck structure	Map Link Map - 5
5	Shipwreck	Airedale	Waitara	B	NZAA Q19/63	1857	1871	shipwreck structure	Map Link Map - 10
6	Shipwreck	Paterson	Waitara	B	NZAA Q19/284	1854	1874	shipwreck structure	Map Link Map - 10
7	Training walls		Waitara river	B	NZAA Q19/405	1880		training walls structure	Map Link Map - 10
8	Pill box		Waitara	B	NZAA Q19/403	1942		pill box structure	Map Link Map - 10
9	Shipwreck	Rangatira	Bell Block	B	NZAA P19/164	1863	1880	shipwreck structure	Map Link Map - 12
10	Shipwreck	Wanaka	Bell Block	B	NZAA P19/249	1876	1891	shipwreck structure	Map Link Map - 12
11	Shipwreck	John Whiteley	Bell Block	B	NZAA P19/250	1850	1851	shipwreck structure	Map Link Map - 12

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No.	Type	Name	Location	Category	Number	Built	Lost	Associated values	Map reference
12	Anchors	Mooring	New Plymouth	B	NZAA P19/260	pre 1900		anchor structures	Map Link Map - 13
13	Shipwreck	Tasmanian Maid	New Plymouth	A	NZHPT 9521 NZAA P19/248	1856	1868	shipwreck structure	Map Link Map - 13
14	Shipwreck	unidentified	New Plymouth	B	NZAA P19/247	pre 1900		shipwreck structure	Map Link Map - 12
15	Salth water baths		New Plymouth	B		1880's		baths structures	Map Link Map - 13
16	Petroglyph		Wairere	Site of significance to Māori	NZAA P19/147	pre 1900		stones with petroglyph	Map Link Map - 14
17	Petroglyph		Tapuae	Site of significance to Māori	NZAA P19/240	pre 1900		stones with petroglyphs	Map Link Map -14
18	Petroglyph		Tapuae	Site of significance to Māori	NZAA P19/241	pre 1900		stones with petroglyphs	Map Link Map -14
19	Shipwreck	Gairloch	Ahu Ahu	B	NZAA P19/251	1884	1903	shipwreck structure	Map Link Map - 15
20	Petroglyph		Bayly Road, Warea	Site of significance to Māori	NZAA P20/80	Pre 1900		stones with petroglyphs	Map Link Map - 18
21	Tauranga waka		Bayly Road, Warea	Site of significance to Māori	NZAA P20/125	pre 1900		tauranga waka structure	Map Link Map - 18
22	Tauranga waka		Tipoka	Site of significance to Māori	NZAA P20/95	pre 1900		tauranga waka structure	Map Link Map - 20
23	Shipwreck	Harriet	Cape Egmont	B	NZAA P20/124	1819 ⁽⁵⁷⁾	1834	shipwreck structure	Map Link Map - 21
24	Shipwreck	Lord Worsley	Opunake	B	NZAA P20/20	1858 ⁽⁵⁷⁾	1862	shipwreck structure	Map Link Map - 24
25	Tauranga waka	Te Namu	Opunake	Site of significance to Māori	NZAA P20/19	pre 1900		tauranga waka structure	Map Link Map - 24
26	Wharf		Opunake	B		1927		wharf structure	Map Link

No.	Type	Name	Location	Category	Number	Built	Lost	Associated values	Map reference
									Map - 24
27	Mole		Opunake	B		1924		mole structure	Map Link Map - 24
28	Tauranga waka	Ohunuku		Site of significance to Māori	NZHPT 9656	pre 1900		tauranga waka structure	Map Link Map - 27
29	Midden	Pukeawha	Hawera	Site of significance to Māori	NZAA Q21/18	Pre 1900		midden associated with island pā	Map Link Map - 30
30	Power Station		Pātea	B		1901		power station structure	Map Link Map - 34
31	Wharf	Railway wharf	Pātea	B		1883		wharf structure	Map Link Map - 35
32	Wharf	Town wharf	Pātea	B		1881		wharf structure	Map Link Map - 35
33	Training walls		Pātea	B		1902		training walls structure	Map Link Map - 35
34	Shipwreck	Waitangi	Pātea	B	NZAA Q22/78	1887	1923	shipwreck structure	Map Link Map - 35
35	Pill box			B	NZAA Q22/80	1942		pill box structure	Map Link Map - 35
36	Burial site		Pātea	Site of significance to Māori	NZAA Q22/23	Pre 1900		burial site	Map Link Map - 35

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. [These include those sites that are identified as wāhi tapu and wāhi taonga by the iwi and hapū.](#) ⁽²⁸⁾

Ngāti Tama

Te Rangihiroa wrote of Ngāti Tama's renown throughout the country for their fighting prowess. He recorded the words of an unnamed elder "*other tribes fought for fat lands, for birds and rat preserves, an aruhe rahui (fern root reserve) but Ngāti Tama fought for the sake of fighting, with a parcel of wet land as the cause*".

Mimi – Pukearuhe Coastal Strip: This area is of high significance to Ngāti Tama and contains some significant pā sites, including Titoki, Whakarewa, Otumatua and Pukearuhe. Patiki (flounder), tamure (snapper), Mako (shark), and araara (trevally) were caught in this area. Koura, kutae, kina, pāua and other resources also contributed to a reliable and plentiful supply of fish in season from the area. Ngāti Tama developed a number of ways to preserving these supplies for later consumption using every part of the fish. This tradition has survived and continues to be used as a form of aroha koha at special hui.

Mōhakatino – Coastal Marine Strip: Along this beach between the Mōhakatino and Mokau rivers, Ngāti Tama engaged in a numerous battles with northern iwi. One such battle was "Nga-tai-pari-rua" in 1815 which, as the name indicates, was fought during two high tides. Because of such battles and the communities in the area there are a number of urupā (burial sites) in the vicinity. The mataitai (kaimoana) resources along this beach are of great value to the tribes associated with them and were often a cause for dispute.

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Mōhakatino River	The river is significant to Ngāti Tama as it is here where the Tokomaru waka landed. The river was abundant with tuna, īnanga, and māitaitai especially kutae (mussel) which was gathered at the mouth and the surrounding reefs.	A1	Mōhakatino river	Mahinga kai	Map Link Map - 1
Tongaporutu River	A significant river for Ngāti Tama with a number of pā sites along its river banks. This river was abundant with fish and māitaitai was gathered from the mouth and the surrounding reefs.	A2	Tongaporutu river	Mahinga kai	Map Link Map – 3, 4
Opourapa Island	Patiki (flounder), tamure (snapper), Mako (shark), and araara (trevally) were caught in this area. Kōura, kutae, kina, pāua and other resources also contributed to a reliable and plentiful supply of seasonal fish in the area. Ngāti Tama developed a number of ways to preserve these supplies for later consumption using every part of the fish. This tradition has survived and continues to be used as a form of aroha koha at special hui.	A3	Opourapa island reef	Mahinga kai	Map Link Map - 5

Ngāti Mutunga

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga and the coast. For Ngāti Mutunga, these areas represent the links between Nga Atua, the tūpuna and present and future generations. This history and relationship reinforces tribal identity, connections between generations and confirms the importance of the coast to Ngāti Mutunga.

Food can be gathered all along the shoreline from the coastal Whakarewa Pā by the Papatiki Stream in the north, to the Waiau Stream in the south, depending on the tides, weather and season. The coastline provided Ngāti Mutunga tūpuna with most of the resources they needed to survive.

Reefs and sandy shallows off the coast provided kōura, pāua, kina, kūtae/kuku, tipa, pūpū, pāpaka, tuatua, oti, and many other species of kaimoana. Hāpuku moki, kanae, mako, pātiki and tāmure swam in great numbers between the many reefs which can be found stretching out into the waters of Nga Tai a Kupe and along the Ngāti Mutunga coastline. Ngāti Mutunga tūpuna knew and named the fishing grounds and reefs, including Pakihi, Maruehi, Onepoto, Waitoetoe, Waikiroa, Paparoa, Kukuriki and Owei.

The high papa cliffs are an important feature of the coast. These cliffs are broken where the Mimitangiatua, Urenui, Onaero and Waiau rivers flow through to wai-ki-roa. Ngāti Mutunga used ledges hewn in the cliffs to fish for mako, Tāmure, kahawai and ara (trevally). These cliffs also provided plentiful supplies of seabirds including titi and karoro.

Ngāti Mutunga continue to exercise their customary rights on the coastline throughout the rohe, in particular food gathering, according to the tikanga and values of Ngāti Mutunga. Throughout the years Ngāti Mutunga has exercised custodianship over the coast and has imposed rahui when appropriate; for example, restricting the harvest of kutae, pipi, tuatua and other kaimoana. This kaitiaki duty to manage coastal resources

sustainably has always been at the heart of the relationship between Ngāti Mutunga and the coast.

There are many sites of cultural, historical and spiritual significance to Ngāti Mutunga along the coast. These include Pihanga (originally the home of Uenuku), Maruwehi (the pā of Kahukura) and Kaweka (the birthplace of Mutunga), which are situated on cliffs near the mouth of the Urenui River. Oropapa and te Mutu-o-Tauranga are situated on the coast, north of the Urenui river. Pukekohe, Arapawanui, Omihi and Hurita are near the Mimitangiatua Estuary and Ruataki, Pukekarito, Whakarewa and Titoki are near Wai-iti.

Ngāti Mutunga people were often cremated, rather than buried in urupā. Many of the points jutting out into the sea along the Ngāti Mutunga coastline are tapu because they were sites used for this ritual. Many Ngāti Mutunga tūpuna also lie buried along the coast.

Ngāti Mutunga have many stories relating to the coastal environment. The whakataūāki “ka kopa, me kopa, ki te ana o Rangitotohu”) remembers a taniwha, who protects the Taranaki coastline. If a person was to violate rahui or act disrespectfully when fishing or gathering kaimoana they would be snatched and drawn into his cave. Other taniwha are also known from the Ngāti Mutunga coast.

Along the beaches there are a number of tauranga waka. These have special significance for Ngāti Mutunga in their identification with the area as physical symbols of historical association. The presence and number of the tauranga waka also show the importance of the coastal area as a means of transport.

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

Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Coastal marine area	<p>Coastal area adjacent to the land from Titoki ridge (Whakarewa Pā site) to right bank of Waiau Stream.</p> <p>The resources found along the coast of Nga Tai a Kupe have, since time immemorial, provided the people of Ngāti Mutunga with a constant supply of food resources.</p> <p>Ngāti Mutunga developed a number of different ways of preserving these resources for later consumption, using every part of the fish. This tradition has survived and continues to be used by Ngāti Mutunga as a form of aroha koha at special hui.</p> <p>Ngāti Mutunga has and continues to exercise, its customary rights on the coastline from Titoko ridge/Whakarewa Pā in the north to Waiau in the south. Ngāti Mutunga iwi and whānau have gathered and continue to gather food according to the values and tikanga of Ngāti Mutunga.</p> <p>There remain important kaitiaki links to the pātiki, kōura and tāmure breeding grounds, as well as other fish resources.</p> <p>Another one of the Kaitiaki responsibilities that Ngāti Mutunga traditionally fulfilled and has continued to the present day is to protect the mouri of the coast and rivers – this is highlighted in the following whakataukī –</p> <p><i>‘Ka takahia noatia te mouri o te moana’.</i></p> <p>Lest the sea’s potency be defiled needlessly.</p> <p>Ngāti Mutunga has exercised custodianship over the coastal marine area by imposing rahui when appropriate, restricting the taking of Kūtae, pipi, tuatua and other kaimoana. Proper and sustainable management of the coastal marine area has always been at the heart of the relationship between Ngāti Mutunga and the coastal marine area.</p>	B1	Q18/4	Whakarewa Pā	Wairuatanga Historic site	Map Link Map - 6
		B2	Q18/8	Ruataki Pā/garden		Map Link Map - 6
		B3	Q18/9	Ruataki 2 Pā		Map Link Map - 7
		B4	Q19/31	Pā		Map Link Map - 7
		B5	Q19/33 Q19/9	Arapāwa Pā - 1		Map Link Map - 7
		B6		Arapāwa Pā - 2		Map Link Map - 7
		B7	Q19/327	Arapāwa Pā - 3		Map Link Map - 7
		B11	Q19/3	Whakaahu Pā		Map Link Map - 7
		B12	Q19/26	Pā		Map Link Map - 7
		B13	Q19/4 Q19/13 Q19/321 Q19/322	Pukekohe Pā		Map Link Map - 8
		B14	Q19/312 Q19/315	Pukekohe Pā/midden - 2		Map Link Map - 8
		B15	Q19/23	Te Mutu o Tauranga pā/midden/spring		Map Link Map - 8

		B16	Q19/5	Oropapa Pā		Map Link Map - 8
		B17	Q19/6	Maruehi Pā		Map Link Map - 8
		B21		Pā		Map Link Map - 8
		B23		Wahapakapaka kāinga /garden		Map Link Map - 9
		B26	Q19/172	Otamaringa Pā		Map Link Map - 9
		B27	Q19/135	Motuwhare Pā		Map Link Map - 9
		B24	Q19/170	Midden	Historic site	Map Link Map - 9
		B25	Q19/171	Midden		Map Link Map - 9
		B30		Arapāwa Tauranga Waka	Wairuatanga Access	Map Link Map - 7
		B33		Whakaahu Tauranga Waka		Map Link Map - 7
		B37		Otamaringa Tauranga Waka		Map Link Map - 9
		B32	Q19/309	Urupā	Wairuatanga Historic site	Silent File Contact the Council for more information
		B41		Kukuriki pūkāwa	Mahinga kai Wairuatanga	NA
		B42		Paparoa pūkāwa		NA
		B43		Unnamed 1		NA
		B44		Waitoetoe pūkāwa		NA
		B45		Maru'ehi pūkāwa		NA
		B46		Pakihi pūkāwa		NA

		B47		Pakihi pūkāwa		NA
		B48		Unnamed 2	Access	NA
		B49		Unnamed 3		NA
		B50		Unnamed 4		NA
		B51		Unnamed 5		NA
		B52		Unnamed 6		NA
		B53		Unnamed 7		NA ⁽⁴⁰⁾
Mimitangiatua River (Mimi)	<p>As with all the Ngāti Mutunga awa, the Mimi river has always been an integral part of the social, spiritual and physical lifestyle of Ngāti Mutunga.</p> <p>The full name of the Mimi River is Mimitangiatua. The river is also known as Te Wai o Mihirau. Mihirau was an ancestress of the Te Kekerewai hapū and was a prominent woman of her time. The name Te Wai o Mihirau is referred to in a Ngāti Mutunga pepeha:</p> <p><i>Mai Te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakararunganui taniwha</i></p> <p>There are a number of pā and kāinga located along the banks of the Mimi River. These include Mimi-Papahutiwai, Omihi, Arapawanui, Oropapa, Pukekohe, Toki-kinikini and Tupari. Arapawanui was the pā of Mutunga's famous grandsons Tukutahi and Rehetaia. There were also a number of māra/taupā (cultivations) along the banks of the river.</p> <p>Mimi River and associated huhu (swampy valleys), ngahere (large swamps) and repo (muddy swamps) were used by Ngāti Mutunga to preserve taonga. The practice of keeping wooden taonga in swamps was a general practice of the Ngāti Mutunga people for safekeeping in times of war.</p> <p>To the people of Ngāti Mutunga, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual and social significance in the past, present, and future.</p> <p>As with the other awa of Ngāti Mutunga, the whole length of the river was used for food gathering.</p> <p>Mouri is a critical element of the spiritual relationship of Ngāti Mutunga whanau to the Mimi River. The Mimitangiatua is of the utmost importance because of its physical, spiritual and social significance in the past, present and future.</p>	B9	Q19/2	Arapawanui Pā	Wairuatanga Historic site	Map Link Map - 7
		B8	Q19/233	Wairoa Kāinga	Historic site	Map Link Map - 7
		B31		Wairoa Tauranga Waka	Wairuatanga Access	Map Link Map - 7
		B38		Mimitangiatua River	Mahinga kai Whitebaiting Fishing	Map Link Map - 7
		B32		Tauranga Ika	Wairuatanga Access	Silent File Contact Council for more information
Onaero River	<p>The Onaero River was important to Ngāti Uenuku (also known as Ngāti Tupawhenua). Kaitangata also has a strong association with the Onaero River.</p> <p>The Onaero River and its banks have been occupied by the tupuna of Ngāti Mutunga since before the arrival of the Tokomaru and Tahatuna waka. Ngāti Mutunga people</p>	B22	Q19/83	Puketapu/Pukemi Pā	Wairuatanga Historic site	Map Link Map - 8
		B36		Onaero Tauranga Waka	Wairuatanga Access	Map Link Map - 8

	<p>have used the Onaero River to access wāhi tapu along its banks. Puketapu and Pukemiro pā are situated at the mouth of the river. Other pā along the banks of the Onaero River includes Pukemapou, Moerangi, Te Ngaio, Tikorangi, Kaitangata and Ruahine which are all located upstream. Pukemapou was the home of Uenuku's two grandsons Pouwhakarangona and Poutitia. Pourangahau was the name of their famous whata kai.</p> <p>Ngāti Mutunga utilised the entire length of the Onaero River for food gathering. The mouth of the river provided a plentiful supply of pipi, Pūpū, pātiki, kahawai and other fish. Inganga were caught along the banks of the river. Tuna and piharau were caught in the upper reaches of the river.</p> <p>The Onaero River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today. As with the other important awa of Ngāti Mutunga there are specific areas of the Onaero River that Ngāti Mutunga people would bathe in when they were sick. The river was also used for tohi - for instance for the baptism of babies.</p>	B39		Onaero River	Mahinga kai Fishing Whitebaiting	Map Link Map - 8
Urenui River	<p>The Urenui River has been a treasured taonga and resource of Ngāti Mutunga. Traditionally the Urenui River and, in times past, the associated wetland area have been a source of food as well as a communication waterway.</p> <p>The name Urenui derives from Tu-Urenui the son of Manaia who commanded the Tahatuna waka. As an acknowledgement of his mana in the area, Manaia named the area after his son. Upon his arrival the descendants of Pohokura and Pukeyaruhe were residing in the area. The river was also known as Te Wai o Kura. Kura was the ancestor of the Ngāti Kura hapū who in prior times occupied this area.</p> <p>This name is depicted in the Ngāti Mutunga pepeha:</p> <p><i>Mai Te Wai o Mhirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakarangunga taniwha</i></p>	B19	Q19/7	Pohukura Pā	Wairuatanga Historic site	Map Link Map - 8
		B20	Q19/71	Kumara kai amo Pā		Map Link Map - 8
		B18		kāinga	Historic site	Map Link Map - 8
		B34		Pohukura Tauranga Waka	Wairuatanga Access	Map Link Map - 8
		B35		Urenui Tauranga Waka		Map Link Map - 8

	<p>The Urenui River was referred to as “<i>he wai here Taniwha</i>” this figurative expression was used because of the large number of pā along the banks of the river, including Pihanga, Pohokura, Maruehi, Urenui, Kumarakaiaimo, Ohaoko, Pā-oneone, Moeiriki, Horopapa, Te Kawa, Pā-wawa, Otumoana, Orongowhiro, Okoki, Pukewhakamaru and Tutu-manuka. The riverbanks thus became the repository of many kōiwi.</p> <p>Ngāti Mutunga utilised the entire length of the Urenui River for food gathering. The mouth of the river provided a plentiful supply of pipi, Pūpū, pātiki, kahawai and other fish. Inganga were caught along the banks of the river. Tuna and piharau were caught in the upper reaches of the river. Piharau were caught using whakapāru, which was a technique developed by placing raraue in the rapids of the river in times of flood.</p> <p>The Urenui River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. Mouri is a critical element of the spiritual relationship of Ngāti Mutunga to the Urenui River. Ngāti Mutunga also used the Urenui River for tohi - for instance for the baptism of babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.</p>	B40		Urenui River	<p>Mahinga kai</p> <p>Fishing</p> <p>Whitebaiting</p>	Map Link Map - 8
Wai-iti/Papatiki Stream	<p>This is an area of high historic importance to Ngāti Mutunga and contains some significant pā sites including Ruataki, Pukekarito, and Whakarewa. Regular runanga were held in the area of Wai-iti.</p>	B28		Papatiki Tauranga Waka	Wairuatanga Access	Map Link Map - 6
	<p>The Papatiki Stream is located in the area. It is tapu to Ngāti Mutunga because of the way in which it was used by northern invaders after a battle in pre-Pakeha times.</p>	B29		Wai-iti Tauranga Waka		Map Link Map - 6
Waiau stream	<p>The importance of this stream is that it marks the southwestern boundary of the Ngāti Mutunga rohe with Te Atiawa.</p>					

Te Atiawa

The Te Atiawa rohe commences from Te Rau O Te Huia, along the coast westward to the Herekawe, inland to Tahuna Tutawa, thence to Whakangeregere, continuing to Taramoukou, thence turning southward to Te Rau O Te Huia.

The coastal marine area was part of the natural world which encompassed the expanses of Ranginui, the immensity of Papatuanuku, and the vastness of Tangaroa. It was an important part of the tribal rohe and included land, outlets, streams, rivers, lagoons, reefs, beaches and sand hills. Just as hapū exercised mana over the whenua, so it exercised mana over the moana.

The Te Atiawa's social, cultural and spiritual relationship with the coastal marine area was very important and long-standing. It began with the first Te Atiawa tupuna and has continued through the centuries to the present day. Many of the first settlements in the rohe, such as Ngā Motu and the Waitara River, were on the coast. The papakainga was the centre of social, cultural, economic and spiritual well-being. Papapakainga such as Puke Ariki, Purakau, Rewa Rewa and Mangatī were located on the coast close to the valued resources of water, mahinga kai and kaimoana. The resources sustained and nourished the iwi and were important to ensure survival and to maintain the spiritual, cultural and economic prosperity of Te Atiawa. The spiritual relationship was embodied in the ideologies, kawa, karakia and tikanga such as rahui. Every reef and lagoon was named

and these names remain, as do the practices of harvesting resources and exercising customary rights. Examples of the reefs are Papamoa, Tarawhata, Kawaroa, Arakaitai and Mangatī. The sites also include urupā and tauranga waka, such as Autere. Te Atiawa has exercised, and continues to exercise, its kaitiakitanga on the coastline from the Herekawe to Te Rau O Te Huia.

The cultural and spiritual importance of the coastline and marine area continues to be embodied in waiata pepeha, traditions and histories and continues to underpin the mana and mouri of the Te Atiawa hapū. These ideologies and histories reinforce the connection, tribal identity and continuity between the generations to the present. The statement above illustrates the strong and ongoing Te Atiawa connection and association with the coastal marine area from the Herekawe to Te Rau O Te Huia.

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.

Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Waitara River to Onaero River	<p>Waiau Stream and Tributaries</p> <p>The Waiau Stream is located north of Waitara. It springs from the land and flows to the Tasman Sea. It is in the rohe of Ngāti Rahiri.</p> <p>The social, cultural, historical and spiritual importance of the Waiau Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity. Apart from its other important aspects the Waiau is important as a boundary marker between Te Atiawa and Ngāti Mutunga. The Te Atiawa northern coastal boundary point, Te Rau o Te Huia, is on the banks of the Waiau.</p>	C85		Pā	Historic site	NA
		C57		Waiau Stream	Mahinga kai	Map Link Map - 9
		C86		Pā	Historic site	NA
		C63		Reef	Mahinga kai	Map-Link Map-9
		C64		Reef		Map-Link Map-9
		C65		Reef		Map-Link Map-9
		C66		Reef		Map-Link Map-9
		C67		Reef		Map-Link Map-10
		C87		Motunui pūkāwa	Mahinga kai	NA
		C88		Pā	Historic site	NA
		C89		Pā		NA
		C90		Pā		NA
		C91		Waahi Taonga		NA
		C92		Unnamed	*values TBC	NA
		C93		Te Koutu	*values TBC	NA
		C94		Te Taniwha	*values TBC	NA
		C95		Unnamed	*values TBC	NA
		C96		Manureia/Kounga	*values TBC	NA
		C97		Paipaire	*values TBC	NA
		C98		Nikorima	*values TBC	NA ⁽⁴²⁾
		C68		Waipapa Tauranga Waka	Waituatunga	Map Link

					Structure Access	Map - 10
		C99		Owhakaangi	*values TBC	NA
		C100		Titirangi	*values TBC	NA ⁽⁴²⁾
	<p>Waitara River and Tributaries</p> <p>The Waitara River is one of the major rivers in the Te Atiawa rohe and takes its name from the legend of Te Whaitara-nui-a-Wharematangi-i-te-kimi-i-tana-matua-i-a-Ngarue.</p> <p>The Waitara flows through the rohe of the hapū of Manukorihi, Otarua, Pukerangiora and Ngāti Rahiri. The Waitara River, unlike other substantial rivers within Taranaki, does not flow directly from Maunga Taranaki but springs from the Manganui River which flows off the mountain and converges with the Waitara River.</p> <p>The Waitara river mouth was one of the first areas to be settled in Aotearoa and life was sustained here by the abundant resources provided by the reefs and wetlands. There were many kāinga and tauranga waka at the mouth of the Waitara and the kāinga later became seasonal fishing villages as Te Atiawa spread along and inhabited the entire length of the Waitara River.</p> <p>One of the streams, Mangahinau, was the mooring site for the largest Te Atiawa war waka, Eanganui. There were many papakainga along the banks of the Waitara, such as Ngangana, Kuikui, Te Whanga, Huirapa, Werohia, Aorangi, Puketapu, Mamaku, Tokitahi, Purimu, Karaka, Te Awaiotetaki, Manukorihi, Pukerangiora, Mangaemiemi / Te Ahikaroa, Wakatete, Kerepapaka, Tahunakau, and Taumaatene.</p> <p>The Waitara River provided an abundance of fish, inanga, tuna/eel, piharau, kahawai, yellow eyed mullet, flounder, herrings, kōkopu, weka, pukeko, ducks. One of the river's tributaries, the Tangaroa, was an important spawning area for inanga and native fish. The hapū fished from purpose built platforms and this technique to show customary fishing locations on the river continues today. Each whakaparu was named and these names remain and continue to be used by Te Atiawa today. The mara gardens along the river included Te Rare, Mangahinau, Panekeneke, Opakaru, Te Ramarama and Mangaemiemi. The urupā include Te Rohutu, Manaaiti, Pukehou, Teremutu and Ngangana.</p> <p>The natural defences and height provided by the cliffs allowed control of the Waitara River. Aorangi along with Pukekohe and Manukorihi, formed a triangle of strongly defended pā in the valley. In its upper reaches, its cliffs provided defence for Pukerangiora Pā and in one battle many Pukerangiora people jumped from the cliffs into the Waitara River.</p> <p>The river continues to be an important resource for mahinga kai. Contemporary uses of the site include cultural harvesting (fish, whitebait) and the site is valued because of its biodiversity and conservation values. Te Atiawa has a physical, historical and spiritual relationship with the Waitara River. All elements of the natural environment possess a life</p>	C58		Waitara River	Mahinga kai	Map Link Map - 10

	<p>force, or mouri. This is a critical element of the spiritual relationship of Te Atiawa to the Waitara River which has a spiritual force and personality of its own.</p> <p>The Waitara River has been, and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.</p> <p>Waitara West Marginal Strip</p> <p>The site is located on the coast at the mouth of the Waitara River and is in the rohe of Puketapu and Otarua Hapū. The social, cultural, historical and spiritual importance of the Waitara West Marginal Strip is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.</p>					
Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Waiongana Stream to Waitara River	<p>Waiongana Stream and Tributaries</p> <p>The Waiongana flows from Taranaki Maunga to the Tasman Sea and is in the rohe Puketapu Hapū. The social, cultural, historical and spiritual importance of the Waiongana Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.</p> <p>Waiongana Stream Conservation Area</p> <p>The resources of the lower reaches of the Waiongana supported many papakainga, such as Nga Puke Turua, Mahoetahi, Te Morere and Manutahi. The river itself provided an abundance of large tuna, kōura, tanga and piharau. The banks of the river provided flax, manuka and raupo.</p> <p>The reefs at the mouth of the Waiongana provided pipi, pāua, kina, mussels, crab and seaweed. Hapū members would camp at the papakainga at the river mouth during the spring and summer specifically to gather kaimoana and larger ocean fish. The men would go out to fishing if the day and weather was right and only caught one species each day.</p> <p>Sometimes the fishing party met with disaster, as relayed in the following kōrero tawhito (oral history). One morning about twenty waka and two hundred men prepared to set off to the Hapuka fishing grounds known as Waitawhetawheta. A dispute arose between two members about a particular seat on a waka, during which, fishing gear was thrown into the water. The offended party was the tohunga Mokeuhi who then refused to go out fishing. Whilst the fleet was at sea Mokeuhi conjured up an immense storm which devastated the fleet. There were only two survivors, Kawenui who beached at Urenui and Te Kohita who beached at Motupipi in the South Island.</p>	C59		Waiongana Stream	Mahinga kai	Map Link Map 11

Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Waiwhakaiho River to Mangatī Stream	<p>Waiwhakaiho River and Tributaries</p> <p>The Waiwhakaiho River is located in the suburb of Fitzroy, New Plymouth and flows from Taranaki Maunga to the Tasman Sea. It is one of the largest rivers in the Te Atiawa rohe and has several tributaries including the Mangaone and Mangorei.</p> <p>At its mouth today there is a man made waterway, Lake Rotomanu which was created in the 1960s to provide a habitat and refuge for wildlife and is also used for recreational purposes. The Waiwhakaiho River is the ancient boundary marker between Ngāti Te Whiti and Ngāti Tawhirikura and is embodied in pepeha and kōrero tawhito. In former times the Waiwhakaiho River marked the boundary of the rohe of Puketapu, Ngāti Tawhirikura and Ngāti Te Whiti.</p> <p>The Waiwhakaiho River was very important because of the abundant resources which sustained the physical and metaphysical needs of the papakainga and communities along its banks; papakainga such as Rewa Rewa, Waiwhakaiho River, Raiomiti, Te Ngaere, Pukemapo, Te Renega, Pukeotepua and Papamoa. The Waiwhakaiho River mouth, the wetlands and associated water bodies were important because of resources such as raupo, water, ferns, berries, birds, fish, flax and kaimoana. The river fish and whitebait were caught from particular purpose built sites called whakaparu and these continue to be used today.</p> <p>There were several papakainga on the river from its mouth to further inland. Rewa Rewa was located on a hill above the river mouth and was an ancient pā which, over the generations, housed a large population. Other papakainga along the river were Waiwhakaiho River, Raiomiti, Te Ngaere, Pukemapo, Te Rerenga, Puke O Te Pua and Papamoa. The river was also used as a means of transport to nearby papakainga to trade food and taonga and to maintain whanaungatanga.</p> <p>The Waiwhakaiho River remains an important river today. Te Atiawa has a physical, historical and spiritual relationship with the Waiwhakaiho River. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waiwhakaiho River which has a spiritual force and personality of its own. The Waiwhakaiho River has been, and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.</p> <p>The Waiwhakaiho River remains an important river today. Te Atiawa has a physical, historical and spiritual relationship with the Waiwhakaiho River. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waiwhakaiho River which has a spiritual force and</p>	C60		Waiwhakaiho River	Mahinga kai	Map Link Map - 12

	<p>personality of its own. The Waiwhakaiho River has been, and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.</p> <p>Waiwhakaiho River Mouth (Crown Land Conservation Area)</p> <p>This site is at the mouth of the Waiwhakaiho River on the edges of the great pā, Rewa Rewa. The site is located in the rohe of Ngāti Tawhirikura and Ngāti Te Whiti. The river mouth, the wetlands and associated water bodies were important because of its resources such as raupo (for thatching) water, ferns (for food and blankets), berries, birds, fish, flax (for clothing) and kaimoana reefs. Fish and whitebait, were caught from particular purpose built sites called whakaparu and these continue to be used today. The sand dunes were used as gardens for food crops such as kumara and plants such as pingau, which was used to colour clothing flax. The sand dunes were also used as a temporary urupā because the heat of the sand assists the breaking down of the flesh. Often the koiwi/bones were removed and interred elsewhere.</p> <p>Rewa Rewa was located on a hill above the river mouth and was an ancient pā which over the generations housed a large population. The Waiwhakaiho River supported many papakainga from its river mouth to its source on Taranaki, such as Rewa Rewa, Waiwhakaiho, Raiomiti, Te Ngaere, Pukemapo, Te Renega, Pukeotepua and Papamoa. The river was used as a means of transport to nearby papakainga to trade food and taonga and to maintain whanaungatanga. The river is the boundary marker between Ngāti Te Whiti and Ngāti Tawhirikura and is embodied in pepeha, waiata and kōrero tawhito.</p>					
Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Te Hēnui Stream to Waiwhakaiho River		C61		Te Hēnui Stream	Mahinga kai	Map Link Map - 12
		C64		Purakau Tauranga Waka	Historic site	NA ⁽²⁸⁾

Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Huatoki Stream to Te Hēnui Stream		C62		Huatoki Stream	Mahinga kai	Map Link Map - 13
		C65		Parahuka Wahi Tapu	Historic site	NA
		C81		Te Kawau/Kai-arohi Reef	Mahinga kai	NA
		C67		Arakaitai/Otauanga Reef		NA
Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Ngā Motu	<p>The Te Atiawa Deed of Settlement provides for the joint vesting of Ngā Motu / Sugar Loaf Islands in Te Kotahitanga o Te Atiawa Trust and Te Kahui o Taranaki Trust. It continues to be managed by the Department of Conservation as a conservation area under the Conservation Act 1987, and public access is maintained.</p> <p><u>The Ngā Motu islands were historically inhabited and have both traditional and ongoing significance to the Ngāti te Whiti hapū. The islands were often developed and used as strongholds in times of battle and fortified with palisades and living quarters. Rua kopiha (well like pit stores) were dug out and filled with provisions. The smaller of the islands were frequently used for fishing and gathering of mahinga kai. Over the years, many of the islands have been affected by the development of the Port, including quarrying and reclamation for the purpose of constructing the harbour. In particular Paritutu and Moturoa were quarried in the 1920's. Two other islands, Ngataierua and Paparoa were also quarried completely in contribution of the harbour.</u></p> <p><u>The areas surrounding the Ngā Motu islands were well known for kai moana and the rocky reefs provided sustenance for the nearby Pā and settlements. In the 1930's a whaling station operated along Nga Motu beach. The whalers and Ngāti te Whiti hapū forged a strong relationship and the whalers assisted the hapū when under attack from Waikato.</u></p> <p><u>Other modifications in and around the harbour have changed the area over the years including the culverting of a number of the streams traversing the Port and draining into the harbour, these include the Hongihongi, Tutu and Wahitapu Streams which were important sources of freshwater and mahinga kai.</u></p>	H1	P19/12	Moturoa Pā/Ururū	Wairuatanga Historic Site	Map Link Map - 13
		H2	P19/13	Motumahanga Pā/Ururū		Map Link Map - 13
		H3	P19/14	Mataora Pā/Ururū		Map Link Map - 13
		H4	P19/15	Motuotamatea Pā/Ururū		Map Link Map - 13
		H6		Waikaranga Ururū		Silent File Contact Council for more information
		H5	P19/2	Paritūtū Pā	Historic Site	Map Link Map - 13
		C78		Mikotahi Pā		NA
		C82		Pararaki Pā/Ururū		NA
		C83		Korunganga (Motukoku) reef		NA
		C84		Tokatapu		NA
		C79		Paparoa		NA

		C80		Ngataierua		NA
		C76		Whaling Station	Historic site	NA
		C66		Unnamed Tauranga waka	Whakapapa	NA
		C77		Hongihongi Stream & Tutu Stream	Historic site	NA
		C74		Otaikokako Reef	Mahinga kai	NA
		C75		Wahitapu Stream	Historic site	NA
		C73		Ukumokomoko Reef	Mahinga kai	NA
		C72		Paparoa Reef		NA
		C71		Pukotori Reef		NA
		C70		Kawaroa Reef		NA ⁽²⁸⁾
Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
		TRC Number	NZAA Number	Description		
Herekawe Stream	Herekawe Stream and Tributaries The Herekawe Stream is located to the south of New Plymouth. It springs from the land and heads to the Tasman Sea. At its source it is very narrow but widens as it flows to the sea. The Herekawe is located with the rohe of the Ngāti Te Whiti Hapū. The Herekawe was, and is, socially and culturally important because of the freshwater and coastal mahinga kai resources it provided to generations of hapū and the many papkainga nearby such as Onuku Taipari, Te Mahoe, Moturoa, Mikotahi, Ruataka, and Papawhero. Two events of more recent times provide evidence of the continuing importance of the Herekawe as a boundary marker. In 2004, the Herekawe was used as one of the boundary indicators between Te Atiawa and Taranaki for their respective 2004 Fisheries Settlements. In 2008, the Herekawe was decided as one of the boundary markers for the Tapuae Marine Reserve, after Te Atiawa refused to give up its customary rights to collect kaimoana from the nearby reefs.	C63		Herekawe Stream	Mahinga kai	Map Link Map - 13
		C68		Unnamed wahi taonga	Historic site	NA
		C69		Onuku Taipari	Mahinga kai	NA ⁽²⁸⁾

Taranaki

Taranaki Iwi exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki Maunga to Rāwa o Turi Stream in the south, and from these boundary points out to the outer extent of the exclusive economic zone.

The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical and spiritual association of Taranaki Iwi to the coastal marine area within the Taranaki Iwi rohe ("coastal marine area"). The seas that bound the coastal marine area are known by Taranaki Iwi as Ngā Tai a Kupe (the shores and tides of Kupe). The coastal lands that incline into the sea are of high importance to Taranaki Iwi and contain kāinga (villages), pā (fortified villages), pūkawa (reefs) for the gathering of mātaītai (seafood), tauranga waka or awa waka (boat channels), tauranga ika (fishing grounds) and mouri kōhatu (stone imbued with spiritual significance). The importance of these areas reinforces the Prior to the proclamation and enforcement of the confiscation of lands within the Taranaki Iwi rohe (area of interest), Taranaki Iwi hapū occupied, cultivated, fished, harvested and gathered mātaītai in the coastal marine area. The entire shoreline from Paritūtū to the Rāwa o Turi was critical to daily life for fishing, food gathering, cultivations and ceremonies. The sea and coastal reefs provided a staple food source with fertile volcanic soils providing excellent growing conditions for large community cultivations. Food preparation and harvesting was ultimately dependant on the lunar calendar that controlled tides and other environmental conditions, but the best times for gathering and harvesting are known by Taranaki Iwi as Ngā Tai o Mākiri (the tides of Mākiri). These generally occur in March and September.

The small boulder reefs are possibly one of the most unique features of the Taranaki Iwi coastline providing special habitat for all manner of marine life. Resources found along the extent of the coastline of Ngā Tai a Kupe provide Taranaki Iwi with a constant supply of food. The reefs provide pāua (abalone), kina (sea urchin), kōura (crayfish), kūkū (mussels), pūpū (mollusc), ngākihi (limpets), pāpaka (crab), toretore (sea anemone), and many other reef species, while tāmure (snapper), kahawai, pātiki (flounder), mako (shark) and other fish are also caught along the coastline in nets and on fishing lines.

Also evident in the reefs are the monolithic tauranga waka or awa waka where large boulders were moved aside by hand to create channels in the reef. These provided access to offshore fishing grounds and prevented boats from being smashed onto rocks by the heavy surf. Large kāinga were also built around the tauranga waka providing Taranaki Iwi hapū with the infrastructure for efficient fishing operations. Whenever possible, fishing nets were also set in the tauranga waka. Fishing also took the form of separate, smaller

pool like structures, or tauranga ika. They were baited and had a small opening on the seaward end of the structure to attract fish. On an incoming tide fish would enter the pools to feed and would then be chased out to be caught by a net placed over the small entranceway.

Taranaki Iwi oral traditions recount that in former times, the extent of large boulder reefs in the central part of Taranaki Iwi was much larger than those seen today. The large sandy areas in the central part of the Taranaki Iwi rohe is an occurrence attributed to Mangohuruhuru. Mangohuruhuru was from the South Island and was bought here by Taranaki Iwi rangatira Pōtikiroa and his wife Puna-te-rito, who was Mangohuruhuru's daughter. Mangohuruhuru settled on the coastal strip between Tipoka and Wairua and built a house there called Te Tapere o Tūtahi. However, the large rocky Taranaki coastline was foreign to him and he longed for the widespread sandy beaches of his homeland. He warned Taranaki Iwi and told them he was calling the sands of Tangaroa. This phenomenon came as a large tsunami and totally buried Mangohuruhuru and his kāinga. His final words to Taranaki Iwi were:

"ka oti taku koha ki a koutou e ngā iwi nei, ko ahau anō hei papa mō taku mahi, hei papa anō hoki mō koutou - This will be my parting gift for you all, that it will come at the cost of my life, but will provide a future foundation."

The sands bought by Mangohuruhuru continue to provide excellent growing conditions for many of the low lying seaside kāinga within the central part of the Taranaki Iwi rohe.

The coastal marine area was also the main highway for many Taranaki Iwi uri (descendants) when travelling between communities, as most of the coastal lands were free of the thick bush found a little higher towards the mountain. Coastal boundary stones and mouri kōhatu are another unique cultural feature within the Taranaki Iwi rohe and they form a highly distinctive group, not commonly found elsewhere in the country. Many of these were invariably carved with petroglyphs in spiral form and were often located in accessible areas, within pā earthworks and open country. However, most of them were nestled in the reef on the seashore alongside tauranga waka, tauranga ika, pūkāwa, pūaha (river mouths) and below or adjacent to well-known pā sites.

Tahu and Turi the twin kaitiaki (guardians) mark the mouth of the Tapuae River, Te Pou o Tamaahua in Ōākura, Te Toka a Rauhoto (originally located a little inland on the south side Hangatāhua River mouth) Opu Opu (also a tauranga waka and tauranga ika) in the bay off Te Whanganui Reserve, Kaimaora, Tuha, Tokaroa and Omanu in the reefs at

Rahotū and Matirawhati the stone boundary marker between Ngāti Haua (a hapū of Ngāruahine) and Taranaki Iwi on the reef of the Rāwa o Turi river mouth. These mouri kōhatu continue to be revered by Taranaki Iwi hapū.

Although access to many areas along the coastal marine area was discontinued as a consequence of confiscation, Taranaki Iwi have continue to exercise custodianship over those areas accessible to Taranaki Iwi. Many Taranaki Iwi hapū have imposed rāhui (temporary restrictions) over sites, restricting the taking of kūkū, kina, pāua and other mātaītai. Proper and sustainable management of the coastal marine area has always been at the heart of the relationship between Taranaki Iwi and the Taranaki Iwi coastline.

Table legend for values associated with sites of significance

The following is a list of potential activities, uses and values that may apply for sites of significance in the CMA and in the Taranaki Iwi rohe. The numbered lists of values relate directly to the numbers included with the 'Values associated with sites' column of the table below.

Waahi Tapu: This includes pā sites (settlement sites that have been formerly fortified for the purposes of defence), urupā/burial grounds, kāinga /coastal villages, marginal strips and homes, māra/site of cultivation or garden, mātaītai/seafood gathering sites, hī ika/fishing ground, onepū rua keri or kohatu/quarries, rua kūmara/pits, terraces, ruapara/midden (site used for the disposal of unwanted material – often shells), Hūhi or repo/swamps or wetlands, mouri kohatu/petroglyphs, oneroa/sandy beach, onepū/sandy area, awa/waterways streams and tributaries. Taonga based activities including the extraction harvest and use of: sand; peat; shingle; aggregate; rocks; stone; driftwood; salt and freshwater; kōkōwai/red ochre; saltwater; pīngao and harakeke, plant species.

Values to be protected: **(1) Cultural/wairuatanga/māra kai/rongoā/kaitiakitanga/mouri**

Waahi Tapu sites used for ceremonies – including burial, hahunga/exhumation, cremation, tohi/baptism or pure/healing and/or blessing rite, rāhui/ritual prohibition.

Values to be protected: **(2) Cultural/wairuatanga/rongoā/urupā/kaitiakitanga/mouri**

Pūkawa/Reefs and/fishing ledge – hī ika/ fishing grounds, access site

Values to be protected: **(3) Cultural/mahinga kai/ pūkāwa/kaitiakitanga/mouri**

Tauranga Waka/Boat Channel – Use of tauranga waka (landing, launching, anchoring, mooring vessels).

Values to be protected: **(4) Transportation/communication route/whanaungatanga/tauranga waka/mahinga kai/structure/kaitiakitanga/mouri**

Tauranga Ika - Use of tauranga ika for anchoring and mooring vessels for fishing purposes.

Values to be protected: **(5) Cultural/mahinga kai/structure/kaitiakitanga/mouri**

Onepū/Oneroa – site of the extraction of resources usually stone/sand to be used in cultivation or for hāngī including sand, peat, shingle aggregate rocks and stone.

Values to be protected: **(6) Cultural/mahinga kai/kaitiakitanga/mouri**

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Ngā Motu / Sugar Loaf Islands	The Taranaki iwi Deed of Settlement provides for the joint vesting of Ngā Motu / Sugar Loaf Islands in Te Kahui o Taranaki Trust and Te Kotahitanga o Te Atiawa Trust. It continues to be managed by the Department of Conservation as a conservation area under the Conservation Act 1987 and public access is maintained. The Taranaki iwi hapū of this area are Ngāti Tairi and Ngā Mahanga a Tairi.	H1	Moturoa Pā/ Urupā	(1) (2)	Map Link Map - 13
		H2	Motumahanga Pā/ Urupā		Map Link Map - 13
		H3	Mataora Pā/ Urupā		Map Link Map - 13
		H4	Motuotamatea Pā/ Urupā		Map Link Map - 13
		H5	Paritūtū Pā	(1)	Map Link Map - 13
Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Paritūtū to Oākura River	<p>Coastal marine area</p> <p>Taranaki iwi exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki maunga to Rāwa o Turi Stream in the south and then to the outer extent of the exclusive economic zone.</p> <p>The coastal lands that incline into the sea are of high importance to Taranaki iwi and contain kāinga (villages), pā (fortified villages), pūkāwa (reefs) for the gathering of mātaītai (seafood), tauranga waka or awa waka (boat channels), tauranga ika (fishing grounds) and mouri kōhatu (stone imbued with spiritual significance). The importance of these areas reinforces the Taranaki iwi tribal identity and provides a continuous connection between those Taranaki iwi ancestors that occupied and utilised these areas. The sea and coastal reefs provided a staple food source with fertile volcanic soils providing excellent growing conditions for large community cultivations. Food preparation and harvesting was ultimately dependant on the lunar calendar that controlled the tides and other environmental conditions. The reefs provide pāua, kina, kōura, kūku, pupu, ngākihi (limpets), pāpaka (crab), toretore (sea anemone) and many other species while tāmure, Kahawai, patiki, mako, and other fish are also caught along the coastline.</p> <p>Also evident in the reefs are the monolithic tauranga waka or awa waka where large boulders were moved aside by hand to create channels in the reef to provide safe access to the offshore fishing grounds. Large kāinga were also built around these tauranga waka providing the iwi and hapū with the infrastructure for</p>	D1	Te Parapara Waahi Tapu/Onepū	(1) (2)	Map Link Map - 13
		D140	Waahi Tapu		Map Link Map - 14
		D6	Omuna Pā/ Waahi Tapu		Map Link Map - 14
		D141	Waahi Tapu		Map Link Map - 14
		D142	Waahi Tapu		Map Link Map - 14
		D15	Kekeorangi Pā	(1)	Map Link Map - 14
		D139	Marae/papa kāinga		Map Link Map - 14

<p>efficient fishing operations. Where possible, fishing nets were also set in the tauranga waka / tauranga ika to trap fish.</p> <p>The coastal area was also the main highway for many Taranaki Iwi uri (descendants) when travelling between communities as inland was covered in thick bush. Coastal boundary stones and mouri kōhatu are a unique cultural feature within the Taranaki Iwi rohe. Many of these were carved with petroglyphs in spiral form and were often located in accessible areas within pā earthworks and open country. However, most of them nestled in the reef on the seashore alongside tauranga waka, tauranga ika, pūkāwa, puaha (river mouths) and below or adjacent to well known pā sites.</p> <p>Tahu and Turi the twin kaitiaki mark the mouth of the Tapuae River and Te Pou o Tamaahua in Ōiaikura. Te Toka o Rahotu at Puniho Pā was originally located on a little island on the south side of the Hangatāhua River mouth. Opu Opu is in the bay off Te Whanganui Reserve and Kaimaro, Tuha, Tokaroa, and Omahu in the reefs at Rahotu. Matirawhati is the stone boundary marker between Ngāti Haua (a Ngāruahine hapū) and Taranaki Iwi on the reef of the Rawa o Turi river mouth. These mouri kōhatu continue to be revered by Taranaki Iwi and hapū. Although access to many areas along the coast was discontinued as a consequence of confiscation, Taranaki Iwi have continued to exercise custodianship over those areas that were accessible. Proper and sustainable management of the coastal area has always been at the heart of the relationship between the iwi and the coastal area.</p> <p>Waterways</p> <p>The traditions of Taranaki Iwi confirm the ancestral, cultural, historical and spiritual importance of the waterways to Taranaki Iwi within the Taranaki Iwi rohe. The rivers and tributaries that bound and flow through the Taranaki Iwi rohe (area of interest) are of high importance to Taranaki Iwi, as many of them flow directly from Taranaki Maunga. These waterways contain adjacent kāinga (villages), pā (fortified villages), important sites for the gathering of kai (food), tauranga ika (fishing areas) and mouri kōhatu (stones imbued with spiritual significance). The importance of these waterways reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those ancestors that occupied and utilised these areas and their many deeds.</p> <p>Waterways, rivers and streams within the Taranaki Iwi rohe were, and continue to be, vital to the well-being, livelihood and lifestyle of Taranaki Iwi communities. As kaitiaki (guardians), Taranaki Iwi closely monitored their health and water quality to ensure there was an abundant source of food, materials and other resources to sustain their livelihoods. A diverse range of food sources, such as piarau (lamprey), tuna (eel), kōkopu (native trout), īnanga (whitebait), kōaro (small spotted freshwater fish) and kōura (freshwater crayfish) were a staple harvest with large numbers of kahawai and pātiki (flounder) also caught on the river mouths along the Taranaki Iwi coastline. Although access to many of the age old fishing spots for piarau</p>	D17	Ōmuna Pā		Map Link Map - 14
	D2	Papataniwha Pūkāwa	(3)	Map Link Map - 14
	D3	Tokatapu Pūkāwa		Map Link Map - 14
	D4	Kapowairua Pūkāwa		Map Link Map - 14
	D5	Te Papahineroa Pūkāwa		Map Link Map - 14
	D7	Ngātokatūrua Pūkāwa		Map Link Map - 14
	D8	Te Arawaire Pūkāwa		Map Link Map - 14
	D9	Wāhitere Pūkāwa		Map Link Map - 14
	D10	Tarakatea Pūkāwa		Map Link Map - 14
	D12	Tauwhare Pūkāwa		Map Link Map - 14
	D13	Kereata Pūkāwa		Map Link Map - 14
	D14	Kohinetaupea Pūkāwa		Map Link Map - 14
	D18	Tokataratara Pūkāwa		Map Link Map - 14
	D19	Oruarire Pūkāwa		Map Link Map - 14

	<p>has become a challenge, many are still caught in the months of June, July and August by Taranaki Iwi families.</p> <p>Relatively high rainfall up on the mountain quickly drains through these river systems, contributing to high water flows and the swift clearance of excessive sedimentation. This has resulted in, clean, clear water accessible to generations of Taranaki Iwi. The river courses, waterfalls and pools were also ceremonial sites used for baptism and other forms of consecration including tohi (child dedication ceremony), pure (tapu removal ceremony) and hahunga (exhumation ceremony). The practice of hahunga involved the scraping and cleansing of bones after being laid on a whata (stage), or suspended from trees to allow for the decomposition of flesh from the body. The bones were then painted with kōkōwai (red ochre) wrapped and interred in caves, some of these were on the banks of rivers on the plains while others were high up on the mountain. The natural resources along the edges of the rivers and large swamp systems commonly provided materials for everyday community life, waka (boats), housing, construction, medicine, food and clothing. Large deposits of kōkōwai were also abundant in the river beds higher up on the mountain. Te Ahititī was a famous Kōkōwai deposit located along the banks of the Hangatāhua River with other known sites on the Kaitake Range and Waiwhakaiho River valley above Karakatonga Pā. These sites were fiercely guarded by Taranaki Iwi.</p>	D11	Tapuae Stream and Pūkāwa	(3)	Map Link Map - 14
		D20	Oākura River		Map Link Map - 14
		D16	Waikukakuka Tauranga Waka	(4)	Map Link Map - 14
		D132	Sutton road site A	(1)	Map Link Map - 14
		D133	Oākura coast property		Map Link Map - 14
Area		Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Oākura River to Hangatāhua River	<p>The waterways within the Taranaki Iwi rohe also traditionally provided the best access routes to inland cultivations and village sites further up on the mountain and the ranges. Some of these routes became celebrated and were given names that confirmed the importance of the places they led to. Te Arakaipaka was a route that followed the Pitone, Timaru and Waiorehu streams up onto various sites on the Kaitake and Pouākai ranges. Tararua was another route that followed the Whenuariki Stream to Te Iringa, Pirongia, Pukeiti and Te Kōhatu on the Kaitake range. The Hangatāhua River was also a key route up onto the Ahukawakawa swamp basin. The Kapoiaia River also provided a pathway for Taranaki Iwi hapū, Ngāti Haupoto. This began at Pukehāmoamo (close to the Cape Lighthouse on the sea coast) and went to Te Umupua, Orokotehe, Te Ahitahutahu, Ongaonga and onto the Ahukawakawa Swamp where a whare was situated. The Ōkahu River was another well-known route to Te Apiti and onto Te Maru, a fortified pā high up on Taranaki Maunga. Te Maru Pā had extensive cultivations and satellite kāinga before it was attacked by Ngāpuhi and Waikato war parties in the early 1800's with great slaughter.</p> <p>Taniwha also protected many of the rivers and waterways along the Taranaki Iwi coast. Te Rongorangiataiki was resident along the Ōākura River along with the famed taniwha Tuiau of Matanehunehu, who was said to have caused a fishing tragedy at Mokotunu in the late 1800s. There was also Te Haiata, the taniwha who resided at Ngauhe, and Kaiho on the Pungaereere and Ōāiti streams. He would move from these two places from time to time to protect the people and the rivers. Taniwha are still revered by many Taranaki Iwi families and form the basis of tikanga (practices) for the sustainable harvesting and gathering of food which Taranaki Iwi continues today.</p>	D21	Te Ruatahi Oneroa	(6)	Map Link Map - 14
		D22	Te Patunga Oneroa		Map Link Map - 14
		D47	Parawaha Pā/ Waahi Tapu/Kāinga	(1) (2)	Map Link Map - 16
		D23	Pukeariki Pā/Kāinga	(1)	Map Link Map - 15
		D25	Oau Pā/Kāinga		Map Link Map - 15
		D27	Hauranga Pā		Map Link Map - 15
		D40	Tataraimaka Pā		Map Link Map - 15
		D24	Te Ruaatumanu Pūkāwa	(3)	Map Link Map - 15

<p>Cultural Redress Properties</p> <p>Mounukahawai was a large pā located on the mouth of the Kaihihi Stream and was occupied by Taranaki Iwi hapū, Ngā Mahanga. When Ngāpuhi, Waikato and Ngāti Toa raids swept down the Taranaki coast early in the 19th century, Mounukahawai was attacked. Although the pā was of great size, and had a large population, it was not situated in a strong position, being built on comparatively flat ground. During the attack, the invaders fired the dry raupō growing in Totoaro swamp around the pā, and under the cover of the smoke and consequent confusion stormed the place, ending in a great loss of life. Taratuha, one of the principal chiefs of Ngā Mahanga, was killed here. After the taking of the pā, the taua (war party) then moved on to attack Tapuinikau. Other pā in this area were also taken during this time.</p> <p>At the end of Hampton Road on the cliff overlooking the sea is Parawaha pā. Parawaha was a large community and was also the principal home of Porikapa Te Wariwari between 1840 and 1876. Porikapa also lived at a place called Tiroa, a little inland of the Kaihihi river mouth. Early on in his life he became a deacon of the Anglican Church and took the name of an early Christian martyr, Polycarp, so became known as Porikapa. Porikapa saw himself as a peacemaker between Māori and European. At the beginning of the land wars in Taranaki, he wrote and signed a proclamation with three other chiefs. They placed it on the gate of the Rev Henry Handley Brown's house making it tapu (sacred), so Māori wouldn't come on the property. This ensured the safety of Brown, his family and 35 others who were sheltering there during the Battle of Waireka.</p> <p>Porikapa died at his home on December 4, 1888, aged about 90. Rev H H ("Parson") Brown officiated at his tangi, which was attended by more than 500 people. He was buried in the uru pā at Parawaha. The urupā was fenced off until about 1928, when the lessee allowed stock in to graze</p> <p>By 1960, the headstone had been broken and the iron surrounds ruined. A new headstone was erected in 1965.</p> <p>During the conflict of the 1860's, there were many Ngā Mahanga villages and cultivations along the Okato coast. Kaihihi was the home of Wī Mutu and Horopāpera, Te Raroa was situated at Waikoukou, with Takaipakea and Tukitukipapa located at Maitahi. On 4 June 1863, this area was subject to an attack when 870 men led by the new British commander, Lieutenant-General Duncan Cameron and Colonel Warre easily overwhelmed a small force of Taranaki Iwi-Whanganui and Ngāti Ruanui from Porou pā above the Katikara River. Sir George Grey watched with interest from HMS Eclipse, which had carried out a preparatory bombardment on Tukitukipapa village, a kilometre south, prior to the battle. It was reported by Whanganui Māori who had returned home that 21 were killed at Tukitukipapa, including 12 boys playing along the beach.</p> <p>Where the cliffs and slips incline to sea level there are a number of mātaitai (seafood) reefs, awa waka (reef passages) and tauranga ika (fishing areas) associated with the earliest Taranaki Iwi people. Whareatea was</p>	D26	Ōraukawa Pūkāwa	Map Link Map - 15
	D29	Ūpoko ngāruru Pūkāwa	Map Link Map - 15
	D30	Te Wahanga Pūkāwa	Map Link Map - 15
	D31	Te Mutu Pūkāwa	Map Link Map - 15
	D32	Poatamakino Pūkāwa	Map Link Map - 15
	D33	Te Rapa Pūkāwa	Map Link Map - 15
	D34	Kaipāpaka Pūkāwa	Map Link Map - 15
	D35	Te Waiho Pūkāwa	Map Link Map - 15
	D36	Kohoki Pūkāwa	Map Link Map - 15
	D37	Tarare Pūkāwa	Map Link Map - 15
	D38	Puketahu Pūkāwa	Map Link Map - 15
	D39	Pirirata Pūkāwa	Map Link Map - 15
	D43	Kaiwekaweke Pūkāwa	Map Link Map – 15, 16
	D45	Maitahi Pūkāwa	Map Link Map - 16

	<p>a well-known tauranga waka situated on the southern end of the Ōkato marginal strip with Kaihihi, Kaiwekaweke, Parawaha and Tataraimaka in the north. The entire coastal area was used for fishing and the gathering of seafood.</p> <p>The Cape Egmont marginal strip extends from the mouth of the Te Ikapārua River to road end of Tipoka Road. The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical association to this area. The Cape Egmont marginal strip is of high importance to Taranaki Iwi and is located across a particular area of significant coastal Taranaki Iwi lands and waterways.</p> <p>The extended area also contains significant pā and kāinga, including tauranga waka (or awa waka/ channels through the reef) and pūkāwa (reefs) and extensive cultivation areas abutting the marginal strip boundaries. On the northern end of the coastal strip is Te Ikapārua River, the village of Warea and Tarakihi pā. Tarakihi Pā and Warea kāinga were extensively occupied during the 1840s and 1850s and became one of the most important settlements on the Taranaki coast. It was here that the German reformed missionary, Johann Riemenschneider lived amongst Ngāti Moeahu and established a mission station a little further inland. Warea was also the kāinga of Te Whiti during the time of Riemenschneider's occupation. In 1858 a census of Māori villages along the Taranaki coast recorded 126 people living at Warea. In 1860 however, the HMS Niger opened fire with guns and 24 pounder rockets in the village. People appeared in great numbers at one of the pā (Tarakihi) and fired at the ship with muskets in defiance. The captain claimed that shells and one rocket exploded within the stockades. Again in 1860, troops arrived at Warea and fired artillery rounds into the pā from the terrace edge on the northern side of the river. The pā was soon abandoned and the troops burnt the village, with the exception of the church. Tarakihi had massive fortifications with extensive gardens and was the home of Ngāti Moeahu.</p> <p>Te Ikapārua river mouth was also a popular fishing spot for kahawai and other fish species, Tarakihi, is also the tauranga waka (reef channel) on the Te Ikapārua river mouth. Tauranga ika (fish traps) were also made by hauling out large boulders and layering them up as walls to make long pools. The pools were then baited as fish came in to feed on the incoming tide. Nets were then placed at the entrance of the pool and used to capture the fish as they were chased out. Tauranga ika were utilised across the extent of the Cape Egmont marginal strip.</p> <p>A little further south is Te Whanganui Stream and Whanganui Native Reserve (1 acre). Whanganui Native Reserve was granted to Whatarau and Ruakere Moeahu in October 1882 as a fishing reserve for Ngāti Moeahu. The tauranga waka at the mouth of the stream is named Hopuhopu. Hopuhopu is an extensive channel and is tucked away in one of the better sheltered bays on the coast. A mouri kohatu was taken from this area to Ōtakou (Dunedin) in memory and honour of the political prisoners of Parihaka who died there during their incarceration.</p>	D46	Waikoukou Pūkāwa		Map Link Map - 16
		D28	Timaru Stream	(3)	Map Link Map - 15
		D48	Kaihihi Stream		Map Link Map - 16
		D41	Tataraimaka Tauranga Waka	(4)	Map Link Map - 15
		D42	Tauranga Waka		Map Link Map - 15
		D44	Maitahi Tauranga Waka		Map Link Map - 16
		D49	Whareatea Tauranga Waka		Map Link Map - 16
		D131	Hauranga Pūkāwa	(3)	Map Link Map - 15
		D134	Ōkato Coast property	(1)	Map Link Map - 15
Area		Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Hangatāhua River to Kapoiaia River		D52	Mokotunu Kāinga/ Waahi Tapu	(1) (2)	Map Link Map 17
		D56	Taihua Kāinga/ Waahi Tapu		Map Link Map 17
		D59	Warea Redoubt/Urupā		Map Link Map 18
		D97	Kairoa Urupā		Map Link Map 21

<p>During the 1950's, the elders also allowed Pākehā to fish from the channel on the basis that fish be given to the marae and that no commercial fishing be done there. The Cape Egmont Boating Club now enjoy an almost exclusive use of the channel with significant modification carried out over the years.</p> <p>Further south along the Cape Egmont marginal strip are other small kāinga (villages) set out for the purposes of fishing and cultivations. These are very small reserves allocated to Taranaki Iwi during the Crown grant scheme but which were once extensively occupied by Taranaki Iwi. These reserves are:</p> <ul style="list-style-type: none"> Putatuapō This reserve (6.2 acres) was extensively occupied and used for fishing and cultivations. Title to this land was issued under the West Coast Settlements Act in 1883 to Whatarau and Wharehoka. Ihutangi A small fishing reserve (0.2 acres) granted to Tūteuruoho in 1882. Okawa This is another small fishing reserve (1 acre) granted to Whatarau Ariki in 1882 Ikaroa A small reserve (2.2 acres) granted to Hone Mutu in 1882 but was part of a larger area extensively occupied by successive Taranaki Iwi ancestors. Early histories recount that it was part of a larger place called Te Ruaatauroa and was the home of early Ngāti Haupoto ancestors Tongawhakaruru and Tamaraupango who built a house for their niece Rongotuhiata here. This house was called Taniwhapukoroa. <p>The tauranga waka, Te Mapua (also named Te Awa a Tuteangi) was also a critical part to this community and was in use when Kupe passed through these parts. It was continually used up until the 1940's when the elders would light the fires at night to guide their boats in from fishing expeditions to offshore grounds. Boat sheds stood at many of the tauranga waka landings complete with sleeping quarters for the crew and provided many families and local communities with fish. Cooking was done by the elders from the marae and provided an efficient operation for the tribe's trade and tribal economy. The large reef system opposite Te Ikaroa also provided large quantities of mātaitai (seafood). These reefs are regularly accessed by uri (descendants) of Taranaki Iwi today.</p>	D64	Te Whanganui Kāinga	(1)	Map Link Map 18
	D66	Te Putatuapō Kāinga		Map Link Map 19
	D68	Ihutangi Kāinga		Map Link Map 19
	D70	Ōkawa Kāinga		Map Link Map 19
	D73	Ikaroa Kāinga		Map Link Map 19
	D74	Mataurukuhia Kāinga		Map Link Map 20
	D143	Mataurukuhia Kāinga		Map Link Map 20
	D78	Tipoka Kāinga		Map Link Map 20
	D80	Wairua (Wairuangangana) Kāinga		Map Link Map 20
	D85	Tokaroa Kāinga		Map Link Map 20, 21
	D86	Waitaha Kāinga		Map Link Map 21
	D105	Oraukawa Kāinga		Map Link Map 22
	D54	Mokotunu Pūkāwa	(3)	Map Link Map 17
	D55	Taihua Pūkāwa		Map Link Map 17

		D58	Tuiraho Pūkāwa		Map Link Map 18
		D65	Te Putatuapō Pūkāwa		Map Link Map 19
		D67	Ihutangi Pūkāwa		Map Link Map 19
		D71	Okawa Pūkāwa		Map Link Map 19
		D72	Ikaroa Pūkāwa		Map Link Map 19
		D75	Mataurukuhia Pūkāwa		Map Link Map 20
		D81	Wairua (Wairuanguana) Pūkāwa		Map Link Map 20
		D82	Rakaraku Pūkāwa		Map Link Map 20
		D138	Tipoka Pūkāwa		Map Link Map 20
		D84	Tokaroa Pūkāwa		Map Link Map 20, 21
		D87	Waitaha Pūkāwa		Map Link Map 21
		D88	Kaimaora Pūkāwa		Map Link Map 21
		D89	Otamaariki Pūkāwa		Map Link Map 21
		D90	Opoe Pūkāwa		Map Link Map 21

		D91	Urupiki Pūkāwa		Map Link Map 21
		D92	Tokapiko Pūkāwa		Map Link Map 21
		D93	Owhae Pūkāwa		Map Link Map 21
		D94	Papanui Pūkāwa		Map Link Map 21
		D95	Kapukapu Pūkāwa		Map Link Map 21
		D96	Okahu Pūkāwa		Map Link Map 21
		D98	Matawhero Pūkāwa		Map Link Map 21
		D99	Orapa Pūkāwa		Map Link Map 21
		D100	Taupata Pūkāwa		Map Link Map 21, 22
		D101	Patarakini Pūkāwa		Map Link Map 22
		D102	Opokere Pūkāwa		Map Link Map 22
		D104	Oraukawa Pūkāwa		Map Link Map 22
		D106	Te Kuta Pūkāwa		Map Link Map 22
		D107	Awawaroa Pūkāwa		Map Link Map 22

		D108	Tangihāpu Pūkāwa		Map Link Map 22
		D109	Te Karangi Pūkāwa		Map Link Map 22
		D51	Hangatāhua River	(3)	Map Link Map 17
		D60	Teikaparua River		Map Link Map 18
		D50	Ngātokamaomao Tauranga Waka	(4)	Map Link Map 17
		D53	Mokotunu Tauranga Waka		Map Link Map 17
		D57	Tuiraho Tauranga Waka		Map Link Map 18
		D61	Tarakihi Tauranga Waka		Map Link Map 18
		D63	Te Opuopu Tauranga Waka		Map Link Map 18
		D69	Te Mapua/Te Awaatuteangi Tauranga Waka		Map Link Map 19
		D76	Te Awa Akuaku Tauranga Waka		Map Link Map 20
		D79	Tipoka Tauranga Waka		Map Link Map 20
		D83	Tokaroa Tauranga Waka		Map Link Map 20
		D103	Oraukawa Tauranga Waka		Map Link Map 22

		D62	Te Opuopu Tauranga Ika	(5)	Map Link Map 18
		D77	Ko Manu Mouri Kohatu	(1)	Map Link Map 20
		D135	Cape Egmont Site B	(1)	Map Link Map 19
		D136	Cape Egmont Site B		Map Link Map 19
		D137	Cape Egmont Site B		Map Link Map 19, 20
Area		Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Kapoiaia River to Moutoti River		D115	Te Tuahu Urupā	(1) (2)	Map Link Map 23
		D124	Pukekohatu Pā/Kāinga	(1)	Map Link Map 24
		D128	Mātaikahawai Pā/Kāinga		Map Link Map 25
		D110	Moutoti Pūkāwa	(3)	Map Link Map 22
		D112	Ōtūparaharore Pūkāwa		Map Link Map 22
		D113	Ngāmotu Pūkāwa		Map Link Map 22
		D116	Waiwiri Pūkāwa		Map Link Map 23
		D118	Arawhata Pūkāwa		Map Link Map 23

		D120	Otahi Pūkāwa		Map Link Map 24
		D122	Taumatukahawai Pūkāwa		Map Link Map 24
		D123	Pūkāwa		Map Link Map 24
		D125	Mangahume Pūkāwa		Map Link Map 24
		D126	Pukekohatu Pūkāwa		Map Link Map 24
		D127	Waiteika Pūkāwa		Map Link Map 25
		D114	Oaonui Stream	(3)	Map Link Map 22
		D119	Otahi Stream		Map Link Map 24
		D111	Waitakiato Tauranga Waka	(4)	Map Link Map 22
		D117	Arawhata Tauranga Waka		Map Link Map 23
		D121	Otahi Tauranga Waka		Map Link Map 24

Ngāruahine

The domain of Tangaroa extends from the source of these awa, “te piki ake o Maunga Taranaki” to the sea. As a result the relationship the various hapū have with these rivers relates to the entire catchment. The tangible linkages provide them with a system of pathways throughout their takiwa enabling hapū access inland. River travel was important to all hapū for both economic and social reasons.

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Taungatara Stream	This stream marks the northern boundary for Ngāruahine and the hapū Ngāti Tamaahuroa–Tītahi. The hapū are descendants of the people who landed at Oeo on the waka captained by Whiro in the fourteenth century and also of the waka Aotea captained by Turi as well as a common ancestry with Taranaki Iwi. This stream also had an abundance of fish species resources including tunaheke, piharau, kahawai, inanga, pakotea, and kōkopu.	E1	Taungatara Stream	Mahinga kai	Map Link Map 25
Otumatua		E2	Otumatua Pā	Historic site	Map Link Map 26
		E3	Otumatua Tauranga waka	Structure	Map Link Map 26
Puketapu	Located at the end of Puketapu Road this area continues to be used by the local people to gather kaimoana, kōura etc and in past times was where fishing waka were launched. The tauranga waka is still evident today.	E4	Puketapu Tauranga waka	Structure	Map Link Map 26
Ōhunuku	Located on the west coast adjacent to Otakeho settlement in the South Taranaki District. This site features horticulture sites, a stream, a pathway, and an anchorage on the Ōhunuku foreshore and koiwi tangata in the cliffs. The local people of Tawhitinui Marae, Ngāti Haua and Ngāti Manuhiakai hapū of Ngāruahine Iwi continue to use the area as a whare waka and tauranga waka today.	E5	Ōhunuku Tauranga waka	Structure	Map Link Map 27
Ahikuku		E6	Ahikuku Tauranga waka	Structure	Map Link Map 28
Kaūpokonui Stream	This stream was named by Turi, the captain of the Aotea waka, who also named the flat land adjacent Maraekura where a special ceremony representing the mana of Turi was performed. Hence, this awa has great cultural and spiritual importance for Ngāti Tu hapū. Like other awa	E7	Kaūpokonui Stream	Mahinga kai	Map Link Map 28
		E8	Otamare Pā	Historic site	Map Link Map 28

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
	within the rohe of Ngāruahine this stream was abundant with tunaheke, piharau, kahawai, īnanga, pakotea and kōkopu.	E9	Otamare Tauranga waka	Structure	Map Link Map 28
Motumate		E10	Motumate Tauranga waka	Structure	Map Link Map 28
Waiohata		E11	Waiohata Tauranga waka	Structure	Map Link Map 29
Kapuni Stream	The stream marks the boundary between the takiwa of Ngāti Manuhiakai and Ngāti Tu hapū. The hapū have cultural, spiritual, traditional and historic associations with the river and associated land, flora and fauna. The river was abundant with tunaheke, piharau, kahawai, īnanga pakotea and kōkopu.	E12	Kapuni Stream	Mahinga kai	Map Link Map 29
		E13	Ōrangituaepka Pā/Waimate Pā	Historic site	Map Link Map 29
		E14	Ōrangituaepka/ Waimate Tauranga waka	Structure	Map Link Map 29
Inaha		E15	Inaha Pā	Structure	Map Link Map 29
		E16	Inaha Tauranga waka	Structure	Map Link Map 29
Waingongoro River	The river was named by Turi the commander of the Aotea Utanganui waka as he travelled south with his wife Rongorongo and his people. The Kanihi-Umutahi and Okahu-Inuawai hapū who have historically resided on the western and eastern banks of the Waingongoro River are descendants from the tangata whenua tribes that landed at Te Rangatapu on the Te Ranguamutu waka captained by Tamatea-Rokai and also from the Aotea Utanganui waka. This river also had an abundance of fish species resources including tunaheke, piharau, īnanga, pakotea and kōkopu.	E17	Waingongoro river	Mahinga kai	Map Link Map 30
		E18	Te Rangatapu Pā	Historic site	Map Link Map 30
		E19	Te Rangatapu Tauranga waka	Structure	Map Link Map 30
		E20	Te Kawau Pā	Historic site	Map Link Map 30
		E21	Te Kawau Tauranga waka	Structure	Map Link Map 30

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 kōura, pāua, kina, pupu, papaka, pipi, tuatua, and many other 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 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 denote 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 Tāngāhoe 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 Ngāti 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 renowned to this day for eating the eyes of his victims.

These reefs are widely recognised to contain a broad range of values that contribute to the natural character, indigenous biodiversity, amenity and recreational values across the wider coastal marine area.⁽⁶¹⁾

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Waingongoro River to Tāngāhoe River	<u>Te Rangatapu Pā is located at the southern bank at the mouth of the Waingongoro River. It is known as the ancient kainga of the moa hunters. The pā is the site of the Huri-pari battle at the mouth of the Waingongoro River. The pā was located near the Rangatapu reef and fishing grounds and close to the Rangatapu marae on the banks of the river.</u>	<u>F4</u>	<u>Te Rangatapu Pā</u>	<u>Historic site</u>	<u>NA</u>
	<u>Te Rangatapu had a history of over six centuries and tangata whenua settled here before the arrival of Turi of the Aotea canoe. These earlier people knew the rivers as Wai-aro-riri, 'the angry waters', and the mountain as Puke-haupapa, 'ice hill' before the men of the Heke renamed them as Waingongoro and Taranaki.</u>		<u>Rangatapu Reef</u>	<u>Mahinga kai</u>	<u>NA</u>
			<u>Unnamed reef 1</u>		<u>NA</u>
			<u>Ohawe Reef</u>		<u>NA</u>
			<u>Tokotoko Reef</u>		<u>NA</u>
			<u>Pukeoha Reef</u>		<u>NA</u>

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Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
	<p><u>Pukeoha Pā, also known as Pukeawha Pā, sits atop a prominent stack overlooking the left bank of the mouth of the Waihi Stream. The site is covered with harakeke and heavily eroded due to the exposed seaward faces and action of ocean waves.</u></p> <p><u>Pukeoha was highly valued as an important access way to the moana, where waka could be launched to access the plentiful resources along the reef and further out to the moana.</u></p> <p><u>Pukeoha was occupied by Ngati Ruanui tupuna at the time of the arrival of the first European missionaries in South Taranaki and was recorded as an important meeting place by Reverend William Hough, a Wesleyan lay preacher appointed to Pātea in 1846.</u></p> <p><u>Situated above the right bank of the Waihi Stream, an unnamed Pā which has all but eroded. A small remnant of the defensive earth works remain and is typical of prehistoric coastal pā.</u></p> <p><u>Pukeoha Fishing Station was located to the mouth of the Waihi Stream and belonged to Puketarata, Ngati Tanewai and Ahitahi Hapū. Access to the traditional fishing stations was denied during the confiscations.</u></p>		<u>Unnamed reef 2</u>		<u>NA</u>
			<u>Unnamed reef 3</u>		<u>NA</u>
			<u>Unnamed Kainga</u>	<u>Historic site</u>	<u>NA</u>
		<u>F5</u>	<u>Unnamed Pā</u>		<u>NA</u>
		<u>F6</u>	<u>Pukeoha Pā</u>		<u>NA</u>
			<u>Waihi Reef</u>	<u>Mahinga kai</u>	<u>NA</u>
			<u>Unnamed reef 4</u>		<u>NA</u>
	<p><u>This is the location of one of Ngati Ruanui's destroyed Kainga. In 1961, an adze and midden were unearthed on the sea cliff south of Nowell Road Hawera. The area includes Lake Whitianga.</u></p>	<u>F7</u>	<u>Unnamed Pā</u>	<u>Historic site</u>	<u>NA</u>
			<u>Unnamed Kainga</u>		<u>NA</u>
	<p><u>The Waokena Pā was situated on the sea cliffs. A man made cutting into the cliff face on the eastern bank of the stream provided access to the beach and is still partially visible. The tablelands above the sea cliffs contain a number of surface depressions, most likely in-filled storage pits and evidence of tupuna settlement. In some cases, these pits are isolated single features, which may indicate peripheral settlements associated with Waokena, or a more extensive settlement that has been covered by agricultural activities. A particularly obvious cluster of in-filled pits is located on the ridge line above the tableland, suggesting the location of a kainga or Pā site.</u></p> <p><u>Waokena was notably the home of the Māori Christian preachers Te Manihera and Kereopa, known as the first Ngati Ruanui Christian martyrs after their deaths at the hands of Ngati Tuwharetoa in 1847. The Reverend Richard Taylor also baptised (1847) and married the important Ngati Ruanui leader Te Rei Te Hanataua at Waokena (1849).</u></p> <p><u>The site of Waokena was set aside as a Māori Fishing Reserve in 1883.</u></p>		<u>Waokena Reef</u>	<u>Mahinga kai</u>	<u>NA</u>
			<u>Unnamed reef 5</u>		<u>NA</u>
		<u>F8</u>	<u>Waokena Pā</u>	<u>Historic site</u>	<u>NA</u>
			<u>Waokena Kainga</u>		<u>NA</u>
			<u>Koutu Reef</u>	<u>Mahinga kai</u>	<u>NA</u>
			<u>Unnamed reef 6</u>		<u>NA</u>

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
	<u>On the cliff edge of the left bank of the mouth of the Tangahoe River is the location of one of Ngati Ruanuis destroyed Pā. The site includes exposed middens of stone and various pits.</u>		<u>Unnamed Kainga</u>	<u>Historic site</u>	<u>NA</u> ⁽⁶¹⁾
Tāngāhoe River to the Manawapou River	<p>The Tāngāhoe 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, pīngao, pukeko, tiwaiwaka, kahu, kakapo, kiwi, korimako, miromiro and the pipiwharuroa flourished in the berry filled trees, like the koromiko, kohia, hinau, pipiriri, mamaku, and Rewarewa at the side of the eel, and kōura filled creeks. Fish such as the piharau, kōkopu, 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 Tāngāhoe 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	Tāngāhoe River	Mahinga kai	Map Link Map 32
			<u>Tangahoe and Hingahape Reefs</u>	<u>Mahinga kai</u>	<u>NA</u>
		<u>F9</u>	<u>Unnamed Pā</u>	<u>Historic site</u>	<u>NA</u>
		<u>F10</u>	<u>Unnamed Pā</u>		<u>NA</u>
			<u>Unnamed Kainga</u>		<u>NA</u>
Manawapou River to Kaikura Stream			<u>Manawapou Pā</u>		<u>NA</u>
			<u>Manawapou Reef</u>	<u>Mahinga kai</u>	<u>NA</u>
			<u>Manawapou Reef</u>		<u>NA</u>
			<u>Taumaha Reef</u>		<u>NA</u>
			<u>Manutahi Reef</u>		<u>NA</u>
			<u>Pipiri Reef</u>		<u>NA</u>
			<u>Kaikura Reef</u>		<u>NA</u>
			<u>Whitikau Reef</u>		<u>NA</u>

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Kaikura Stream to Pātea River	The people of the Aotea caone, after their arrival in Aotaroa in about 1350 A.D., made their first home at Pātea. It was at Pātea that trouble broke out which divided the people into the main tribes of Ngati Ruanui and Ngaa Rauru. The story says that, Turi, the leader of the Aotea migration, had a number of children, among whom were Turanga-i-mea (son) and Tane-ro-roa (daughter). Tane-ro-roa married Uenga Puanake, a man of high rank if the Takitimu people. At the instigation of Tane-ro-roa, Uenga Puanake killed some dogs belonging to Turanga-i-mua which they cooked and ate. The story says that at that time Tane-ro-roa was expecting a child and craved the flesh of dogs. Turanga-i-mua soon found out about this and the thieves were exposed. Tane-ro-roa and her husband could no longer remain in their home so they crossed the river and settled to the north a place called Whitikau. In later years, Whitikau became famous as the birth place of Tane-ro-roa's child Ruanui. Tuanui founded the tribe that even today carries his name. At Whitikau there was a famous place of learning called Kaikapo and it was in Kaikapo that a quarrel broke out which further divided of the people. Some of Tane-ro-roa's tribe left Taranaki after this quarrel and went, it is believed, to Wairarapa. South of the Pātea River, the people of Turanga-i-mua spread over the countryside, building kainga and pā sites, mainly in the coastal strip but also inland in some places.	F16	Whitikau	Historic site	NA
			Kaitangata Reef	Mahinga kai	NA
			Kenepuru Reef		NA
			Te Pou a Tuuri Reef		NA
			Unnamed reef 7		NA
			Te Pou a Turi Pā	Historic site	NA
			Te Pou a Turi Kainga		NA ⁽⁶¹⁾

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Pātea River to Whenuakura River	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 Taikahu, 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: <ul style="list-style-type: none"> • Whaka: to do • Pou: pillar of strength • Karakia: invocation. 	F2	Pātea River	Mahinga kai	Map Link Map 35
	Rangitawhi Pā was located in the left side of the Patea river. The Pā was built by Turi and his followers when they arrived in Patea in the 1300's. No trace if it can now be seen as it has completely eroded away with sand drifts.		Rangitawhi Reef		NA
	Associated with Rangitawhi Pā is the Kurawhao Kainga. The Parakiteuru Stream runs out of the kainga and eventually joins the swampland below.	F11	Rangitawhi Pā	Historic site	NA
	The Kurawhao Kainga also included cultivation sites known as Hekehekepapa which were located where the current Harbour Masters house.		Kurawhao Kainga		NA
	Wai-o-turi was built on the south side of the Pātea River, near the site of Turi's original settlement. During the land wars of the 1960's, the pā was part of the mass land confiscations by the Government. Upon his return from imprisonment in Dunedin with other Māori Prisoners in 1872, Ngawaka Taurua fought to have this sacred place returned to his people. In 1876 Wai-o-turi was allocated back to Taurua and his people, but was not legally dated on the Crown Map until 1882.	F15	Wai-o-turi Pā		NA
	Hare Hau Pā was a fortified clifftop pā on the south side of the Pātea River. EJ Wakefield also stayed here when he travelled through in 1840.	F13	Haere Hau Pā		NA

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
			Whenuakura Reef	Mahinga kai	NA
	Potakataka is the site of an ancient lake know as Lake Potakataka. A story associated with this land links the Ngati Ruanui whakapapa to Ture and Kupe. The story tells that Ruaputahanga, a maiden of renowned beauty and daughter of Keru (descendant of Turi) was in the habit of bathing at the lake. Turongo, son of Tawhao chief of Kawhia, came to Patea to woo the maiden but was unsuccessful. One day when Ruaputahanga came to bathe at the lake, Turongo hid himself in the scrub at the water's edge and watched her unrobe and then slipped out and picked up her clothes. Ruaputahanga hid herself in the water and asked him what he wanted, his reply was that she should be his wife. Seeing no way out of the compromising situation she agreed and, at a later time, followed Turongo to Kawhia. However, Ruaputahanga did not marry Turongo but instead wed Whatihau, Turongo's half-brother. They had two sons, but Whatihua's first wife did not agree and Ruaputahanga eventually left Kawhia despite Whatihua beseeching her to stay.	F14	Potakataka	Historic site	NA
	Tihoi was a fortified Pā on the cliff overlooking the Whenuakura River mouth from the Patea side. It is though that the Pā was built by Keru, a descendant of Turi.	F12	Tihoi Pā		NA
	It is probable that Te Rauparaha modified the pā for musket warfare around 1823. In 1840, EJ Wakefield described the Pā as having a double row of palisades with the space between filled with earth, leaving small holes level with the ground through which muskets could be fired from a trench behind.		Unnamed Kainga		NA
	Adjacent to Tihoi was Te Oho or Te O, the fishing kainga site is adjacent to Tihoi Pā and associated with Paranui Pā.		Te oho Kainga		NA ⁽⁶¹⁾
Whenuakura River	The name of this river originated during the time that Turi Arikinui, Kaihautu 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. Like the Tāngāhoe River, this river provided the people of the Aotea waka and later the people of Ngāti Hine and Ngāti Tupito with all the resources of life they required to survive.	F3	Whenuakura River	Mahinga kai	Map Link Map 36
			Unnamed Kainga	Historic site	NA ⁽⁶¹⁾

Ngaa Rauru Kiitahi

Ngaa Rauru Kiitahi used the entire coastal area from Te Awanui o Taikehu (Patea River) to Te Kaihau-a-Kupe (Whanganui River mouth) and inland for food gathering, and as a means of transport.

The coastal area was a rich source of all kai moana and bird life. Ngaa Rauru Kiitahi exercised the values of Ngaa Rauru Kiitahitanga in both harvesting and conserving kai moana, birds and other living things. This relationship and use continues today. In particular, there are holders of ahi kaa within the coastal rohe. Ahi kaa are the burning fires of occupation. There are areas of continuous occupation, generally over a long period of time, and the group is able to, through the use of whakapapa, trace back to primary ancestors who lived on the land. They held influence over the land through their military strength and successfully defended against challenges, thereby keeping their fires burning.

Within this coastal area between Rangitaawhi and Wai-o-Turi Marae is “Te Kiri o Rauru”, the skin of Rauru. Te Kiri o Rauru is an important life force that has contributed to the physical and spiritual well-being of Ngaa Rauru Kiitahi.

Between Te Awanui-a-Taikehu (Patea River) and Te Kaihau-a-Kupe (Whanganui River), there are numerous tauranga waka (mooring), kawaa (reef) and tauranga ika (fishing ground) between the two rivers with each mooring having its own unique reef and fishing grounds. Ngaa Rauru Kiitahi do not separate tauranga waka from all its taonga on land and out at sea.

~~Ngaa Rauru Kiitahi used the entire coastal area from Te Awanui o Taikehu (Patea River) to the mouth of the Whanganui River and inland for food gathering, and as a means of transport. The coastal area was a rich source of all kai moana. Ngaa Rauru Kiitahi exercised the values of Ngā Raurutanga in both harvesting and conserving kai moana.~~

Oral accounts have identified the following kaimoana as being available in the coastal area: shark, stingray, snapper, pupu (cats eye), kakahi (freshwater mussels), kotoretore (sea anemone), rori (sea cucumber), rori – includes ngutungutukaka (shield shell), kuku (seawater mussel, green lipped mussel), waikoura (freshwater crayfish), hāpuka, pātiki (flounder), sole, kanae (yellow eyed mullet), para (frost fish), whake (octopus), kingfish, Tuangi (NZ cockle), scallops, pipi and crab.

Under the Ngaa Rauru Kiitahi Claims Settlement Act 2005, the whole coastal marine area is recognised as a Statutory Acknowledgement Area. This reflects the nature of the relationship between Ngaa Rauru Kiitahi and the entire coastline and related areas. These special places were not separate from each other. While some specific sites are described in the following table due to their significance, the surrounding areas feed into and are connected to these sites.

The principle documented in the Ngaa Rauru Kiitahi Deed of Settlement (2003) reinforces this view: “mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau, ki a ita” – from the sky to the land, from inland to the coast, everything is sacred, hold fast to this.

The following values held by Ngaa Rauru whaanau, hapuu, marae and drawn from the Ngaa Rauru Kiitahi Deed of Settlement apply to the whole coastal marine area (and beyond) including the scheduled sites of significance. They reinforce the Plan’s own guiding principles but are unique to Ngaa Rauru Kiitahi:

- a) **Te Reo** - Waiata and koorero relating to the coastal marine area are preserved in the native language of Ngaa Rauru Kiitahi.
- b) **Wairuatanga** - The relationship between Ngaa Rauru Kiitahi and the coastal marine area is expressed in waiata, koorero, and karakia. Karakia, in particular, have always been used when harvesting kai. Wairua impacts upon the way in which individuals conduct themselves around kai, the harvesting of kai and the tikanga around the eating of kai.
- c) **Maatauranga** - Maatauranga was passed on from one generation to another through karakia (prayer), waananga (symposiums), and mihimihi (tributes). The knowledge that has been passed on includes the history of the coastal marine area and conservation methods exercised by Ngaa Rauru Kiitahi as kaitiaki of areas.

- d) **Kaitiakitanga** - Kaitiakitanga has been continuously practised through sustainable land and resource management methods. It was the responsibility of the hapuu to harvest only enough kai to sustain their own, and other Ngaa Rauru Kiitahi hapuu, and ensure the ongoing health and sustainability of Sites of Significance.
- e) **Waiora** - Waiora manifests itself in individuals through the practice of te reo, wairuatanga, maatauranga, and kaitiakitanga, and in the fulfilment of an individual's responsibilities in relation to the coastal marine area and all of Ngaa Rauru Kiitahi.

- f) **Whakapapa** - The relationship with the coastal marine area has been fostered through whaanau/hapuu use, occupation and conservation knowledge that has been passed on throughout the generations.

Ensuring that the interconnected values of a site or place with the wider environment is an essential consideration when assessing the cultural effects of activities within the Ngaa Rauru Kiitahi rohe. However, the following specific sites and places identify sites with special cultural, spiritual, historical and traditional associations located within the coastal marine area, including values specific to the site or place.

~~Tauranga waka (mooring) have kawaa (reef) and tauranga ika (fishing grounds) associated with it. Ngaa Rauru do not separate tauranga waka from all its taonga on land and out at sea.~~ ⁽⁶⁰⁾

Note: In addition to the values shown in the following table, the values of wairuatanga, kaitiakitanga, mauri, whakapapa and whanaungatanga also apply to all sites. All values are addressed through the policies within this Plan and will be further considered through consenting processes. ⁽⁶⁰⁾

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Te Awanui-a-Taiehu (Pātea River)	<p>Ngaa Rauru Kiihahi knows the Pātea River as Te Awanui o Taikehu. The hapuu that have settled along Te Awanui o Taikehu include Rangitaawhi, Pukorokoro, Ngaati Hine, Kairakau, Ngaati Maika 1 and Manaia.</p> <p>Wai-o-Turi Marae is situated above the south bank towards the mouth of Te Awanui o Taikehu is the landing site of Turi (commander of the Aotea Waka) who came ashore to drink from the puna wai, hence the name of the marae, Wai-o-Turi.</p> <p>The entire length of Te Awanui o Taikehu was used for food gathering. Sources of food included kaakahi, kuku, tuna, kanae, piarau, whitebait, smelt, flounder, place, sole, kahawai, taamure, shark, and stingray. <u>It remains actively used today.</u> ⁽⁶⁰⁾</p>	G1	Pātea River	Mahinga kai	Map Link Map 35
Te Aarei o Rauru (Whenuakura River)	<p>The Whenuakura River is the life force that sustained all Ngaa Rauru Kiihahi whaanau and hapuu that resided along and within its area, and is known by Ngaa Rauru Kiihahi as Te Aarei o Rauru. The area along the Whenuakura River is known to Ngaa Rauru Kiihahi as Paamatangi. One of the oldest known Ngaa Rauru Kiihahi boundaries was recited as "Mai Paamatangi ki Piraunui, mai Piraunui ki Ngawaierua, mai Ngawaierua ki Paamatangi". Ngaati Hine Waiata is the main Ngaa Rauru Kiihahi hapu of Paamatangi.</p> <p>Ngaa Rauru Kiihahi hapuu used the entire length of Te Aarei o Rauru and Waipipi for food gathering. Sources of food included tuna, whitebait, smelt, flounder, and sole.</p> <p>Te Aarei o Rauru remains significant to Ngaa Rauru Kiihahi not only as a source of kai that sustains its physical well-being, but also as a life force throughout the history of Paamatangi and for the people of Ngaati Hine Waiata over the generations.</p>	G2	Whenuakura River	Mahinga kai	Map Link Map 36
Waipipi and Okahu Oika and Te Poho-o-Maru	<p>Waipipi and Okahu are tauranga waka and "Marae-ki-tai" (ocean restaurant) where hapuu gathered food from October through to March. The Waipipi and Okahu territory stretches seaward to the many kawaa like Rangitaawhi and tauranga ika like Oika and Te Poho-o-Maru (Northern and Southern Traps). Sources of food included kaakahi, pipi, kuku, tuna, kanae, piarau whitebait, smelt, sole, kina, paua kahawai, taamure, shark, and stingray. <u>These areas remain important places to Ngaa Rauru Kiihahi.</u> ⁽⁶⁰⁾</p>	G3	Tauranga ika (fishing ground) including Oika and Te Poho-o-Maru (North and South Traps)	Mahinga kai	Map Link Map 41

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Waitootara River	<p>The Waitootara River is the life force that sustains Ngaa Rauru. Many Ngaa Rauru <u>Kiitahi</u> hapuu are located either along or near the Waitootara River. These include Ngaa Ariki (Waipapa Marae), Ngaati Pourua (Takirau Marae), Ngaati Hine Waiatarua (Parehungahunga Marae), and Ngaati Hou Tipua (Whare Tapapa, Kaipo Marae). Ngaati Hou Tipua is known by Ngaa Rauru Kiitahi as Te Puu-o-te-Wheke (head of the octopus), or the Ngaa Rauru Kiitahi headquarters.</p> <p>Ngaa Rauru Kiitahi used the entire length of the Waitotara River for food gathering. Sources of food included kaakahi (fresh water mussels), tuna, whitebait, <u>piharau</u>, smelt, kahawai, flounder, and sole. Historically, Ngaa Rauru Kiitahi also utilised the Waitootara River as a means of transport.</p> <p>The Waitootara River remains significant to Ngaa Rauru Kiitahi as a symbol of a past mahinga kai source from which the physical well-being of Ngaa Rauru Kiitahi iswas sustained, and the spiritual well-being nourished.</p>	G4	Waitootara River	Mahinga kai	Map Link Map 39
<u>Tapuarau Conservation Area</u>	<p><u>An ancient fishing village Tapuarau is located on the northern bank of the Waitootara River about a half a kilometre from the river mouth. This fishing village was usually only occupied during the fishing seasons from Mahuru through to Haratua.</u></p> <p><u>Immediately below are low-lying river banks where the fishing canoes could be easily drawn up towards the drying racks. Hāpuka (groper) and Tāmure (snapper) were caught from the local fishing grounds. Tuna-heke (migratory eel) was caught from the Lagoon further inland which was also named Tapuarau and set upon these racks for drying. During the wet season the rains would flush out the Tapuarau Lagoon and the Tuna-heke would run out of the lagoon, across land, through Hauriri and eventually out at Tapuarau at the water's edge. Paatiki (flounder) and Puupuu (sea snail) were abundant.</u></p> <p><u>The Waitootara river mouth was plentiful with kai and resources that would sustain the hapuu. Tapuarau was a commonly shared fishing village for the people of the Waitootara awa especially for the Ngaati Hinewaiatarua, Ngaati Hooou and Ngaa Wairiki hapuu. Each hapuu would work this or one of the other fishing villages in the area and share the spoils with each other before returning to their home kaaingā for winter and returning again the following season.</u></p> <p><u>The area was also significant to the Ngaa Rauru iwi in that one of the original tribes of the area, Te Kaahui Rere would use Tapuarau as a resting place during their journey around the rohe. This area is still actively used by Ngaa Rauru Kiitahi.</u></p>	<u>G6</u>	<u>Fishing village, fishing grounds</u>	<u>Mahinga kai</u> <u>Historic site</u> ⁽⁶⁰⁾	

Waikaramihi	<p>Waikaramihi is the name given to the marae tawhito that is situated within the Nukumarū Recreation Reserve, on the coast between Waiinu and Tuaropaki. Ngāa Rauru Kītahi traditionally camped at Waikaramihi from October to March each year. The main food gathering area was between the Waitootara river mouth and Tuaropaki.</p> <p>The sources of food include kaakahi (fresh water mussels), sea mussels, kina, pāua, papaka (crabs), karingo (seaweed), and very small octopus stranded in the small rock pools from the receding tides. While Ngāati Maika and Ngāati Ruaiti were the main hapuu that used Waikaramihi, all Ngāa Rauru Kītahi hapuu traditionally gathered kai moana in accordance with the values of Ngāa Rauru.</p> <p>The Karewaonui canoe (over 100 years old) was until 1987 housed at Waikaramihi and was used by Ngāa Rauru Kītahi (mainly Ngāati Maika and Ngāati Ruaiti) to catch stingray, shark, snapper, and hapuka about ten miles off the coast. Karakia were used when Karewaonui was “put to sea”, and an offering of the first fish caught on Karewaonui was always given to the deity of the sea, “Maru”, on its return to shore.</p> <p>The area is still significant to Ngāa Rauru Kītahi as a mahinga kai source from which the physical well-being of Ngāa Rauru Kītahi is sustained, and the spiritual well-being nourished.</p>	G5	Tauranga ika (fishing ground)	Mahinga kai	Map Link Map 40
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Schedule 6 - Coastal sites with significant amenity values

This schedule identifies those coastal sites that have significant amenity values. Amenity values refer to those natural or physical qualities and characteristics of an area that contribute to a people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. Amenity values may apply throughout the coastal marine area. However, the following sites have been identified as having 'regionally' significant amenity values.

Table 1 contains sites with significant amenity values **not identified within other schedules of this Plan**.

For completeness **Table 2** refers to sites with significant amenity values which **have been identified within other schedules of this Plan**.

Table 1: Sites with significant amenity values (not identified in other schedules)

Site	Amenity values	Site	Amenity values
Beaches		Reefs (excluding those in Schedule 2)	
Waiiti Beach	Bird watching, surf casting, walking, scenic/aesthetic	Mōhakatino	Fishing, mahinga kai
Waitara Beach	Walking, swimming, surf casting, whitebaiting,	Tongaporutu	Fishing, mahinga kai
Bell Block Beach	Walking, swimming	Pariokariwa Reef	Diving
Fitzroy Beach	Walking, scenic/aesthetic, swimming, surf life saving	Opourapa Island	Diving
East End Beach	Walking, swimming, surf life saving	Waiiti	Mahinga kai
Ngāmotu Beach	Walking, swimming, windsurfing, paddle boarding, snorkelling, triathlons, volleyball, sailing	Paparoa	Mahinga kai
Paritūtū/Back Beach	Walking, scenic/aesthetic, swimming, horse riding	Onaero	Mahinga kai
Tapuae Beach	Walking, scenic/aesthetic	Waipai	Mahinga kai
Oākura Beach	Walking, swimming, surf life saving	Turangi	Fishing, mahinga kai
Ahuahu Road Beach	Swimming, surf casting, horse riding	Epiha	Fishing, mahinga kai
Weld Road Beach	Swimming, surf casting, horse riding	Waitara	Titirangi
Timaru Road Beach	Walking, surf casting		Te Puna, Taioma/ Airdale
Pitone Road Beach	Walking, surf casting, kyaking		Orapa
Kaihihi Road Beach	Walking, surf casting		Tauranga

Site	Amenity values	Site		Amenity values
Komene Road Beach	Bird watching, surf casting, walking, scenic/aesthetic		Tokataratara	Fishing, mahinga kai
Rahutu	Bird watching, surf casting, swimming		Otira	Fishing, mahinga kai
Middleton Bay	Walking, surf casting, swimming,	Waiongana		Fishing, mahinga kai, bird watching
Opunake Beach	Walking, swimming, surf life saving,	Puketapu		Fishing, mahinga kai
Kaupokanui Beach	Walking, swimming, surf casting	Mangatī		Fishing, mahinga kai
Ohawe Beach	Walking, surf casting	New Plymouth	Waiwakaiho	Fishing, mahinga kai
Waverley Beach	Walking, surf casting, scenic/aesthetic		Kawau	Fishing, mahinga kai
Waiinu Beach	Walking, surf casting, scenic/aesthetic, swimming		Kaweroa	Snorkelling, mahinga kai, rock pooling
			Ngā Motu/ Sugar Loaf Islands	Mahinga kai, diving
Estuaries and Rivers (excluding those in Schedule 2)			Ngāmotu Port	Snorkelling
Urenui	Whitebaiting, scenic/aesthetic, bird watching, swimming	Ahuahu (Bulters)		Fishing, mahinga Kai
Onaero	Whitebaiting, scenic/aesthetic, swimming	Timaru/Weld Rd		Fishing, mahinga kai
Waitara	Whitebaiting, swimming, surf casting	Fort St George		Fishing, mahinga kai
Waiongana	Whitebaiting, bird watching	Komene Road		Fishing, mahinga kai, diving
Waiwhakaiho	Whitebaiting, bird watching, surf casting	Puniho Road		Fishing, mahinga kai, diving
Oākura	Whitebaiting, swimming, surf casting	Graveyards/Rocky Point		Fishing, mahinga kai, diving
Timaru	Whitebaiting, swimming	Cape Road		Fishing, mahinga kai
Tangahoe	Whitebaiting	Cape Egmont Road		Fishing, mahinga kai
Manawapou	Waitbaiting	Bayly Road		Fishing, mahinga kai
Pātea	Whitebaiting, surf casting	Mānihi Road		Fishing, mahinga kai
		Kina Road		Fishing, mahinga kai
		Oaonui		Fishing, mahinga kai
		Witiora		Fishing, mahinga kai
		Arawhata		Fishing, mahinga kai
		Opunake	Middleton Bay	Fishing, mahinga kai, diving
			Opunake Beach	Fishing, mahinga kai, diving
			Mangahume	Fishing, mahinga kai, diving

Site	Amenity values	Site	Amenity values
		Puketapu	Fishing, mahinga kai
		Tawhitinui	Fishing, mahinga kai
		Four Mile	Fishing, mahinga kai, diving
		Waihi	Fishing, mahinga kai
		Pukeroa	Fishing, mahinga kai, diving
		Patea	Fishing, mahinga kai, diving
		Waiinu Reef	Fishing, mahinga kai

Table 2: Sites identified in other schedules.

Site	Amenity values
Areas of outstanding coastal value Schedule 2	As identified in Schedule 2
Surf breaks identified in Schedule 7	Wave riding recreation including: <ul style="list-style-type: none"> • Surfing - including short boarding, long boarding, knee boarding, body boarding, stand up paddle boarding, foiling and kite surfing • Wind surfing • Swimming - body surfing • Surf life saving • Scenic/aesthetic values
Sites of significant historic or cultural heritage Schedule 5	Scenic, experiential

Schedule 7 – Significant surf breaks and Significant Surfing Area

This schedule identifies nationally, regionally and locally significant surf breaks and the Significant Surfing Area. Site locations are approximate only and are not intended to provide a definitive location or extent of a site.

Schedule 7A – Nationally, regionally and locally significant surf breaks

Nationally significant surf breaks

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
<u>Waiweranui</u>	Back of Stent (Backdoor Stent)	Map Link Map - 18
<u>Tuiraho</u>	Farmhouse Stent	Map Link Map - 18
<u>Tuiraho</u>	Stent Road	Map Link Map - 18
	Waiwhakaiho Reef	Map Link Map – 12

Regionally significant surf breaks

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
<u>Oraukawa</u>	Ahu Ahu Multiple Breaks	Map Link Map - 15
<u>Arawhata</u>	Arawhata Road Point	Map Link Map - 23
<u>Arawhata</u>	Arawhata Road Reef	Map Link Map – 23
<u>Arawhata</u>	Arawhata Road Beach	Map Link Map - 23

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
<u>Herekawe</u>	Back Beach Breaks	Map Link Map - 13
<u>Te Opuopu</u>	Bayly Road Breaks	Map Link Map - 19
<u>Te Opuopu</u>	Bayly Road North	Map Link Map - 18
<u>Mangatai</u>	Bell Block Reef	Map Link Map - 12
<u>Paparoa</u>	Belt Road Left	Map Link Map – 13
<u>Kawaroa</u>	Belt Road Right	Map Link Map - 13
	Bird's Nest	Map Link Map - 17
<u>Tarakihi</u>	BJ's Left	Map Link Map - 18
<u>Mokotuna</u>	Boat Ramps	Map Link Map - 17
	Bog Works	Map Link Map - 12

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
	Boilers	Map Link Map – 10
<u>Arakaitai</u>	Boulders (Boulder Bay)	Map Link Map – 12
<u>Waiweranui</u>	Brazils	Map Link Map - 18
	Breakwater ⁽³²⁾	Map Link Map – 13 ⁽³²⁾
<u>Te Ruatumanu</u>	Butlers Reef	Map Link Map – 15
<u>Otahi</u>	Cemetery Point	Map Link Map - 24
<u>Ikaroa</u>	Crushers	Map Link Map - 19
<u>Waiongana</u>	Dread Rock	Map Link Map – 11
<u>Taumatakahawai</u>	Dumps	
<u>Taioma</u>	East Beach	Map Link Map – 10
	East End	Map Link Map – 12
<u>Ōtūparahore</u>	Far Toos (Kina Road North)	Map Link Map - 22
<u>Okawa</u>	Fin Whaka Wrecker ⁽⁵⁰⁾	Map Link Map - 19
	Fitzroy Beach	Map Link Map – 12
	Graveyards	Map Link Map - 17

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
<u>Mātaikahawai</u>	Greenmeadows	Map Link Map - 25
	Greenmeadows Beach	Map Link Map - 25
	Inside Fences	Map Link Map - 40
	Kaūpokonui Beach	Map Link Map – 28
<u>Te Tuahu</u>	Kina Point (Kina Road South)	Map Link Map - 23
<u>Ngāmotu</u>	Kina Road	Map Link Map - 23
<u>Komene</u>	Komene Road Beach	Map Link Map - 17
	Kumera Patch	Map Link Map - 17
<u>Hangatahua</u>	Lupins	Map Link Map – 17
<u>Te Kuta</u>	Mānihi Reef	Map Link Map – 22
<u>Pukekohatu</u>	Mangahume Reef	Map Link Map - 25
<u>Oākura</u>	Oākura Beach	Map Link Map - 15
<u>Oākura</u>	Oākura Camp Ground	Map Link Map - 15
<u>Oruarire</u>	Oākura River Mouth	Map Link Map - 14

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
<u>Te Tuahu</u>	Oaonui Beach	Map Link Map - 23
	Oats	Map Link Map – 10
	Ohawe Beach	Map Link Map - 30
<u>Ōpunakē</u>	Opunake Reef and Beach	Map Link Map - 24
	Pātea River Beach	Map Link Map - 35
	Pātea River North Side	Map Link Map - 35
	Pātea River South Side	Map Link Map - 35
	Pohutakawas	Map Link Map – 24
	Puketapu	Map Link Map - 26
	Punihos ⁽²⁴⁾	Map Link Map - 17
<u>Tokapiko</u>	Rahotu Multiple Beach Breaks	Map Link Map - 21
<u>Parawaha</u>	Rifle Range	Map Link Map – 16
<u>Mokotuna</u>	Rocky Lefts	Map Link Map - 17
	Rocky Rights	Map Link Map - 17

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
	Secret Sandy's	Map Link Map - 12
	Secrets	Map Link Map – 11
<u>Mangahume</u>	Sky Williams	Map Link Map - 24
<u>Taihua</u>	Sluggo's	Map Link Map - 17
	South Point	Map Link Map - 26
	Spot X	Map Link Map – 11
<u>Heimama</u>	Stepladders Left and Right	Map Link Map – 24
<u>Ikaroa</u>	Sundays	Map Link Map - 20
<u>Waiwiri</u>	Tai Road	Map Link Map – 23
	The Dump (Dumps)	Map Link Map - 24
	The Gap (at Fitzroy)	Map Link Map - 12
	The Groyne	Map Link Map – 12
	The Pipe	Map Link Map - 12
	The Point (Fences)	Map Link Map - 40

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
	The Wedge	Map Link Map – 13
	Trap Doors	Map Link Map – 17
	Waiongana Reef	Map Link Map - 11
	Waitara Bar	Map Link Map - 10

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾	Map reference
	Waiwhakaiho River Mouth	Map Link Map - 12
<u>Hauranga</u>	Weld Road Breaks	Map Link Map - 15
<u>Parahuka</u>	Wind Wand	Map Link Map - 13

Locally significant surf breaks

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾
<u>Kohoki</u>	Antunovic's ^{DD}
	Black Rocks ^{DD}
	<u>Breakwater</u> ⁽³²⁾
<u>Waikaramihi</u>	Cabins ^{DD}
<u>Tiromoana</u>	Cliffs ^{DD}
<u>Te Putatuapō</u>	Coast Road Bach
	Cortez Bank ^{DD}
	Crow's Nest
	DDT's ^{DD}
<u>Pukeoha</u>	Denby Road ^{DD}
<u>Taumatakahawai</u>	Desperation Point
	Epiha Road
	Fort St George
<u>Whareatea</u>	Hammer Heads ^{DD}

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾
	Hole 9
<u>Tokaroa</u>	House for Karen ^{DD}
<u>Te Patunga</u>	Jeffery's
	Kawaroa
	Komene Left
<u>Waiaua</u>	Lawrie's Memorial ^{DD}
<u>Maitahi</u>	Leith Road
	Long Reef ^{DD}
	Middletons Bay
	Montgomery Beach ^{DD}
	Motunui (Oataroa Road)
<u>Waiteika</u>	Mussels
<u>Orapa</u>	O T Dub ^{DD}
	Onaero Beach ^{DD}
	Onaero Surf camp ^{DD}
<u>Papataniwha</u>	Outside Corner ^{DD}
	Outsides (Cape Egmont Boat Club/Ramp Reef)

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾
<u>Waipipi</u>	Pid's Point (Waipipi)
	Porikapa Road
	Putts Beach ^{DD}
<u>Te Kawau/Kai-arohi</u>	Railways 2 ^{DD}
	Rewa Rewa
	Rongomai Road
<u>Te Tuahu</u>	Sandy Bay
<u>Kaihihi</u>	Shark Pit
<u>Ūpoko ngāruru</u>	Shipwrecks
	Slaughterhouse Left and Right
<u>Purakau</u>	Slimey Rocks
	Stones ^{DD}
<u>Te Parapara</u>	Tank Farms
<u>Tarakatea</u>	Tapuae Beach Breaks
<u>Kohinetaupea</u>	Tapuae Left
	Tapus ^{DD}
	Tasman

<u>Māori Name</u> ⁽⁵⁰⁾	<u>Common Name</u> ⁽⁵⁰⁾
	Te Hēnui Right (Reform)
	Te Namu Reef
<u>Motuotamatea</u>	The Islands
<u>Tuiraho</u>	Three Amigos ^{DD}
	Tongaporutu ^{DD}
	Turangi Reef
<u>Taupata</u>	Twin Peaks ^{DD}
	Urenui Bar
	Waiinu Reef
	Waitoetoe ^{DD}
<u>Epiha</u>	Waterfalls ^{DD}
	Waverley Beach

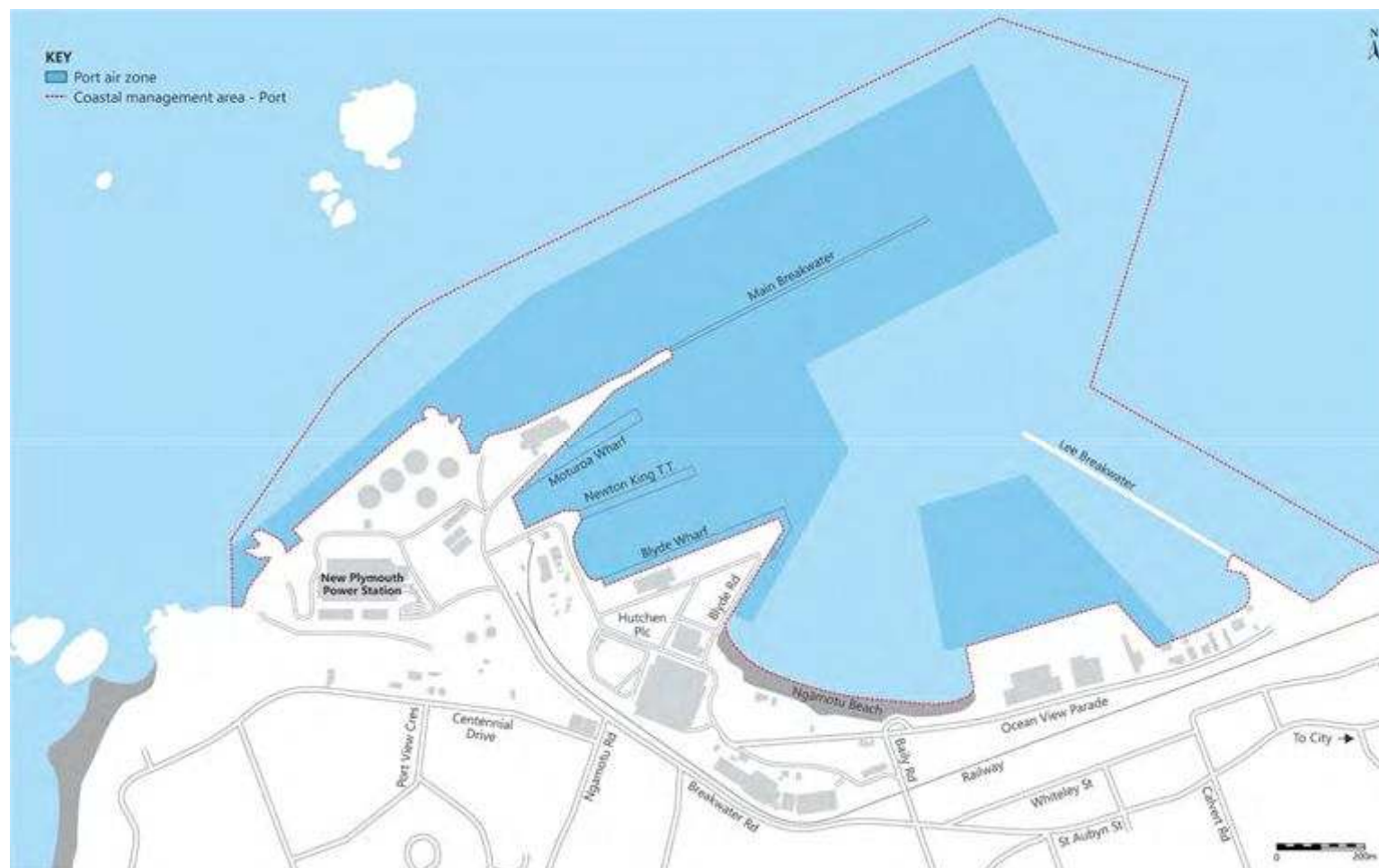
^{DD} indicates that insufficient data was available to make an assessment of regional significance

Schedule 7B – Significant Surfing Area

The Significant Surfing Area extends from Cape Road in the south to Kaihihi road in the north, [Map Link](#) Maps 16, 17, 18, 19.

Schedule 8 – Port air zone





Schedule 8AA – Hazardous substance thresholds ⁽⁵³⁾

<u>Classification description</u>	<u>Hazard classification (HSNO) of substance</u>	<u>Emergency response plan and secondary containment threshold</u>
<u>Flammable gases</u>	<u>2.1.1A</u>	<u>300 kg non-permanent gas or 200 m3 permanent gas</u>
<u>Flammable gases</u>	<u>2.1.1B</u>	<u>1,000 kg non-permanent gas or 600 m3 permanent gas</u>
<u>Flammable aerosols</u>	<u>2.1.2A</u>	<u>3,000 L aggregate water capacity</u>
<u>Flammable liquids</u>	<u>3.1A</u>	<u>100 L</u>
<u>Flammable liquids</u>	<u>3.1B</u>	<u>1,000 L</u>
<u>Flammable liquids</u>	<u>3.1C, 3.1D</u>	<u>10,000 L</u>
<u>Liquid desensitised explosives</u>	<u>3.2A, 3.2B, 3.2C</u>	<u>100 L</u>
<u>Flammable solids</u>	<u>4.1.1A</u>	<u>1,000 kg</u>
<u>Flammable solids</u>	<u>4.1.1B</u>	<u>10,000 kg</u>
<u>Self-reactive flammable solids</u>	<u>4.1.2A, 4.1.2B</u>	<u>50 kg or 50 L</u>
<u>Self-reactive flammable solids</u>	<u>4.1.2C, 4.1.2D</u>	<u>100 kg solid or 100 L</u>
<u>Self-reactive flammable solids</u>	<u>4.1.2E, 4.1.2F, 4.1.2G</u>	<u>200 kg or 200 L</u>
<u>Desensitised explosive</u>	<u>4.1.3A, 4.1.3B, 4.1.3C</u>	<u>100 kg or 100 L</u>
<u>Spontaneously combustible substances</u>	<u>4.2A</u>	<u>100 kg or 100 L</u>
<u>Spontaneously combustible substances</u>	<u>4.2B</u>	<u>1,000 kg</u>
<u>Spontaneously combustible substances</u>	<u>4.2C</u>	<u>10,000 kg</u>
<u>Substances dangerous when wet</u>	<u>4.3A</u>	<u>100 kg or 100 L</u>
<u>Substances dangerous when wet</u>	<u>4.3B</u>	<u>1,000 kg or 1,000 L</u>
<u>Substances dangerous when wet</u>	<u>4.3C</u>	<u>10,000 kg or 10,000 L</u>
<u>Oxidising liquid/solid</u>	<u>5.1.1A</u>	<u>50 kg or 50 L</u>
<u>Oxidising liquid/solid</u>	<u>5.1.1B</u>	<u>500 kg or 500 L</u>
<u>Oxidising liquid/solid</u>	<u>5.1.1C</u>	<u>5,000 kg or 5,000 L</u>
<u>Oxidising gas</u>	<u>5.1.2A</u>	<u>100 kg non-permanent gas or 100 m3 permanent gas</u>

<u>Classification description</u>	<u>Hazard classification (HSNO) of substance</u>	<u>Emergency response plan and secondary containment threshold</u>
<u>Organic peroxide</u>	<u>5.2A, 5.2B</u>	<u>10 kg or 10 L</u>
<u>Organic peroxide</u>	<u>5.2C, 5.2D</u>	<u>25 kg or 25 L</u>
<u>Organic peroxide</u>	<u>5.2E, 5.2F</u>	<u>100 kg or 100 L</u>
<u>Acute toxicity</u>	<u>6.1A, 6.1B, 6.1C</u>	<u>5 kg non-permanent gas or 2.5 m3 permanent gas</u> <u>100 kg or 100 L</u>
<u>Acute toxicity/Respiratory sensitiser/Contact sensitiser/Carcinogen</u>	<u>6.1D, 6.5A, 6.5B, 6.7A</u>	<u>50 kg non-permanent gas or 25 m3 permanent gas</u> <u>Aerosol 3,000 L aggregate water capacity</u> <u>1,000 kg or 1,000 L</u>
<u>Mutagen/Carcinogen/Reproductive or developmental toxicity/Target organ or systemic toxicity</u>	<u>6.6A, 6.7B, 6.8A, 6.9A</u>	<u>10,000 kg or 10,000 L</u>
<u>Skin corrosive</u>	<u>8.2A</u>	<u>5 kg non-permanent gas or 2.5 m3 permanent gas</u> <u>100 kg or 100 L</u>
<u>Skin corrosive</u>	<u>8.2B</u>	<u>50 kg non-permanent gas or 25 m3 permanent gas</u> <u>1,000 kg or 1,000 L Aerosol – 3,000 L water capacity</u>
<u>Skin corrosive/Eye corrosive</u>	<u>8.2C, 8.3A</u>	<u>10,000 kg or 10,000 L</u> <u>Aerosol – 3,000 L water capacity</u>
<u>Aquatic ecotoxic</u>	<u>9.1A</u>	<u>100 kg or 100 L</u>
<u>Aquatic ecotoxic</u>	<u>9.1B, 9.1C</u>	<u>1,000 kg or 1,000 L</u>
<u>Aquatic ecotoxic</u>	<u>9.1D</u>	<u>10,000 kg or 10,000 L</u>

Schedule 9 – Documents incorporated by reference

The documents referenced in Plan rules and general standards are listed below, along with any website addresses that provide access to the documents.

Discharges from seismic surveying (Rule 11)

2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations

<http://www.doc.govt.nz/Documents/conservation/native-animals/marine-mammals/seismic-survey-code-of-conduct.pdf>

New Zealand standards (General standards)

NZS 6809:1999 Acoustics – Port Noise and Land Use Planning

NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas

NZS 6803:1999 Acoustics – Construction noise

NZS 6801:2008 Acoustics – Measurement of Environmental Sound

NZS 6802:2008 Acoustics – Environmental Noise

Note: the New Zealand Standards are subject to copyright and are not available to be viewed on-line and may be inspected, by appointment, at the Council premises. ⁽⁴⁸⁾

Appendix 1 – Agreed river mouths and landward boundary of the coastal marine area

This appendix describes the location of the mouths of the rivers named in this appendix. The positions of the coastal marine area landward boundary (calculated on the basis of five times the width at the river mouth) are included for reference purposes. Both boundaries are agreed to be a line perpendicular to the flow of the river through the reference point. Where a grid reference is used, it is taken in the middle of the main river channel.

New Zealand Transverse Mercator (NZTM) co-ordinates for river mouth and CMA landward boundaries locations based on the above legal agreement, *Agreement for Definition of River Mouths and Landward Boundary of coastal marine area*

Name	River Mouth		CMA Landward Boundary	
	NZTM X	NZTM Y	NZTM X	NZTM Y
Mōhakatino River	1739866	5711520	1740712	5711024
Tongaporutu River	1738740	5702130	1739007	5701865
Mimi River	1724879	5686194	1725038	5686337
Urenui River	1720318	5683495	1720598	5682915
Onaero River	1718115	5683127	1718277	5682680
Waitara River	1706402	5683863	1706858	5683007
Waiongana Stream	1702499	5683091	1702607	5682752
Waiwhakaiho River	1695755	5678550	1696574	5678378
Te Hēnui Stream	1694265	5677102	1694231	5677024
Huatoki Stream	1692790	5676490	1692793	5676468
Oākura River	1682659	5670537	1682891	5670372
Kaupokonui Stream	1691074	5619683	1691126	5619928
Tāngāhoe River	1715332	5609933	1715426	5610216
Manawapou River	1715766	5609507	1715940	5609688
Pātea River	1727540	5596335	1727183	5598187
Whenuakura River	1729652	5595185	1730083	5595736
Waitōtara River	1744168	5587419	1745830	5588436

Appendix 2 – Statutory acknowledgements

Overview

A statutory acknowledgement is a means by which the Crown has formally acknowledged the statements made by the iwi of the particular cultural, spiritual, historical, and traditional association of the iwi with the statutory areas.

The purposes of statutory acknowledgements are—

- (a) to require consent authorities, the Environment Court and the Historic Places Trust to have regard to the statutory acknowledgements;
- (b) to require relevant consent authorities to forward summaries of resource consent applications for activities that would affect the area to which the statutory acknowledgement applies to the governance entity; and
- (c) to enable the governance entity and any member of the relevant iwi to cite a statutory acknowledgement as evidence of the association of the iwi with the area to which the statutory acknowledgement relates.

Consent authorities must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of the RMA 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.

Details of the statutory areas for each iwi are included in the relevant regional plan, and more information on each statutory acknowledgement is contained in the relevant iwi deed of settlement legislation.

The limitations on the effect of statutory acknowledgements are, that except as expressly provided in the deed of settlement legislation,—

- (a) statutory acknowledgements do not affect, and are not able to be taken into account by, any person exercising a power or performing a function or duties under any statute, regulation or bylaw;
- (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation or bylaw, may give greater or lesser weight to the association of the iwi with a statutory area than that person would give under relevant statute, regulation or bylaw if a statutory acknowledgement did not exist;
- (c) statutory acknowledgements do not affect the lawful rights or interests of a person who is not a party to the deed of settlement or have the effect of granting, creating or providing evidence of an estate or interest in, or any rights relating to a statutory area.

To date, seven statutory acknowledgements apply to the Taranaki region – these relate to the **Ngāti Ruanui, Ngāti Tama, Ngaa Rauru Kiitahi, Ngāti Mutunga, Taranaki, Ngāruahine** and **Te Atiawa** deeds of settlement. Information on each statutory acknowledgement, including maps showing the locations of the statutory acknowledgements for these iwi are presented below.

Appendix 2A: Ngāti Ruanui statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 93 of the Ngāti Ruanui Claims Settlement Act 2003, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 5 of Part 5 of the Ngāti Ruanui Claims Settlement Act 2003 in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

Statutory acknowledgements

The statutory acknowledgements are:

- Statutory Acknowledgement for Otoki Gorge Scenic Reserve (Schedule 5 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Te Moananui A Kupe O Ngāti Ruanui (Schedule 6 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Tāngāhoe River (Schedule 7 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Whenuakura River (Schedule 8 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Pātea River (Schedule 9 Ngāti Ruanui Claims Settlement Act 2003)

The locations of the above areas are shown in the map below.

Statutory acknowledgement for Otoki Gorge Scenic Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Otoki Gorge Scenic Reserve, as shown on in the map below.

Preamble

Under section 88, the Crown acknowledges the statement by Ngāti Ruanui of the cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Otoki Gorge scenic reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Otoki Gorge Scenic Reserve

The Pukemoko Pa site is located within the Otoki Gorge scenic reserve, which can be found within the area of Whakamara. It was within this pa that Wharematangi, a Rangatira of Ngāti Hine (a close fighting ally of Hanataua of Tangahoe), resided before joining Hanataua in his battles with Waikato and Te Rauparaha of Ngāti Raukawa.

The pa was a large ridge pa, which had general usage. Its strategic geographical position made it ideal as a fortified village. During the time of warfare, sharp contoured hills, thick underbrush, hidden man-made traps, and skilled warriors knowledgeable in the surrounding rugged terrain made life a misery for those who attempted to conquer the pa. In modern times, this manner of warfare is commonly recognised as "guerrilla tactics".

Within the surrounding valleys, the richness of the soil and waterways provided an abundance of food (birds, animals, fish), building materials, and materials for clothing, gardening, and warfare. Otoki was also used as one of the sites for gathering in times of peace.

The pa remains one of the areas where the footsteps of our Tupuna remain pristine. The area remains uncut, uncultivated, and in its unspoiled state. It is a remote place where the people would be able to sit and reflect on the life of their ancestors sensing the Ihi (power), Wehi (fear), and the Mauri (life force) emanating from the land.

Purposes of statutory acknowledgement

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Otoki Gorge scenic reserve, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and

- (c) to enable the governance entity and any member of Ngāti Ruanui to cite this statutory acknowledgement as evidence of the association of Ngāti Ruanui with the Otoki Gorge scenic reserve, as provided for in section 95; and
- (d) to provide a statement by Ngāti Ruanui of the association of Ngāti Ruanui with the Otoki Gorge Scenic Reserve for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

- (1) Except as expressly provided in sections 89 to 92 and 95,—
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
 - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Ruanui with the Otoki Gorge Scenic Reserve described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Otoki Gorge Scenic Reserve.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Otoki Gorge Scenic Reserve.
- (4) Clause (1)(b) does not limit clause (1)(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Ruanui in respect of the Otoki Gorge scenic reserve.

Statutory acknowledgement for Te Moananui A Kupe O Ngāti Ruanui

Statutory area

The area to which this statutory acknowledgement applies is the area known as Te Moananui A Kupe O Ngāti Ruanui (coastal area) as shown on the map below.

Preamble

Under section 88, the Crown acknowledges the statement by Ngāti Ruanui of the cultural, spiritual, historical, and traditional association of Ngāti Ruanui with Te Moananui A Kupe O Ngāti Ruanui (coastal area) as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Ruanui with Te Moananui A Kupe O Ngāti Ruanui

The resources found within Te Moananui A Kupe have, 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 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 Ngāti Ruanui coastline.

Names such as Rangatapu, Ohawe, Tokotoko, Waihi, Waokena, Tangahoe, 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. Ngāti Ruanui oral history records the sinking off Tāngāhoe 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 Ngāti Hine believe that they did something wrong and in turn were punished by the Ngāti Ruanui taniwha named Toi, kaitiaki (guardian) of the fishing reefs and grounds, who is renowned to this day to eat the eyes of his victims.

Purposes of statutory acknowledgement

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to Te Moananui A Kupe O Ngāti Ruanui, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngāti Ruanui to cite this statutory acknowledgement as evidence of the association of Ngāti Ruanui with Te Moananui A Kupe O Ngāti Ruanui, as provided for in section 95.

Limitations on effect of statutory acknowledgement

- (1) Except as expressly provided in sections 89 to 92 and 95,—
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
 - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Ruanui with Te Moananui A Kupe O Ngāti Ruanui described in this statutory acknowledgement 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 Ngāti Ruanui.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, Te Moananui A Kupe O Ngāti Ruanui.
- (4) Clause (1)(b) does not limit clause (1)(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Ruanui in respect of Te Moananui A Kupe O Ngāti Ruanui.

Statutory acknowledgement for Tāngāhoe River

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Tāngāhoe River, as shown on the map below.

Preamble

Under section 88, the Crown acknowledges the statement by Ngāti Ruanui of the cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Tāngāhoe River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Tāngāhoe River

Ngāti Ruanui history informs us that the people of the Kahui Maunga (mountain people of the highest rank) inhabited the South Taranaki area prior to the arrival of the Aotea Waka. They in turn were vanquished and enveloped through warfare and intermarriage into the Aotea, Ruanui-a Pokiwa history. One of the areas in which these people were renowned to have flourished is known as the Tāngāhoe River and valley.

The late Ueroa (Charlie) Ngarewa, an elder of both Tāngāhoe and Ngāti Hine descent, gave one version of the origin of the name Tangahoe. He said the name Tāngāhoe was given to the river because of an incident that occurred, in which the steering oar was lost from a large deep-sea fishing waka as it attempted to return to the Tauranga waka. The comment was made that “if there were 2 steering oars like that of the Waka Tipua of Turi Ariki, then the flight to its resting place would remain true.” Turi was the Ariki (Rangatira of highest rank) of the Aotea Waka.

Tangahoe: the steering oars of Turi Ariki

The Tāngāhoe 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. Because of the mild temperatures, it was without extremes and promoted lush vegetation that was checked only by the occasional equinoctial weather patterns. Birds such as manunui (which made its nests amongst the koromiko bushes), kereru (the food of nga Ariki), pukeko (the treasured species brought on the Aotea Waka), tiwaiwaka (the guardian left by Kupe), kahu (the sentinel), kakapo, kiwi, korimako, miromiro (the custodians of the forest), and pipiwharau (the herald of the new year) 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.

During the time of internal warfare, the valley through which the river runs was a trap for the unwary. The many re-entrants and secondary valleys provided natural hiding and attacking areas and, if necessary, places of refuge.

To the people of Ngāti Ruanui, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual, and social significance in the past, present, and future.

Purposes of statutory acknowledgement

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Tāngāhoe River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngāti Ruanui to cite this statutory acknowledgement as evidence of the association of Ngāti Ruanui with the Tāngāhoe River as provided for in section 95; and
- (d) to provide a statement by Ngāti Ruanui of the association of Ngāti Ruanui with the Tāngāhoe River for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

- (1) Except as expressly provided in sections 89 to 92 and 95,—
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
 - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Ruanui with the Tāngāhoe River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Tāngāhoe River.

- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Tāngāhoe River.
- (4) Clause (1)(b) does not limit clause (1)(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Ruanui in respect of the Tāngāhoe River.

Statutory acknowledgement for Whenuakura River

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Whenuakura River, as shown on the map below.

Preamble

Under section 88, the Crown acknowledges the statement by Ngāti Ruanui of the cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Whenuakura River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Whenuakura River

The name of this river originated during the time of Turi Arikini, Kaihautu of the Waka Tipua Aotea, and his wife Rongorongo Tapairu. They lived with their families between the two rivers, Pātea nui a Turi and Whenuakura. Turi was the Ariki (Rangatira of highest rank) of the Aotea Waka.

Whenuakura: the land belonging to the people of high rank

Like the Tāngāhoe River, this river provided the people of the Aotea Waka, and later the people of Ngāti Hine and Ngāti Tupito, with all the resources of life they required to survive.

The valley through which the river flowed provided multiple bird life, animals, clothing, building, gardening, and warfare implements, as well as places where social activities,

fishing, and waka racing could take place. Sporting activities took place within and outside the surrounding forests. There were also places that Tohunga, Rangatira, and other whanau/hapu/iwi representatives used for burial, washing, baptising, and special activities. It was a place where people would go to find peace within themselves.

This river, like the others within the rohe, will always be an integral part of the social, spiritual, and physical lifestyle of the Ngāti Ruanui people.

Purposes of statutory acknowledgement

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court to have regard to this statutory acknowledgement in relation to the Whenuakura River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngāti Ruanui to cite this statutory acknowledgement as evidence of the association of Ngāti Ruanui with the Whenuakura River as provided for in section 95; and
- (d) to provide a statement by Ngāti Ruanui of the association of Ngāti Ruanui with the Whenuakura River for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

- (1) Except as expressly provided in sections 89 to 92 and 95,—
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
 - (b) no person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Ruanui with the Whenuakura River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Whenuakura River.

- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Whenuakura River.
- (4) Clause (1)(b) does not limit clause (1)(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Ruanui or the governance entity in respect of the Whenuakura River.

Statutory acknowledgement for Pātea River

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Pātea River (excluding Lake Rotorangi), as shown on Figure 1.

Preamble

Under section 88, the Crown acknowledges the statement by Ngāti Ruanui of the cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Pātea River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Ruanui with the Pātea River

The full name of this river is Pātea nui a Turi. It was named by Turi on his arrival overland after leaving the Aotea Waka at Kawhia. The name Pātea was given by Turi Ariki when, upon seeing nga kaitiaki (the guardians) left by Kupe as guides for him and his family, he exclaimed “Ka Pātea tatou” - we have arrived at Pātea.

Since that arrival, the river has played an important part in the lifestyles of the Aotea people. The riverbanks have provided the soil for the gardens of Rongorongo Tapairu called Hekeheke I papa, the karaka grove called Papawhero, and the spring of life of Turi and Rongorongo called Parara-ki-te-Uru.

The source of the Pātea River is on the mountain Rua Taranaki and is called Whakapou Karakia. Whakapou Karakia can be found upon the mountain Rua Taranaki within the rohe of Ngāti Ruanui.

Upon the arrival of the Aotea people to South Taranaki from Kawhia, Turi Ariki at Te Pou a Turi laid claim to the surrounding territory and the river, which until then has been known as "Te Awa o Taikahu", 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 newly claimed river, because of its spiritual and life-giving resources, was then traversed and spiritual Kaitiaki sown in every location that was to become significant to the people of the Aotea Waka along the total length of the river. These purifying rituals continued to the source of the river on the mountain. It was at this locality upon the mountain that the final Karakia of protection was performed to unite all the Kaitiaki as one in the protection of the waters and resources pertaining to the river, hence—

whaka:	to do
pou:	pillar of strength
karakia:	invocation

Purposes of statutory acknowledgement

Under section 89, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the New Zealand Historic Places Trust, or the Environment Court, to have regard to this statutory acknowledgement in relation to the Pātea River, as provided for in sections 90 to 92; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 94; and
- (c) to enable the governance entity and any member of Ngāti Ruanui to cite this statutory acknowledgement as evidence of the association of Ngāti Ruanui with the Pātea River, as provided for in section 95; and
- (d) to provide a statement by Ngāti Ruanui of the association of Ngāti Ruanui with the Pātea River for inclusion in a deed of recognition.

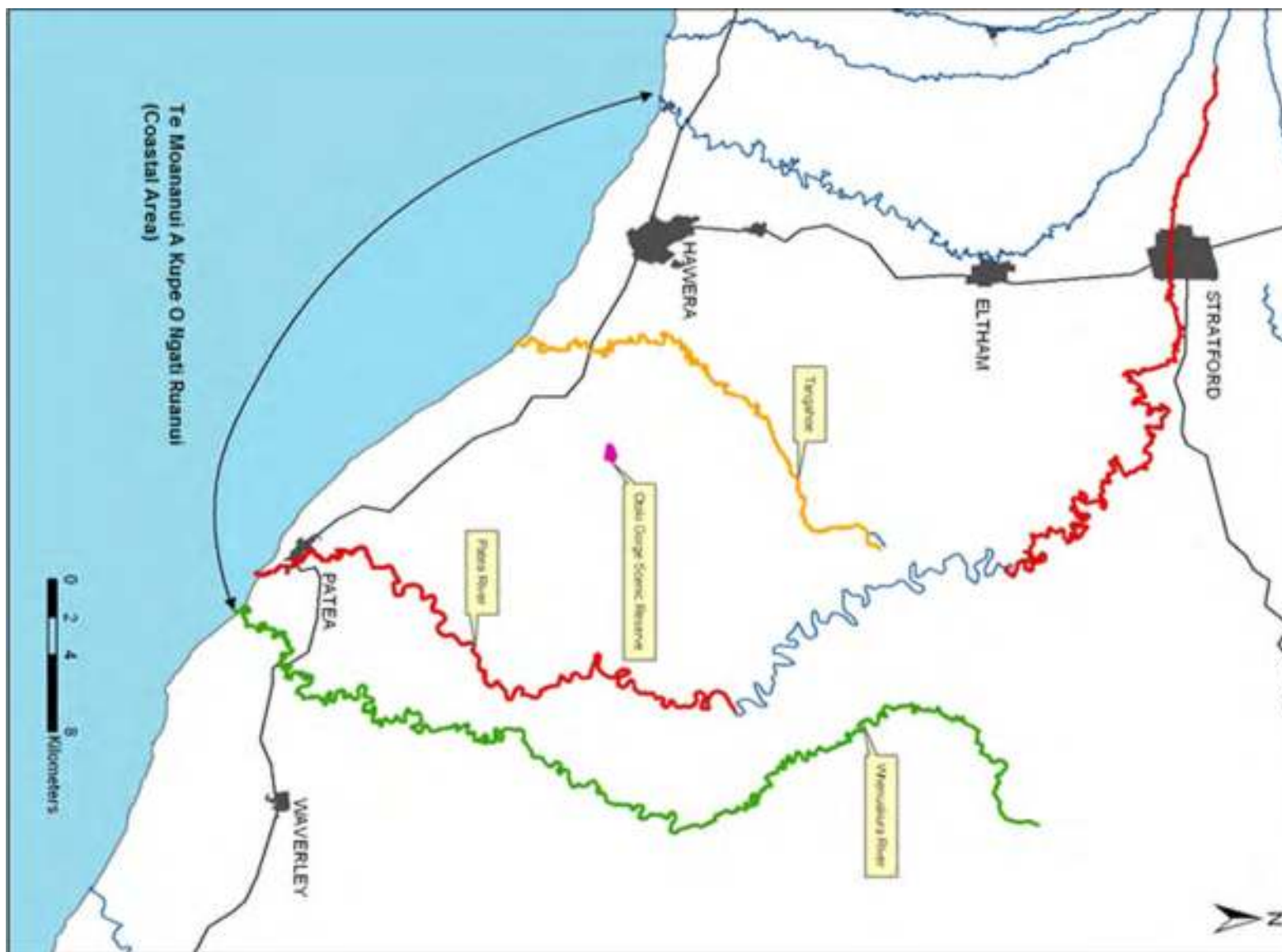
Limitations on effect of statutory acknowledgement

- (1) Except as expressly provided in sections 89 to 92 and 95,—
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, any person exercising a power or performing a function or duty under any statute, regulation, or bylaw; and
 - (b) No person, in considering a matter or making a decision or recommendation under any statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Ruanui with the Pātea River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Pātea River.
- (2) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.
- (3) Except as expressly provided in subpart 5 of Part 5, this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or any rights relating to, the Pātea River.
- (4) Clause (1)(b) does not limit clause (1)(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Ruanui in respect of the Pātea River.

Location of statutory acknowledgements for Ngāti Ruauui



Appendix 2B: Ngāti Tama statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 58 of the Ngāti Tama Claims Settlement Act 2003, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 4 of Part 5 of the Ngāti Tama Claims Settlement Act 2003 in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

Statutory acknowledgements

The statutory acknowledgements are:

- Statutory Acknowledgement for part of Mimi-Pukearuhe coast marginal strip (Schedule 3 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for part of Mount Messenger conservation area in Ngāti Tama area of interest (Schedule 4 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Moki conservation area (Schedule 5 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Tongaporutu conservation area (Schedule 6 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Mōhakatino swamp conservation area (Schedule 7 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Pou Tehia historic reserve (Schedule 8 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Mōhakatino River (Schedule 9 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Tongaporutu River (Schedule 10 Ngāti Tama Claims Settlement Act 2003)

- Statutory Acknowledgement for Mōhakatino River (No 1) marginal strip (Schedule 11 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Mōhakatino River (No 2) marginal strip (Schedule 12 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for Mōhakatino coastal marginal strip (Schedule 13 Ngāti Tama Claims Settlement Act 2003)
- Statutory Acknowledgement for coastal marine area adjoining the Ngāti Tama area of interest (Schedule 14 Ngāti Tama Claims Settlement Act 2003).

The locations of the above areas are shown in the map below below.

Statutory acknowledgement for part of Mimi-Pukearuhe coast margin strip

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as part of the Mimi-Pukearuhe coast marginal strip, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with part of Mimi-Pukearuhe coast marginal strip as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with part of Mimi—Pukearuhe coast marginal strip

This is an area of high historic importance to Ngāti Tama and contains some significant pa sites, including Titoki, Whakarewa, Otumatua, and Pukearuhe.

The Papatiki stream is located in the area. It is tapu to Ngāti Tama because of the way in which it was used by northern invaders after a battle in pre-Pakeha times.

There remain important kaitiaki links to the patiki (flounder/sole) and tamure (snapper) breeding grounds, as well as other fish resources.

A very important feature of the area is the presence of high papa rock cliffs. A unique fishing method was developed by Ngāti Tama, using the ledges hewn out by nature at the

bottom of these cliffs. Mako (shark), tamure, and arara (trevalli) were caught off these ledges in abundance.

Koura (freshwater crayfish), kutae (mussels), kina (sea eggs), paua, and other resources also contributed to a reliable and plentiful supply of fish in season from the area. Ngāti Tama developed a number of different ways of preserving these supplies for later consumption, using every part of the fish. This tradition has survived and continues to be used by Ngāti Tama as a form of aroha koha (reciprocal contribution) at special hui.

Where the cliffs incline to sea level, there are a number of tauranga waka (canoe berths) formerly used for fishing canoes. These have special significance to Ngāti Tama in their identification with the area as physical symbols of an historical association with it.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to part of the Mimi-Pukearuhe coast marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with part of the Mimi-Pukearuhe coast marginal strip, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Mimi-Pukearuhe coast marginal strip for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

- 1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:

- (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, part of the Mimi-Pukearuhe coast marginal strip; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the part of the Mimi-Pukearuhe coast marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of that part of the Mimi-Pukearuhe coast marginal strip.

- 2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of part of the Mimi-Pukearuhe coast marginal strip.

Statutory acknowledgement for part of Mount Messenger conservation area in Ngāti Tama area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the part of the Mount Messenger conservation area in the Ngāti Tama area of interest, the general location of which is indicated on Figure 2.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the part of the Mount Messenger conservation area in the Ngāti Tama area of interest, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the part of the Mount Messenger conservation area in the Ngāti Tama area of interest

This is an important area containing Ngāti Tama pa sites and mahinga kai sources of birds and fish.

The once great Katikatiaka Pa was located here, inhabited by the descendants of Uerata, who were among the fighting elite of Ngāti Tama. It was an important vantage point, built in 2 divisions, and extending to the seaward clifftops. Tihi Manuka, a refuge pa, also situated in the area, was directly connected to an important inland track.

Kiwi, kahurangi, kereru, eels, inanga, and the paua slug were traditional resources found here. Papa clay types found here were used for dyeing muka. A range of temperate zone flora was also available to Ngāti Tama from this area, including beech, rata, rimu, and a variety of ferns. Important mahinga kai streams include Te Horo, Ruataniwha, Waipingao, and Waikaramarama.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the part of the Mount Messenger conservation area in the Ngāti Tama area of interest, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the part of the Mount Messenger conservation area in the Ngāti Tama area of interest, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the part of the Mount Messenger conservation area in the Ngāti Tama area of interest for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—

- (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:

- (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the part of the Mount Messenger conservation area in the Ngāti Tama area of interest; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the part of the Mount Messenger conservation area in the Ngāti Tama area of interest described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the part of the Mount Messenger conservation area in the Ngāti Tama area of interest.

2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the part of the Mount Messenger conservation area in the Ngāti Tama area of interest.

Statutory acknowledgement for Moki conservation area

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Moki conservation area, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Moki conservation area, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Moki conservation area

This area is important to Ngāti Tama for the inland walking track that Ngāti Tama used to travel overland to Wanganui and an alternative route from the coast to neighbouring iwi. This area also contains a pa site, the Tihi Manuka pa, of importance to Ngāti Tama.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, and the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Moki conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Moki conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Moki conservation area for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

- 1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Moki conservation area; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater

or lesser weight to the association of Ngāti Tama with the Moki conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Moki conservation area.

- 2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Moki conservation area.

Statutory acknowledgement for Tongaporutu conservation area

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Tongaporutu conservation area, the general location of which is indicated on SO 14708.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Tongaporutu conservation area, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Tongaporutu conservation area

Te Umukaha Pa was another important defence link in this area in the chain of Ngāti Tama fighting pa along the coast. Close by, on the opposite bank, stood the mighty Pukeariki, which served as a refuge for the local people in times of war. Pukeariki was also an important beacon point in the coastal network. Beacon fires were lit at strategic points along the coast to carry prearranged messages between settlements.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Tongaporutu conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Tongaporutu conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Tongaporutu conservation area, for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Tongaporutu conservation area; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Tongaporutu conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Tongaporutu conservation area.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Tongaporutu conservation area.

Statutory acknowledgement for Mōhakatino swamp conservation area

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mōhakatino swamp conservation area, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino swamp conservation area, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino swamp conservation area

This is an area that has many significant wahi tapu. It is also valuable to Ngāti Tama due to it being an historical garden area where the cultivation of taewa (potato varieties) and kumara (sweet potato) was a specialist activity. The garden kaitiaki were the local people from Pa Hukunui and Pukekarirua. The area was also used by Ngāti Tama for access to mahinga kai and cultivation of other crops.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Mōhakatino swamp conservation area, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and

- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Mōhakatino swamp conservation area, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Mōhakatino swamp conservation area for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Mōhakatino swamp conservation area described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mōhakatino swamp conservation area.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Mōhakatino swamp conservation area.

Statutory acknowledgement for Pou Tehia historic reserve

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Pou Tehia historic reserve, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Pou Tehia historic reserve, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Pou Tehia historic reserve

Pou Tehia Pā was one of two significant Ngāti Tama fighting pa on the banks of the Tongaporutu. The other pa was the mighty Pukeariki Pā, which provided refuge for the occupants of the area in time of war, as well as being the lookout and beacon point in the Ngāti Tama network of coastal strongholds.

On the northern bank of the Tongaporutu, Umukaha Pā and Omaha Pā formed part of that defence network.

Many urupa (burial sites) are to be found on both sides of the river. These provided the last resting places for the communities and their defenders.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Pou Tehia historic reserve, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Pou Tehia historic reserve, as provided for in section 60; and

- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Pou Tehia historic reserve for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Pou Tehia historic reserve; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Pou Tehia historic reserve described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Pou Tehia historic reserve.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Pou Tehia historic reserve.

Statutory acknowledgement for Mōhakatino River

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mōhakatino River, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River

The Mōhakatino River has great significance for Ngāti Tama, being the landing place of the Tokomaru waka and the original site of Ngāti Tama residence. Marae-Rotohia, for centuries the ancient house of learning of Tokomaru descendants, was established in this area by Rakeiora, one of the Tokomaru waka chiefs and tohunga (specialist in traditional knowledge), and faithfully guarded by Ngāti Tama during their dominion.

Te Rangihiroa wrote in loving recollection of his kuia Kapuakore's stories about the area:

"On the edge of the sand lapped by the sea which watched over Poutama since the beginning, stands the rock Paroa where 10 Ngāti Tama gaily fishing with their faces turned to the sea marked not the mustering 'taua' [war party] gathering on the beach behind until the rising tide waist-high upon the rock forced them to turn. I verily believe that Pakeha would have drowned themselves, but the naked and unarmed N'Tama grasping the stone sinkers of their lines unhesitatingly waded ashore and fought like war-gods so that relatives in the 'taua' in thrusting, let their spears go. The flying weapons were promptly caught in mid-air and to the valiant ten were armed and slew and slew beneath the shining sun until the enemy were put to flight."

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Mōhakatino River, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Mōhakatino River, as provided for in section 60; and

- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Mōhakatino River for inclusion in a deed of recognition.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mōhakatino River; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Mōhakatino River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mōhakatino River.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Mōhakatino River.

Statutory acknowledgement for Tongaporutu River

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Tongaporutu River, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Tongaporutu River, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Tongaporutu River

This area can be considered part of the heart of Poutama country, to whose fighting fame some notable Ngāti Tama warriors contributed. It was the battleground of many a hostile incursion from the north, located between Te Umukaha Pā and Omaha Pā. On the southern bank of the Tongaporutu stood Pou Tehia Pā. A little westward on the headland stood Pukeariki Pa and offshore was Te Kaeaea's island pā, Pā Tangata.

The proximity and quantity of sea and forest resources, the abundance of river and agricultural produce, the subtropical climate, and relatively protected river inlet was a paradise for the closely linked coastal population. Among the most famous of the area was Te Kaeaea, also known as Taringa Kuri, and brother of Te Puoho, their parents being Whangataki II and Hinewairoro, both of whom trace their lineage back to the Tokomaru.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Tongaporutu River, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Tongaporutu River, as provided for in section 60; and
- (d) to provide a statement by Ngāti Tama of the association of Ngāti Tama with the Tongaporutu River for inclusion in a deed of settlement.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—

- (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Tongaporutu River; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Tongaporutu River described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Tongaporutu River.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Tongaporutu River.

Statutory acknowledgement for Mōhakatino River (No 1) marginal strip

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mōhakatino River (No 1) marginal strip, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River (No 1) marginal strip, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River (No 1) marginal strip

This area is near the site of the landing of the Tokomaru waka and the original site of Ngāti Tama residence. As a consequence, it holds significant value to Ngāti Tama.

The area was also a valuable source of mahinga kai for Ngāti Tama. Tuna (eels), inanga (whitebait), and koura (freshwater crayfish) were among the river resources found here. A diverse range of vegetation such as nikau, beech, rata, rimu, and fern varieties provided food and also building and ornamental materials. Kokako, kereru, kiwi, and kaka were significant among the fauna of the area.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Mōhakatino River (No 1) marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Mōhakatino River (No 1) marginal strip, as provided for in section 60.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mōhakatino River (No 1) marginal strip; and

- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Mōhakatino River (No 1) marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mōhakatino River (No 1) marginal strip.

2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Mōhakatino River (No 1) marginal strip.

Statutory acknowledgement for Mōhakatino River (No 2) marginal strip

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mōhakatino River (No 2) marginal strip, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River (No 2) marginal strip, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino River (No 2) marginal strip

This area is important to Ngāti Tama as a mahinga kai reserve. Abundant river resources such as tuna, inanga, and koura were sourced from the area. Forest resources, including the medicinally important kawakawa, were abundant. Kokako, kereru, kiwi, and kaka were key fauna of the area.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Mōhakatino River (No 2) marginal strip, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Mōhakatino River (No 2) marginal strip, as provided for in section 60.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mōhakatino River (No 2) marginal strip; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Mōhakatino River (No 2) marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mōhakatino River (No 2) marginal strip.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Mōhakatino River (No 2) marginal strip.

Statutory acknowledgement for Mōhakatino coastal marginal strip

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the Mōhakatino coastal marginal strip, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino coastal marginal strip, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the Mōhakatino coastal marginal strip

Along this beach between the Mōhakatino and Mokau Rivers, Ngāti Tama engaged in numerous battles with northern iwi. One of these battles was "Nga-tai-pari-rua" in 1815, which, as its name indicates, was fought during 2 high tides.

Because of such battles and the communities in the area, there are a number of urupa (burial sites) of significance to Ngāti Tama in the vicinity.

The mataitai resources along this beach are of great value to the tribes associated with them and were often a cause for dispute.

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Mōhakatino coastal marginal strip as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity, as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the Mōhakatino coastal marginal strip, as provided for in section 60.

Limitations on effect of statutory acknowledgement

1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement;
 - (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the Mōhakatino coastal marginal strip; and
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the Mōhakatino coastal marginal strip described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Mōhakatino coastal marginal strip.
2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the Mōhakatino coastal marginal strip.

Statutory acknowledgement for coastal marine area adjoining the Ngāti Tama area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area referred to in the deed of settlement as the coastal marine area adjoining the Ngāti Tama area of interest, the general location of which is indicated on the map below.

Preamble

Under section 53, the Crown acknowledges the statement by Ngāti Tama of the cultural, spiritual, historical, and traditional association of Ngāti Tama with the coastal marine area adjoining the Ngāti Tama area of interest, as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Tama with the coastal marine area adjoining the Ngāti Tama area of interest

Te Rangihirua (Sir Peter Buck) wrote of Ngāti Tama's renown throughout the country for their fighting prowess. He recorded the words of an unnamed old man:

" "[O]ther tribes fought for fat lands, for birds and rat preserves, an aruhe rahui [fernroot reserve] but Ngāti Tama fought for the sake of fighting, with a parcel of wet land as take [cause]". "

Purposes of statutory acknowledgement

Under section 54, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the coastal marine area adjoining the Ngāti Tama area of interest, as provided for in sections 55 to 57; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 59; and
- (c) to enable the governance entity and members of Ngāti Tama to cite this statutory acknowledgement as evidence of the association of Ngāti Tama with the coastal marine area adjoining the Ngāti Tama area of interest, as provided for in section 60.

Limitations on effect of statutory acknowledgement

- 1. Except as expressly provided in subpart 4 of Part 5,—
 - (a) this statutory acknowledgement does not—
 - (i) affect, and must not be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:

- (ii) affect the lawful rights or interests of a person who is not a party to the deed of settlement:
- (iii) have the effect of granting, creating, or giving evidence of an estate or interest in, or rights relating to, the coastal marine area adjoining the Ngāti Tama area of interest; and
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw, may give greater or lesser weight to the association of Ngāti Tama with the coastal marine area adjoining the Ngāti Tama area of interest described in this statutory acknowledgement than that person would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the coastal marine area adjoining the Ngāti Tama area of interest.

- 2. Clause 1(b) does not limit clause 1(a).

No limitation on the Crown

This statutory acknowledgement does not preclude the Crown from providing a statutory acknowledgement to a person other than Ngāti Tama or the governance entity in respect of the coastal marine area adjoining the Ngāti Tama area of interest.



Appendix 2C: Ngaa Rauru Kiitahi statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 45 of the Ngaa Rauru Kiitahi Claims Settlement Act 2005, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 3 of Part 4 of the Ngaa Rauru Kiitahi Claims Settlement Act 2005, in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

Statutory acknowledgements

The statutory acknowledgements are:

- Statutory Acknowledgement for Nukumarū Recreation Reserve (Schedule 4 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest (Schedule 5 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for Hawken's Lagoon Conservation Area (Schedule 6 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for Lake Beds Conservation Area (Schedule 7 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for the Pātea River (Schedule 9 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for Whenuakura River (Schedule 10 Ngaa Rauru Kiitahi Claims Settlement Act 2005)
- Statutory Acknowledgement for Waitotara River (Schedule 11 Ngaa Rauru Kiitahi Claims Settlement Act 2005)

The locations of the above areas are shown in the map below.

Statutory acknowledgement for Nukumarū Recreation Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Nukumarū Recreation Reserve, the general location of which is indicated on Figure 3.

Preamble

Under section 40, the Crown acknowledges the statement by Ngaa Rauru Kiitahi of the cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Nukumarū Recreation Reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Nukumarū Recreation Reserve

Waikaramihi is the name given to the marae tawhito that is situated within the Nukumarū Recreation Reserve, on the coast between Waiinu and Tuaropaki. Ngaa Rauru Kiitahi traditionally camped at Waikaramihi from October to March each year. The main food gathering area was between the Waitotara river mouth and Tuaropaki.

The sources of food include kakahi (fresh water mussels), sea mussels, kina, paua, papaka (crabs), karingo (seaweed), and very small octopus stranded in the small rock pools from the receding tides. While Ngāti Maika and Ngāti Ruaiti were the main hapu that used Waikaramihi, all Ngaa Rauru Kiitahi hapu traditionally gathered kai moana in accordance with the values of Ngā Raurutanga.

The Karewaonui canoe (over 100 years old) was until 1987 housed at Waikaramihi and was used by Ngaa Rauru Kiitahi (mainly Ngāti Maika and Ngāti Ruaiti) to catch stingray, shark, snapper, and hapuka about 10 miles off the coast. Karakia were used when Karewaonui was "put to sea", and an offering of the first fish caught on Karewaonui was always given to the Kaitiaki-o-te-moana.

The area is still significant to Ngaa Rauru Kiitahi as a mahinga kai source from which the physical well-being of Ngaa Rauru Kiitahi is sustained, and the spiritual well-being nourished.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Nukumarū Recreation Reserve as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngāa Rauru Kītahi to cite this statutory acknowledgement as evidence of the association of Ngāa Rauru Kītahi with the Nukumarū Recreation Reserve as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāa Rauru Kītahi with the Nukumarū Recreation Reserve (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Nukumarū Recreation Reserve.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Nukumarū Recreation Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāa Rauru Kītahi or the governance entity with respect of the Nukumarū Recreation Reserve.

Statutory acknowledgement for Coastal Marine Area adjoining Ngāa Rauru Kītahi area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Coastal Marine Area adjoining the Ngāa Rauru Kītahi area of interest, the general location of which is indicated on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngāa Rauru Kītahi of the cultural, spiritual, historical, and traditional association of Ngāa Rauru Kītahi with the Coastal Marine Area adjoining the Ngāa Rauru Kītahi area of interest as set out below.

Cultural, spiritual, historical, and traditional association of Ngāa Rauru Kītahi with the Coastal Marine Area adjoining the Ngāa Rauru Kītahi area of interest

Within this coastal area between Rangitaawhi and Wai-o-Turi Marae is “Te Kiri o Rauru”, the skin of Rauru. Te Kiri o Rauru is an important life force that has contributed to the physical and spiritual well-being of Ngāa Rauru Kītahi.

Ngāa Rauru Kītahi used the entire coastal area from Te Awanui o Taikehu (Pātea River) to the mouth of the Whanganui River and inland for food gathering, and as a means of transport. The coastal area was a rich source of all kai moana. Ngāa Rauru Kītahi exercised the values of Ngā Raurutanga in both harvesting and conserving kai moana.

Ngāti Hine Waiata, and Ngāti Tai hapu of the Waipipi (Waverley) area gathered food according to the values of Ngā Raurutanga and kawa along the coast from the Pātea River to Waipipi. Along the wider coastal area Rangitaawhi, Pukorokoro, Ngāti Hine, Kairakau, Ngāti Maika, and Manaia hapu of the Pātea area gathered food according to the values of Ngā Raurutanga and kawa.

Ngā Ariki, Ngāti Hou Tipua, Ngāti Pourua, Ngāti Hine Waiatarua, Ngāti Ruaiti, and Ngāti Maika gathered food according to the values of Ngā Raurutanga and kawa along the coast from Waipipi to Mowhanau and the Kai Iwi stream.

Tamareheroto (Ngāti Pukeko and Ngāti Iti) exercised food gathering according to the values of Ngā Raurutanga and kawa along the coast from the Okehu stream to the mouth of the Whanganui River, including from the fishing station of Kaihau a Kupe (at the mouth of the Whanganui River). Ngā Kaainga at Kaihau a Kupe included Kaihokahoka (ki tai), Kokohuia (swampy area at Castlecliff), Te Whare Kakaho (Wordsworth St area), Pungarehu/Te Ahi Tuatini (Cobham bridge), Te Oneheke (between Karamu stream and Churton Creek),

Patupuhou, Nukuiro, and Kaierau (St Johns Hill). There are many sites of cultural, historical, and spiritual significance to Ngaa Rauru Kiitahi along the coastal area from the Pātea River to the mouth of the Whanganui River. Important kaainga are situated along this coastal area. These include

Tihoi Pa (where Te Rauparaha rested), which is situated between Rangitaawhi and the mouth of the Whenuakura River, Poopoia (Te kaainga a Aokehu), and Te Wai o Mahuku (near Te Ihonga). This coastal area includes outlets of streams and rivers that nourish and sustain Ngaa Rauru Kiitahi, such as Waipipi, Waiinu, Tapuarau Lagoon, the Ototoke Stream, the Okehu Stream, and the Kai Iwi Stream. Other areas of special significance to Ngaa Rauru Kiitahi include Taipake Tuturu, Tutaramoana (he kaitiaki moana), Tuaropaki, and Waikaramihi Marae along the coast from Tuaropaki.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngaa Rauru Kiitahi to cite this statutory acknowledgement as evidence of the association of Ngaa Rauru Kiitahi with the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngaa Rauru Kiitahi with the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngaa Rauru Kiitahi or the governance entity with respect of the Coastal Marine Area adjoining Ngaa Rauru Kiitahi area of interest.

Statutory acknowledgement for Hawkens Lagoon Conservation Area

Statutory area

The area to which this statutory acknowledgement applies is the area known as Hawkens Lagoon Conservation Area, the general location of which is indicated on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngaa Rauru Kiitahi of the cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Hawkens Lagoon Conservation Area as set out below.

Cultural, spiritual, historical, and traditional association of Ngā Rauru Kiitahi with the Hawkens Lagoon Conservation Area

Tapuarau is the name given to the area at the mouth of the Waitotara River within the Tapuarau Conservation Area. The main hapu of Ngaa Rauru Kiitahi that used Tapuarau included Ngāti Hine Waiatarua, Ngāti Hou Tipua, Ngā Ariki, and Ngāti Ruaiti. Ngaa Rauru Kiitahi has used Tapuarau as a seasonal campsite from where it has gathered mahinga kai in accordance with the values of Ngā Raurutanga. Tapuarau extends from the mouth of the Waitotara River to Pukeone and includes several small lagoons, including Tapuarau Lagoon, which are the source of tuna, flounder, mullet, whitebait, and inanga. During flooding, Ngaa Rauru Kiitahi was able to take tuna as it attempted to migrate from the nearby lagoons to the river mouth. The old marae named Hauriri was also situated in this area.

The area is still significant to Ngaa Rauru Kiitahi as a mahinga kai source from which the physical well-being of Ngaa Rauru Kiitahi is sustained, and the spiritual well-being is nourished.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Hawkens Lagoon Conservation Area as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngaa Rauru Kiitahi to cite this statutory acknowledgement as evidence of the association of Ngaa Rauru Kiitahi with the Hawkens Lagoon Conservation Area as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngaa Rauru Kiitahi with the Hawkens Lagoon Conservation Area (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Hawkens Lagoon Conservation Area.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Hawkens Lagoon Conservation Area.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngaa Rauru Kiitahi or the governance entity with respect of the Hawkens Lagoon Conservation Area.

Statutory acknowledgement for Lake Beds Conservation Area

Statutory area

The area to which this statutory acknowledgement applies is the area known as Lake Beds Conservation Area, the general location of which is indicated on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngaa Rauru Kiitahi of the cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Lake Beds Conservation Area as set out below.

Cultural, spiritual, historical, and traditional association of Ngāa Rauru Kīitahi with the Lake Beds Conservation Area

The Lake Beds Conservation Area is located within the Moumahaki Lakes catchment area, and is situated inland above Kohi. These lakes and the surrounding area have great cultural significance for the Ngāa Rauru Kīitahi hapu, predominantly Ngā Ariki.

These lakes were the main food source for those hapu. Temporary kaainga and tuna weir were dotted along some of the lakes. Other food gathered from the lakes included kakahi and koura.

Special varieties of flaxes from around the lakes were used to make tuna traps and clothing.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Lake Beds Conservation Area, as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngāa Rauru Kīitahi to cite this statutory acknowledgement as evidence of the association of Ngāa Rauru Kīitahi with the Lake Beds Conservation Area, as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāa Rauru Kīitahi with the Lake Beds Conservation Area, (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Lake Beds Conservation Area.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Lake Beds Conservation Area.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāa Rauru Kīitahi or the governance entity with respect of the Lake Beds Conservation Area.

Statutory acknowledgement for Pātea River

Statutory area

The area to which this statutory acknowledgement applies the area known as Pātea River, the general location of which is indicated and described on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngāa Rauru Kīitahi of the cultural, spiritual, historical, and traditional association of Ngāa Rauru Kīitahi with the Pātea River as set out below.

Cultural, spiritual, historical, and traditional association of Ngāa Rauru Kīitahi with the Pātea River

Ngāa Rauru Kīitahi knows the Pātea River by the name of Te Awanui o Taikehu. Te Awanui o Taikehu is the life force that has sustained all whaanau and hapu of Ngāa Rauru Kīitahi who have resided along the banks of the Pātea River, and within this area. Ngā hapu o Ngāa Rauru Kīitahi who settled along Te Awanui o Taikehu include Rangitaawhi, Pukorokoro, Ngāti Hine, Kairakau, Ngāti Maika I, and Manaia.

There are many Pā and kaainga situated along Te Awanui o Taikehu. The Mangaehu Pā is situated near, and nourished by, Te Awanui o Taikehu. Between Te Awanui o Taikehu and the Whenuakura River (Te Aarei o Rauru) are Maipu Pā and Hawaiki Pā. Along the Pātea

River are Owio, Kaiwaka, Arakirikiri, Ngapapa-tara-iwi, Tutumahoe Pā and kaainga. Further along Te Awanui o Taikahu sits Parikaranga, Rangitaawhi, and Wai-o-Turi Marae at the mouth of Te Awanui o Taikahu.

Wai-o-Turi Marae, which is situated above the south bank towards the mouth of Te Awanui o Taikahu, is the landing site of Turi (commander of the Aotea Waka) who came ashore to drink from the puni wai, hence the name of the marae, Wai-o-Turi.

Ngaa Rauru Kiitahi used the entire length of Te Awanui o Taikahu for food gathering. Sources of food included kakahi (fresh water mussels), tuna, whitebait, smelt, flounder, and sole. Te Awanui o Taikahu remains significant to Ngaa Rauru Kiitahi as a mahinga kai source from which the physical well-being of Ngaa Rauru Kiitahi is sustained, and the spiritual well-being nourished.

Ngaa Rauru Kiitahi used the entire length of Te Awanui o Taikahu for food gathering. Sources of food included kakahi (fresh water mussels), tuna, whitebait, smelt, flounder, and sole. Te Awanui o Taikahu remains significant to Ngaa Rauru Kiitahi as a mahinga kai source from which the physical well-being of Ngaa Rauru Kiitahi is sustained, and the spiritual well-being nourished.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Pātea River, as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngaa Rauru Kiitahi to cite this statutory acknowledgement as evidence of the association of Ngaa Rauru Kiitahi with the Pātea River, as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngaa Rauru Kiitahi with the Pātea River, (as described in this statutory acknowledgement) than that person would give under the relevant

statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Pātea River.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Pātea River.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngaa Rauru Kiitahi or the governance entity with respect of the Pātea River.

Statutory acknowledgement for Whenuakura River

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Whenuakura River, the general location of which is indicated and described on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngaa Rauru Kiitahi of the cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Whenuakura River as set out below.

Cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Whenuakura River

The Whenuakura River is the life force that sustained all Ngaa Rauru Kiitahi whaanau and hapu that resided along and within its area, and is known by Ngaa Rauru Kiitahi as Te Aarei o Rauru. The area along the Whenuakura River is known to Ngaa Rauru Kiitahi as Paamatangi. One of the oldest known Ngaa Rauru Kiitahi boundaries was recited as “Mai

Paamatangi ki Piraunui, mai Piraunui ki Ngawaierua, mai Ngawaierua ki Paamatangi”. Ngāti Hine Waiata is the main Ngaa Rauru Kiitahi hapu of Paamatangi.

The Maipu Pā is situated near the western bank of Te Aarei o Rauru. There are many urupa sites and wahi tapu situated along Te Aarei o Rauru. Whenuakura Marae is also located on the banks of Te Aarei o Rauru.

Ngaa Rauru Kiitahi hapu used the entire length of Te Aarei o Rauru for food gathering. Sources of food included tuna, whitebait, smelt, flounder, and sole.

Te Aarei o Rauru remains significant to Ngaa Rauru Kiitahi not only as a source of kai that sustains its physical well-being, but also as a life force throughout the history of Paamatangi and for the people of Ngāti Hine Waiata over the generations.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Whenuakura River, as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngaa Rauru Kiitahi to cite this statutory acknowledgement as evidence of the association of Ngaa Rauru Kiitahi with the Whenuakura River, as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngaa Rauru Kiitahi with the Whenuakura River, (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Whenuakura River.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Whenuakura River.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngaa Rauru Kiitahi or the governance entity with respect of the Whenuakura River.

Statutory acknowledgement for Waitōtara River

Statutory area

The area to which this statutory acknowledgement applies is the area known as the Waitotara River, the general location of which is indicated and described on the map below.

Preamble

Under section 40, the Crown acknowledges the statement by Ngaa Rauru Kiitahi of the cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Waitotara River as set out below.

Cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with the Waitōtara River

The Waitotara River is the life force that sustains Ngaa Rauru Kiitahi. Many Ngaa Rauru Kiitahi hapu are located either along or near the Waitotara River. These include Ngā Ariki (Waipapa Marae), Ngāti Pourua (Takirau Marae), Ngāti Hine Waiatarua (Parehungahunga Marae), Te Ihupuku Marae, and Ngāti Hou Tipua (Whare Tapapa, Kaipo Marae). Ngāti Hou Tipua (Whare Tapapa, Kaipo Marae) is known by Ngaa Rauru Kiitahi as Te Pu-o-te-Wheke (head of the octopus), or the Ngaa Rauru Kiitahi headquarters.

Ngāa Rauru Kīitahi used the entire length of the Waitotara River for food gathering. Sources of food included kakahi (fresh water mussels), tuna, whitebait, smelt, flounder, and sole. Historically, Ngāa Rauru Kīitahi also utilised the Waitotara River as a means of transport.

The Waitotara River remains significant to Ngāa Rauru Kīitahi as a symbol of a past mahinga kai source from which the physical wellbeing of Ngāa Rauru Kīitahi was sustained, and the spiritual wellbeing nourished.

Purposes of statutory acknowledgement

Under section 41, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust, as the case may be, to have regard to this statutory acknowledgement in relation to the Waitotara River, as provided for in sections 42 to 44; and
- (b) to require consent authorities to forward summaries of resource consent applications to the governance entity as provided for in section 46; and
- (c) to enable the governance entity and members of Ngāa Rauru Kīitahi to cite this statutory acknowledgement as evidence of the association of Ngāa Rauru Kīitahi with the Waitotara River, as provided for in section 47.

Exercise of powers, duties, and functions not affected

Under section 54 and except as expressly provided in subpart 3 of Part 4 –

- (a) this statutory acknowledgement does not affect and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāa Rauru Kīitahi with the Waitotara River, (as described in this statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of the Waitotara River.

Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 55 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 56 and except as expressly provided in subpart 3 of Part 4 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to the Waitotara River.

Crown not precluded from granting other statutory acknowledgement

Under section 53 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāa Rauru Kīitahi or the governance entity with respect of the Waitotara River.



Appendix 2D: Ngāti Mutunga statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 53 of the Ngāti Mutunga Claims Settlement Act 2006, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 3 of Part 2 of the Ngāti Mutunga Claims Settlement Act 2006, in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

Statutory acknowledgements

The statutory acknowledgements are:

- Statutory Acknowledgement for Part of Mimi-Pukearuhe Coast Marginal Strip
- Statutory Acknowledgement for Waitoetoe Beach Recreation Reserve
- Statutory Acknowledgement for Mimi Scenic Reserve
- Statutory Acknowledgement for Mimi Gorge Scientific Reserve
- Statutory Acknowledgement for Mataro Scenic Reserve
- Statutory Acknowledgement for Mt Messenger Conservation Area within the area of interest
- Statutory Acknowledgement for Taramoukou Conservation Area
- Statutory Acknowledgement for Onaero River Scenic Reserve
- Statutory Acknowledgement for Onaero Coast Marginal Strip
- Statutory Acknowledgement for Onaero River Marginal Strip
- Statutory Acknowledgement for Urenui River Marginal Strip
- Statutory Acknowledgement for Coastal Marine Area adjoining the area of interest
- Statutory Acknowledgement for Tangitu Conservation Area and Miro Scenic Reserve

- Statutory Acknowledgement for Onaero River
- Statutory Acknowledgement for Urenui River
- Statutory Acknowledgement for Waitara River within the area of interest
- Statutory Acknowledgement for Mimi River within the area of interest.

The locations of the above areas are shown in the map below.

Statutory acknowledgement for Part of Mimi-Pukearuhe Coast Marginal Strip

Statutory area

The area to which this statutory acknowledgement applies is the area known as Part of Mimi-Pukearuhe Coast Marginal Strip, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Part of Mimi-Pukearuhe Coast Marginal Strip as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Part of Mimi-Pukearuhe Coast Marginal Strip

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mimi-Pukearuhe Coast Marginal Strip. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mimi-Pukearuhe Coast Marginal Strip to Ngāti Mutunga.

This is an area of high historic importance to Ngāti Mutunga and contains some significant pā sites including Titoki, Ruataki, Pukekarito and Whakarewa. Regulation rūnanga (meetings) were held in this area at Wai-iti.

Pukekarito in prior times was the home of Tarapounamu the ancestor of Ngai Tarapounamu. Later Taihuru occupied this pā. Taihuru was a great warrior. His fame reaching his mother's people (Taranaki Tūturu) they sent a war party against him to nip his powers in the bud. He was attached at Pukekarito while he was making his paepae tuatara (toilet). Several messengers were dispatched to his house to alarm him but he coolly went

on decking his hair with plumes and a whale bone comb. Having completed his paepae tuatara, he took up his taiaha and came forth. His appearance was greeted by his mother's kin who by this time had almost secured the entrance of the pā, with a yell "Aha! Ka put ate mokomoko nei, te keakea a Tukemata". (Aha! Now the lizard comes forth, the offspring of Tukemata). Taihuru replied by making an attack on the enemy, slaying two men at each blow of his taiaha, so that before long his kinsmen took flight. Taihuru fought in many other battles, and was in the end mortally wounded in a campaign against Taranaki Tūturu.

The Papatiki Stream is located in the area. It is tapu to Ngāti Mutunga because of the way in which it was used by northern invaders after a battle in pre-Pakeha times.

There remain important kaitaki links to the pātiki (flounder/sole) and tāmure (snapper) breeding grounds, as well as other fish sources.

A very important feature of the area is the presence of high papa rock cliffs. A particular fishing method was employed by Ngāti Mutunga which used the ledges hewn out by nature at the bottom of these cliffs. Mako (shark), tāmure and araara (trevally) were caught from these ledges in abundance.

Kōura (fresh water crayfish), kūtae (mussels), kina (sea eggs), pūua and other resources also contributed to a reliable and plentiful supply of seasonal fish from the area. Ngāti Mutunga developed a number of different ways of preserving these supplies for later consumption, using every part of the fish. This tradition has survived and continues to be used by Ngāti Mutunga as form of aroha koha (receptable contribution) at special hui.

Where the cliffs incline to sea level there are a number of tauranga waka (canoe berths) formerly used for fishing canoes. These have special significance to Ngāti Mutunga in their identification with the area as physical symbols of an historical association with it.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Part of Mimi-Pukearuhe Coast Marginal Strip as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and

- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Part of Mimi-Pukearuhe Coast Marginal Strip as provided for in section 55.

Exercise of powers and performance of functions and duties not affected.

Under section 59 –

- (1) Except as expressly provided in this subpart,
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Part of Mimi-Pukearuhe Coast Marginal Strip (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Part of Mimi-Pukearuhe Coast Marginal Strip.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Part of Mimi-Pukearuhe Coast Marginal Strip.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Part of Mimi-Pukearuhe Coast Marginal Strip.

Statutory acknowledgement for Waitoetoe Beach Recreation Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Waitoetoe Beach Recreation Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Waitoetoe Beach Recreation Reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Waitoetoe Beach Recreation Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Waitoetoe Beach Recreation Reserve. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Waitoetoe Beach Recreation Reserve to Ngāti Mutunga.

The Waitoetoe Beach Recreation Reserve is situated near Arapawanui which was the pā of the brothers Tukutahi and Rehetaia (Mutunga's grandsons). Other important pā include Te Teketeke-o-Terehua (which is now an urupā), Omihi and Whakaahu. Ngāti Mutunga cultivated the area in former times. Waitoetoe was also a favourite fishing place and reef of Ngāti Mutunga. Tuatua, pipi, kūtae (mussels) and a number of fish species were caught off the coast here.

The coastal area was also generally known as Wai-roa (long waters) or Wai-ki-roa, which was the name of the long stretch of coastline from Waitoetoe to Tikoki in the north. At low tide Ngāti Mutunga would walk along the beach from Waitoetoe to Wai-iti.

Ngāti Mutunga have always maintained a considerable knowledge of the lands of Waitoetoe Beach Recreation Reserve and surrounding area, its history, the traditional trails of the tūpuna in the area, the places for gathering kai and other taonga, and the ways in which to use the resources of the Waitoetoe Beach Recreation Reserve. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Mutunga with the Waitoetoe Beach Recreation Reserve.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Waitoetoe Beach Recreation Reserve as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Waitoetoe Beach Recreation Reserve as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Waitoetoe Beach Recreation Reserve (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Waitoetoe Beach Recreation Reserve.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Waitoetoe Beach Recreation Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Waitoetoe Beach Recreation Reserve.

Statutory acknowledgement for Mimi Scenic Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Mimi Scenic Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi Scenic Reserve as set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi Scenic Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mimi Scenic Reserve. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mimi Scenic Reserve to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Mimi Scenic Reserve as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and

- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Mimi Scenic Reserve as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Mimi Scenic Reserve (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Mimi Scenic Reserve.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mimi Scenic Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Mimi Scenic Reserve.

Statutory acknowledgement for Mimi Gorge Scientific Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Mimi Gorge Scientific Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi Gorge Scientific Reserve set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi Gorge Scientific Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mimi Gorge Scientific Reserve. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mimi Gorge Scientific Reserve to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Mimi Gorge Scientific Reserve as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Mimi Gorge Scientific Reserve as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--

- (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
- (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Mimi Gorge Scientific Reserve (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Mimi Gorge Scientific Reserve.

- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mimi Gorge Scientific Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Mimi Gorge Scientific Reserve.

Statutory acknowledgement for Mataro Scenic Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Mataro Scenic Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mataro Scenic Reserve set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mataro Scenic Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mataro Scenic Reserve. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mataro Scenic Reserve to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Mataro Scenic Reserve as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Mataro Scenic Reserve as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw;
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Mataro Scenic Reserve (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Mataro Scenic Reserve.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mataro Scenic Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Mataro Scenic Reserve.

Statutory acknowledgement for Mt Messenger Conservation Area within the area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area known as Mt Messenger Conservation Area within the area of interest, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mt Messenger Conservation Area within the area of interest set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mt Messenger Conservation Area within the area of interest

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mt Messenger Conservation Area within the area of interest. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mt Messenger Conservation Area within the area of interest to Ngāti Mutunga.

The Mt Messenger Conservation Area and its surrounding area of of great cultural significance to Ngāti Mutunga. Mt Messenger Conservation Area was a significant mahinga kai source from which the physical wellbeing of Ngāti Mutunga was sustained and the spiritual wellbeing nourished.

The medicinal qualities of the plant life in the Mt Messenger Conservation Area were also important to Ngāti Mutunga. These cultural aspects of the Area constitute an essential part of the heritage of Ngāti Mutunga.

Kaka, kiwi, kahurangi kererū, tuna inanga (whitebait) and the pāua slug were traditional resources found here. To ensnare some of the abundant bird life within the area known today as Mt Messenger Conservation Area, the people of Ngāti Mutunga would hollow out miro longs as drinking troughs for the birds such as kererū and wait in hiding for them.

Papa clay types found here were used for dying muka. A range of temperate zone flora was also available to Ngāti Mutunga from this area including beech, rata, rimu, and a variety of ferns. A range of materials was also collected from the area for waka, building and clothing.

Ngāti Mutunga have always maintained a considerable knowledge of the lands of the Mt Messenger Conservation Area and surrounding area, its history, the traditional trails of the tūpuna in the area, the places for gathering kai and other taonga, and the ways in which to use the resources of the Mt Messenger Conservation Area. Proper and sustainable resource management has always been at the heart of the relationship with Ngāti Mutunga with the Mt Messenger Conservation Area. The sustainable management of the resources of the Area remains important to Ngāti Mutunga today.

The traditional values of mana, mauri, whakapapa and tapu are central to the relationship of Ngāti Mutunga with the Mt Messenger Conservation Area. One of the roles of Ngāti Mutunga as tangata whenua is to protect the mauri of the Mt Messenger Conservation Area. Whakapapa defines the genealogical relationship of Ngāti Mutunga to the Area. Tapu describes the sacred nature of the Area to Ngāti Mutunga. Mana, mauri, whakapapa and tapu are all important spiritual elements of the relationship of Ngāti Mutunga with the Mt Messenger Conservation Area. All of these values remain important to the people of Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Mt Messenger

Conservation Area within the area of interest as provided for in sections 50 to 52; and

- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Mt Messenger Conservation Area within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Mt Messenger Conservation Area within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Mt Messenger Conservation Area within the area of interest.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mt Messenger Conservation Area within the area of interest.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Mt Messenger Conservation Area within the area of interest.

Statutory acknowledgement for Taramoukou Conservation Area

Statutory area

The area to which this statutory acknowledgement applies is the area known as Onaero River Scenic Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Taramoukou Conservation Area set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Taramoukou Conservation Area

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Taramoukou Conservation Area. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Taramoukou Conservation Area to Ngāti Mutunga.

The Taramoukou Conservation and its surrounding area are of great cultural significance to Ngāti Mutunga. Taramoukou was a significant mahinga kai source from which the physical wellbeing of Ngāti Mutunga was sustained and their spiritual wellbeing nourished. Kiwi, kaka, kererū, miro and a range of other plants were gathered as food and for medicinal purposes. The Mangahewa, Makara and Taramoukou streams also supplied tuna (eels) and kōura (freshwater crayfish). A range of materials was also collected from the area for waka, building and clothing.

Important Ngāti Mutunga pā sites in an nearby the area include Ruahine, Whakairongo, Takapuikaka and Tikorangi. These inland pā were used as places of refuge in times of war. They were also important seasonal food gathering pā. Many other temporary kāinga and campsites can be found throughout the conservation area.

Ngāti Mutunga have always maintained a considerable knowledge of the lands of the Taramoukou Conservation Area and surrounding area, its history, the traditional trails of

the tūpuna in the area, the places for gathering kai and other taonga, and the ways in which to use the resources of the Taramoukou Conservation Area. Proper and sustainable resource management has always been at the heart of the relationship with Ngāti Mutunga with the Taramoukou Conservation Area. The sustainable management of the resources of the area remains important to Ngāti Mutunga today.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Taramoukou Conservation Area within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Taramoukou Conservation Area within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Taramoukou Conservation Area within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Taramoukou Conservation Area.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Taramoukou Conservation Area.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Taramoukou Conservation Area.

Statutory acknowledgement for Onaero River Scenic Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Onaero River Scenic Reserve, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River Scenic Reserve set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River Scenic Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Onaero River Scenic Reserve. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Onaero River Scenic Reserve to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Onaero River Scenic Reserve within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Onaero River Scenic Reserve within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Onaero River Scenic Reserve within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Onaero River Scenic Reserve.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Onaero River Scenic Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Onaero River Scenic Reserve.

Statutory acknowledgement for Onaero Coast Marginal Strip

Statutory area

The area to which this statutory acknowledgement applies is the area known as Onaero Coast Marginal Strip, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero Coast Marginal Strip set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero Coast Marginal Strip

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Onaero Coast Marginal Strip. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Onaero Coast Marginal Strip to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Onaero Coast Marginal Strip within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Onaero Coast Marginal Strip within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Onaero Coast Marginal Strip within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Onaero Coast Marginal Strip.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Onaero Coast Marginal Strip.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Onaero Coast Marginal Strip.

Statutory acknowledgement for Onaero River Marginal Strip

Statutory area

The area to which this statutory acknowledgement applies is the area known as Onaero River Marginal Strip, the general location of which is indicated on the map below

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River Marginal Strip set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River Marginal Strip

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Onaero River Marginal Strip. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Onaero River Marginal Strip to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Onaero River Marginal Strip within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Onaero River Marginal Strip within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Onaero River Marginal Strip within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute,

regulation, or bylaw if this statutory acknowledgement did not exist in respect of Onaero River Marginal Strip.

- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Onaero River Marginal Strip.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Onaero River Marginal Strip.

Statutory acknowledgement for Urenui River Marginal Strip

Statutory area

The area to which this statutory acknowledgement applies is the area known as Urenui River Marginal Strip, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Urenui River Marginal Strip set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Urenui River Marginal Strip

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Urenui River Marginal Strip. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Urenui River Marginal Strip to Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Urenui River Marginal Strip within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Urenui River Marginal Strip within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Urenui River Marginal Strip within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Urenui River Marginal Strip.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Urenui River Marginal Strip.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Urenui River Marginal Strip.

Statutory acknowledgement for Coastal Marine Area adjoining the area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area known as Coastal Marine Area adjoining the area of interest, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Coastal Marine Area adjoining the area of interest set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Coastal Marine Area adjoining the area of interest

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Coastal Marine Area. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Coastal Marine Area to Ngāti Mutunga.

A taniwha named Rangitotohu protects the Taranaki coastline. This taniwha is remembered in the whakataūaki “Ka kopa, me kopa, kit e ana o Rangitotohu” (Gone, disappeared as if into the cave of Rangitotohu). Rangitotohu would snatch passers-by and draw them into his cave. If a person was to violate hui (temporary restrictions) or be disrespectful when fishing or gathering kaimoana they would be snatched by Rangitotohu.

The resources found along the coast of Nga Tai a Kupe (the tides of Kupe) have, since time immemorial, provided the people of Ngāti Mutunga with a constant supply of food resources. The pūpū (cats eye), pāpaka (crabs), pipi, tuatua and many other species of reef inhabitants. Hāpuku (groper), moki (trumpeter fish), kanae (mullet), mako (shark), pātiki (flounder) and tāmure (snapper) swim freely between the many reefs that can be found stretching out into the waters of Nga Tai a Kupe and along the Ngāti Mutunga coastline.

Names such as Pakihi, Maruwehi, Onepoto, Waitoetoe, Waikiroa, Paparoa, Kukuriki, and Owei depict the whereabouts of either a fishing ground or fishing reef.

A very important feature of the coastline is the presence of high perpendicular papa rock cliffs. These cliffs were broken by the Mimi, Urenui and Onaero rivers which forced their way out into the wide expanse of Nga Tai a Kupe. A unique fishing method was developed by Ngāti Mutunga using the ledges hewn out by nature at the bottom of these cliffs. Mako, tāmure, kahawai, and araara (trevally) were caught off these ledges in abundance.

The cliffs on the shores also provided a plentiful supply of titi (mutton bird) and karoro (seagull). Kororā (penguin) were also harvested at certain times of the year. Ngāti Mutunga referred to Ngā Tai a Kupe as “te pātaka o te iwi” (the cupboard of food of the people). The coastline was Ngāti Mutunga’s livelihood in prior times. It provided Ngāti Mutunga with all the resources of life they required to survive.

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

Ngāti Mutunga has, and continues to exercise, its customary rights on the coastline from Titoki in the north to Waiau in the south. Ngāti Mutunga iwi and whānau have, and continue to exercise, food gathering according to the values and tikanga of Ngāti Mutunga.

Where the cliffs incline to sea level there are a number of tauranga waka (canoe berths) formerly used for fishing canoes. These have special significance to Ngāti Mutunga in their identification with the area as physical symbols of an historical association with it.

There are many sites of cultural, historical and spiritual significance to Ngāti Mutunga along the coastal area from Titoki to Waiau. Important kāinga are situated along this coastal area. These include Pihanga (originally the home of Uenuku), Maruwehi (the pē of Kahukura) and Te Kaweka (the birth place of Mutunga) which are situated on the cliffs near the mouth of the Urenui River, Oropapa, Te Mutu-o-Tauranga which is on the coast north of the Urenui River, Pukekohe, Arapawanui, Omihi, Hurita (near Mimi), Ruataki, Pukekaritoa and Titoki (Wai-iti).

Ngāti Mutunga people were often cremated, rather than buried in urupā. Many of the points jutting out into the sea along the Ngāti Mutunga coastline are tapu as they were sites used for this ritual.

Throughout the years Ngāti Mutunga has exercised custodianship over the Coastal Marine Area and has imposed rahui (temporary restrictions) when appropriate, restricting the taking of mussels, pipi, tuatua and other kaimoana. Proper and sustainable management of the Coastal Marine Area has always been at the heart of the relationship between Ngāti Mutunga and the Coastal Marine Area.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Coastal Marine Area adjoining the area of interest within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Coastal Marine Area adjoining the area of interest within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Coastal Marine Area adjoining the area of interest within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this

statutory acknowledgement did not exist in respect of Coastal Marine Area adjoining the area of interest.

- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Coastal Marine Area adjoining the area of interest.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Coastal Marine Area adjoining the area of interest.

Statutory acknowledgement for Tangitu Conservation Area and Miro Scenic Reserve

Statutory area

The area to which this statutory acknowledgement applies is the area known as Coastal Marine Area adjoining the area of interest, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Tangitu Conservation Area and Miro Scenic Reserve set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Tangitu Conservation Area and Miro Scenic Reserve

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Tangitu Conservation Area and Miro Scenic Reserve. For Ngāti

Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Tangitu Conservation Area and Miro Scenic Reserve to Ngāti Mutunga.

Ngāti Mutunga have always maintained a considerable knowledge of the lands of the Tangitu Conservation Area, the Miro Scenic Reserve and the surrounding area, its history, the traditional trails of the tūpuna in the area, the places for gathering kai, and other taonga and ways in which to use the resources of the Tangitu Conservation Area and the Miro Scenic Reserve. Proper and sustainable resource management has always been at the heart of the relationship of Ngāti Mutunga with the Tangitu Conservation Area and the Miro Scenic Reserve. The sustainable management of the resources of the area remains important to Ngāti Mutunga today.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Tangitu Conservation Area and Miro Scenic Reserve within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Tangitu Conservation Area and Miro Scenic Reserve within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater

or lesser weight to the association of Ngāti Mutunga with Tangitu Conservation Area and Miro Scenic Reserve within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Tangitu Conservation Area and Miro Scenic Reserve.

(2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Tangitu Conservation Area and Miro Scenic Reserve.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Tangitu Conservation Area and Miro Scenic Reserve.

Statutory acknowledgement for Onaero River

Statutory area

The area to which this statutory acknowledgement applies is the area known as Onaero River, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Onaero River

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Onaero River. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Onaero River to Ngāti Mutunga.

The Onaero River was important to Ngāti Uenuku (also known as Ngāti Tupawhenua). Ruaoneone had Ruawahia and from Ruawahia came Uenuku, the ancestor of Ngāti Uenuku. Kaitangata also has a strong association with the Onaero River.

Puketapu and Pukemiro pā are situated at the mouth of the river. Other pā along the banks of the Onaero River include Pukemapou, Moerangi, Te Ngaio, Tikorangi, Kaitangata and Ruahine which are all located upstream. Pukemapou was the home of Uenuku's two grandsons Pouwhakarangona and Poutitia. Pourangahau was the name of their famous whata kai.

Ngāti Mutunga utilised the entire length of the Onaero River for food gathering. The mouth of the river provided a plentiful supply of pipi, pūpū (cats eyes), pātiki (flounder), kahawai and other fish. Inanga (whitebait) were caught along the banks of the river. Tuna (eel) and piharau (lamprey eel) were caught in the upper reaches of the river. Piharau (lamprey eel) were caught using whakaparu which was a technique developed by placing rarauhe (bracken fern) in therapids of the river in times of flood.

Ngāti Mutunga people have used the Onaero River to access sacred sites along its banks. The Onaero River and its banks have been occupied by the ancestors of Ngāti Mutunga since before the arrival of the Tokomaru and Tahatuna waka. The Onaero River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Onaero River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Mutunga today.

All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Mutunga whanui to the Onaero River.

The Onaero River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. There are specific areas of the Onaero River that Ngāti Mutunga people would bathe in when they were sick. The river was also used for baptising babies.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Onaero River within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Onaero River within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Onaero River within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Onaero River.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Onaero River.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Onaero River.

Statutory acknowledgement for Urenui River

Statutory area

The area to which this statutory acknowledgement applies is the area known as Urenui River, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Urenui River set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Urenui River

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Urenui River. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Urenui River to Ngāti Mutunga.

The name Urenui derives from Tu-Urenui the son of Manaia who commanded the Tahatuna waka. Upon landing Manaia named the river after his son Tu-Urenui as an acknowledgement of his mana in the area. Upon his arrival the descendants of Pohokura and Pukearuhe were residing in the area. The river was also known as Te Wai o Kura. Kura

was the ancestor of the Ngāti Kura hapū who in prior times occupied this area. This name is depicted in the Ngāti Mutunga pepeha:

Mai Te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakamarunga taniwha

The Urenui River has been a treasured taonga and resource of Ngāti Mutunga. Traditionally the Urenui River and, in times past, the associated wetland area have been a source of food as well as a communication waterway.

The people of Ngāti Mutunga lived in many pā located along the banks of the Urenui River. The Urenui River was referred to as “he wai here Taniwha this figurative expression was used because of the large number of pā along the banks of the river. These pā included Pihanga, Pohokura, Maruehi, Urenui, Kumarakaiamo, Ohaoko, Pa-oneone, Moeariki, Horopapa, Te Kawa, Pa-wawa, Otumoana, Orongowhiro, Okoki, Pukewhakamaru and Tutu-manuka. The riverbanks thus became the repository of many koiwi tangata.

Ngāti Mutunga utilized the entire length of the Urenui River for food gathering. The mouth of the river provided a plentiful supply of kutae (mussels), pipi, and pūpū (cats eye). Patiki (flounder) kahawai and other fish were caught throughout the year depending on the tide and the moon. Inanga (whitebait) were caught by the kete full. Tuna (eel) and piharau (lamprey eel) were caught in the upper reaches of the river. Piharau were caught using whakaparu, which was a technique developed by placing rarauhe (bracken fern) in the rapids of the river in times of flood.

Ngāti Mutunga people have used the Urenui River to access sacred sites along its banks. The Urenui River and its banks have been occupied by the ancestors of Ngāti Mutunga since before the arrival of the Tokomaru and Tahatuna. Such ancestors included the descendants of Tokatea. The Urenui River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Urenui River, the relationship of the people with the river and their dependence on it, and tikanga for the proper and sustainable utilization of resources. All of these values remain important to Ngāti Mutunga today.

All elements of the natural environment possess a life force and all forms of life are related. Māui is a critical element of the spiritual relationship of Ngāti Mutunga to the Urenui River. Ngāti Mutunga also used the Urenui River for baptizing babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.

The Urenui River has always been an integral part of the social, spiritual and physical lifestyles of Ngāti Mutunga.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Urenui River within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Urenui River within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Urenui River within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Urenui River.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Urenui River.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Urenui River.

Statutory acknowledgement for Waitara River within the area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area known as Waitara River within the area of interest, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Waitara River within the area of interest set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Waitara River within the area of interest

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Waitara River within the Area of interest. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Waitara River within the Area of interest to Ngāti Mutunga.

The Waitara River takes its name from Te Whaitara-nui-ā-Wharematangi-i-te-kimi-i-tana-matua-i-ā-Ngarue. The Waitara River is important to Ngāti Mutunga as a boundary marker between Ngāti Mutunga and Ngāti Maru-Wharanui.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Waitara River within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Waitara River within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Waitara River within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Waitara River within the area of interest.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Waitara River within the area of interest.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Waitara River within the area of interest.

Statutory acknowledgement for Mimi River within the area of interest

Statutory area

The area to which this statutory acknowledgement applies is the area known as Mimi River within the area of interest, the general location of which is indicated on the map below.

Preamble

Under section 48, the Crown acknowledges the statement by Ngāti Mutunga of the cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi River within the area of interest set out below.

Cultural, spiritual, historical, and traditional association of Ngāti Mutunga with Mimi River within the area of interest

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga to the Mimi River within the Area of interest. For Ngāti Mutunga, traditions such as these represent the links between the world of the gods and present generations. These histories reinforce tribal identity, connection and continuity between generations and confirm the importance of the Mimi River within the area of interest to Ngāti Mutunga.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the Mimi River, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to the people of Ngāti Mutunga today.

The full name of the Mimi River is Mimitangiatua. The river was also known as Te Wai o Mihirau. Mihirau was an ancestress of the Te Kekerewai hapū and was a prominent woman of her time. The name Te Wai o Mihirau is referred to in the Ngāti Mutunga pepeha:

Mai Te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakarangunui taniwha

There are a number of pā and kāinga located along the banks of the Mimi River. These include Mimi-Papahutiwai, Omihi, Arapawanui, Oropapa, Pukekohe, Toki-kinikini and Tupari. There were also a number of taupā (cultivations along the banks of the river).

Arapawanui was the pā of Mutunga's famous grandsons Tukutahi and Rehetaia. They were both celebrated warriors, especially Rehetaia who took the stronghold of Kohangamouku belonging to Ngāti Mutunga's southern neighbours Ngāti Rahiri.

The Mimi River and associated huhi (swampy valleys), ngahere (large swamps) and repo (muddy swamps) were used by Ngāti Mutunga to preserve taonga. The practice of keeping wooden taonga in swamps was a general practice of the Ngāti Mutunga people.

The Mimi River has nourished the people of Ngāti Mutunga for centuries. Pipi, Pūpū (cats eye), tio (oyster) and pātiki (flounder) were found in abundance at the mouth of the river. Inanga (whitebait) were caught all along the banks of the river.

The Mimi River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. Ngāti Mutunga also used the Mimi River for baptizing babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.

All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāti Mutunga whanau to the Mimi River.

To the people of Ngāti Mutunga, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual and social significance in the past, present and future.

Purposes of statutory acknowledgement

Under section 49, the only purposes of this statutory acknowledgement are—

- (a) to require consent authorities, the Environment Court, or the Historic Places Trust to have regard to the statutory acknowledgements in relation to Mimi River within the area of interest as provided for in sections 50 to 52; and
- (b) to require relevant consent authorities to forward summaries of resource consent applications to the trustees, as provided for in section 54; and
- (c) to enable the trustees and a member of Ngāti Mutunga to cite the statutory acknowledgement as evidence of the association of Ngāti Mutunga with Mimi River within the area of interest as provided for in section 55.

Exercise of powers and performance of functions and duties not affected

Under section 59 –

- (1) Except as expressly provided in this subpart,--
 - (a) this statutory acknowledgement does not affect, and is not to be taken into account by, a person exercising a power or performing a function or duty under a statute, regulation, or bylaw:
 - (b) no person, in considering a matter or making a decision or recommendation under a statute, regulation, or bylaw may give greater or lesser weight to the association of Ngāti Mutunga with Mimi River within the area of interest (as described in the relevant statutory acknowledgement) than that person would give under the relevant statute, regulation, or bylaw if this statutory acknowledgement did not exist in respect of Mimi River within the area of interest.
- (2) Subsection (1)(b) does not affect the operation of subsection (1)(a).

Rights not affected

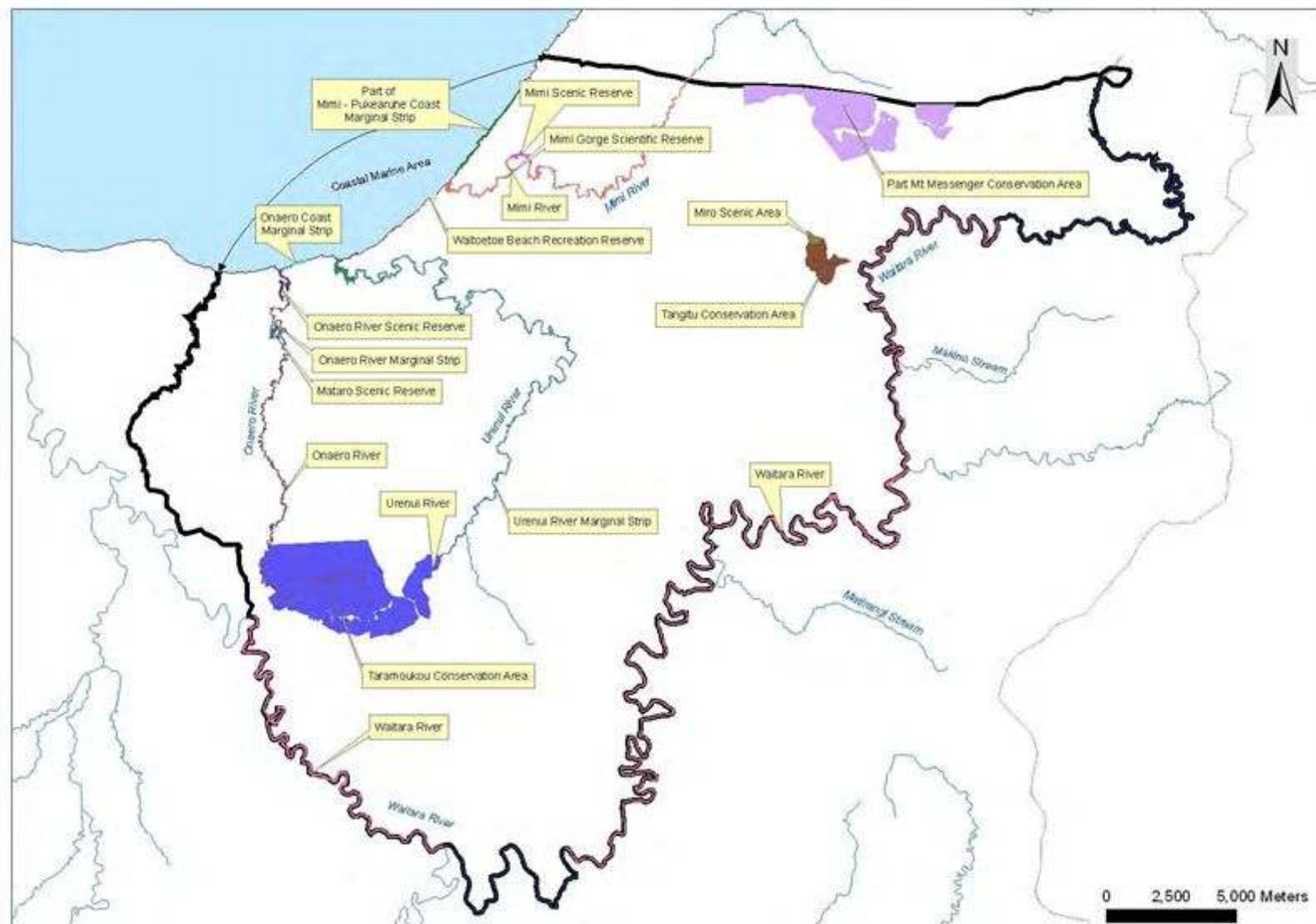
Under section 60 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not affect the lawful rights or interests of a person who is not a party to the deed of settlement.

Limitation of rights

Under section 61 and except as expressly provided in subpart 3 of Part 2 this statutory acknowledgement does not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to Mimi River within the area of interest.

Crown not precluded from granting other statutory acknowledgement

Under section 58 the Crown is not precluded from providing a statutory acknowledgement to persons other than Ngāti Mutunga or the trustees with respect to Mimi River within the area of interest.



Location of statutory acknowledgements for Ngāti Mutunga

Appendix 2E: Taranaki statutory acknowledgements

1. Attachment to the Coastal Plan for Taranaki

In accordance with Section 93 of the Taranaki Claims Settlement Act 2003, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 5 of Part 5 of the Taranaki Claims Settlement Act 2003 in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

2. Statutory acknowledgements

The statutory acknowledgements are:

- Statutory Acknowledgement for Otoki Gorge Scenic Reserve (Schedule 5 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Te Moananui A Kupe O Ngāti Ruanui (Schedule 6 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Tāngāhoe River (Schedule 7 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Whenuakura River (Schedule 8 Ngāti Ruanui Claims Settlement Act 2003)
- Statutory Acknowledgement for Pātea River (Schedule 9 Ngāti Ruanui Claims Settlement Act 2003).

The statements of association of Taranaki Iwi are set out below. These are statements of Taranaki Iwi's particular cultural, spiritual, historical and traditional association with identified areas.

Coastal marine area

The statements of association of Taranaki Iwi are set out below. These are statements of Taranaki Iwi's particular cultural, spiritual, historical and traditional association with identified areas.

Statutory Area	Location
Taranaki Iwi coastal marine area	(as shown on deed plan OTS-053-55)

The following statement of association by Taranaki Iwi applies to the above statutory area.

Taranaki Iwi exercise mana whenua and mana moana from Paritutu in the north around the western coast of Taranaki Maunga to Rāwa o Turi stream in the south and from these boundary points out to the outer extent of the exclusive economic zone.

The traditions of Taranaki Iwi illustrate the ancestral, cultural, historical and spiritual association of Taranaki Iwi to the coastal marine area within the Taranaki Iwi rohe ("**Coastal Marine Area**"). The seas that bound the Coastal Marine Area are known by Taranaki Iwi as Ngā Tai a Kupe (the shores and tides of Kupe). The coastal lands that incline into the sea are of high importance to Taranaki Iwi and contain kāinga (villages), pā (fortified villages), pūkāwa (reefs) for the gathering of mātaitai (seafood), tauranga waka or awa waka (boat channels), tauranga ika (fishing grounds) and mouri kōhatu (stone imbued with spiritual significance). The importance of these areas reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those Taranaki Iwi ancestors that occupied and utilised these areas.

Prior to the proclamation and enforcement of the confiscation of lands within the Taranaki Iwi rohe (area of interest), Taranaki Iwi hapū occupied, cultivated, fished, harvested and gathered mātaitai in the Coastal Marine Area. The entire shoreline from Paritūtū to the Rāwa o Turi was critical to daily life such as fishing, food gathering, cultivations and ceremonies. The sea and coastal reefs provided a staple food source with fertile volcanic soils providing excellent growing conditions for large community cultivations. Food preparation and harvesting was ultimately dependant on the lunar calendar that controlled tides and other environmental conditions, but the best times for gathering and harvesting are known by Taranaki Iwi as Ngā Tai o Mākiri (the tides of Mākiri). These generally occur in March and September.

The small boulder reefs are possibly one of the most unique features of the Taranaki Iwi coastline providing special habitat for all matters of marine life. Resources found along the extent of the coastline of Ngā Tai a Kupe provide Taranaki Iwi with a constant supply of food. The reefs provide pāua (abalone), kina (sea urchin), kōura (crayfish), kūkū (mussels), pūpū (mollusc), ngākihi (limpets), pāpaka (crab), toretore (sea anemone) and many other

reef species, while tāmure (snapper), kahawai, pātiki (flounder), mako (shark) and other fish are also caught along the coastline in nets and on fishing lines.

Also evident in the reefs are the monolithic tauranga waka or awa waka where large boulders were moved aside by hand to create channels in the reef. These provided access to offshore fishing grounds and prevented boats from being smashed onto rocks by the heavy surf. Large kāinga were also built around the tauranga waka providing Taranaki Iwi hapū with the infrastructure for efficient fishing operations. Whenever possible, fishing nets were also set in the tauranga waka. Fishing also took the form of separate, smaller pool like structures, or tauranga ika. They were baited and had a small opening on the seaward end of the structure to attract fish. On an incoming tide fish would enter the pools to feed and would then be chased out to be caught by a net placed over the small entranceway.

Taranaki Iwi oral traditions recount that in former times, the extent of large boulder reefs in the central part of Taranaki Iwi was much larger than those seen today. The large sandy areas in the central part of the Taranaki Iwi rohe is an occurrence attributed to Mangohuruhuru. Mangohuruhuru was from the South Island and was bought here by Taranaki Iwi rangatira Pōtikiroa and his wife Puna-te-rito, who was Mangohuruhuru's daughter. Mangohuruhuru settled on the coastal strip between Tipoka and Wairua and built a house there called Te Tapere o Tūtahi. However, the large rocky Taranaki coastline was foreign to him and he longed for the widespread sandy beaches of his homeland. He warned Taranaki Iwi and told them he was calling the sands of Tangaroa. This phenomenon came as a large tsunami and totally buried Mangohuruhuru and his kāinga. His final words to Taranaki Iwi were:

'ka oti taku koha ki a koutou e ngā iwi nei, ko ahau anō hei papa mō taku mahi, hei papa anō hoki mō koutou - This will be my parting gift for you all, that it will come at the cost of my life, but will provide a future foundation'

The sands brought by Mangohuruhuru continue to provide excellent growing conditions for many of the low lying seaside kāinga within the central part of the Taranaki Iwi rohe.

The Coastal Marine Area was also the main highway for many Taranaki Iwi uri (descendants) when travelling between communities, as most of the coastal lands were free of the thick bush found a little higher towards the mountain. Coastal boundary stones and mouri kōhatu are another unique cultural feature within the Taranaki Iwi rohe and they form a highly distinctive group, not commonly found elsewhere in the country. Many of these were invariably carved with petroglyphs in spiral form and were often located in accessible areas, within pā earthworks and open country. However, most of them were

nestled in the reef on the seashore alongside tauranga waka, tauranga ika, pūkāwa, pūaha (river mouths) and below or adjacent to well-known pā sites.

Tahu and Turi the twin kaitiaki (guardians) mark the mouth of the Tapuae River, Te Pou o Tamaahua in Ōākura, Te Toka a Rauhoto (originally located a little inland on the south side Hangātāhua River mouth) Opu Opu (also a tauranga waka and tauranga ika) in the bay off Te Whanganui Reserve, Kaimaora, Tuha, Tokaroa and Omanu in the reefs at Rahotū and Matirawhati the stone boundary marker between Ngāti Haua (a hapū of Ngāruahine) and Taranaki Iwi on the reef of the Rāwa o Turi river mouth. These mouri kōhatu continue to be revered by Taranaki Iwi hapū.

Although access to many areas along the Coastal Marine Area was discontinued as a consequence of confiscation, Taranaki Iwi have continued to exercise custodianship over those areas accessible to Taranaki Iwi. Many Taranaki Iwi hapū have imposed rāhui (temporary restrictions) over sites, restricting the taking of kūkū, kina, pāua and other mātaitai. Proper and sustainable management of the Coastal Marine Area has always been at the heart of the relationship between Taranaki Iwi and the Taranaki Iwi coastline.

The names of some of the Taranaki Iwi Coastal Marine Area sites of significance such as pūkāwa, tauranga ika and tauranga waka are listed in Appendix A.

Appendix A

From Paritutu to the Ōākura River		
Name of site	Classification	Iwi interests
Paritūtū	<i>He maunga</i> (mountain)	Te Ātiawa
Motu-o-Tamatea	He moutere (<i>island</i>)	Te Ātiawa
Tokatapu	He moutere	Te Ātiawa
Koruanga	He moutere	Te Ātiawa
Waikaranga	He moutere	Te Ātiawa
Tokamapuna	He moutere	Te Ātiawa
Motumahanga	He moutere	Te Ātiawa
Moturoa	He moutere	Te Ātiawa
Mataora	He moutere	Te Ātiawa
Pararaki	He moutere	Te Ātiawa
Ōnukutaipari	<i>He oneroa</i> (long stretch of beach)	Te Ātiawa
Te Parapara	<i>He urupā/ He onepū</i> (burial ground/sandy dune)	
Waiorotoki (Waiorotoki)	He pūkāwa (reef)	
Papataniwha	He pūkāwa	

From Paritutu to the Oākura River		
Name of site	Classification	Iwi interests
Ōmata	He pūkāwa / He kāinga (reef/ village)	
Tokatapu	He pūkāwa	
Kapowairua	He pūkāwa	
Te Papahineroa	He pūkāwa	
Omuna	He pā (fortified village)	
Haurangi	He kāinga	
Ōtete	He pā	
Huataua	He kāinga	
Rangiuru	He kāinga	
Paerewa	He kāinga	
Ngātōkatūrua	He pūkāwa	
Te Arawaire	He pūkāwa	
Wāhitere	He pūkāwa	
Tarakatea	He pūkāwa	
Kāwhiaiti	He pā / He kāinga	
Te Awahahae	He pā	
Tauwhare	He pūkāwa	
Kereata	He pūkāwa	
Ko Hinetaupea	He pūkāwa	
Kekeorangi	He pā	
Waikukakuka	He tauranga waka (boat channel)	
Ōmuna	He pā	
Tokataratara	He pūkāwa	
Te Kahakaha	He kāinga	
Oruarire	He pūkāwa	

From the Oākura River to Hangatahau River		
Name of site	Classification	Iwi interests
Okorotua	He kāinga/ He pā	
Te Ruatahi	He oneroa	
Te Patunga	He oneroa	
Te Ahu a Tama	He oneroa	

From the Oākura River to Hangatahau River		
Name of site	Classification	Iwi interests
Ahipaka	He kāinga	
Pukeariki	He kāinga	
Te Ruaatumanu	He pūkāwa	
Oau	He pā/ He kāinga	
Hāhāwai	He kāinga	
Ōraukawa	He pūkāwa	
Te Pangaterangi	He kāinga	
Tūrakitōa	He kāinga	
Hauranga	He pā	
Ūpoko ngāruru	He kāinga / He pūkāwa	
Te Wahanga	He pūkāwa	
Te Mutu	He pūkāwa	
Poatamakino	He pūkāwa	
Te Rapa	He pūkāwa	
Kaipāpaka	He pūkāwa	
Te Waiho	He pūkāwa	
Kohoki	He pūkāwa	
Tarare	He pūkāwa	
Puketahu	He pūkāwa	
Pirirata	He pūkāwa	
Rataua	He kāinga	
Moanatairi	He kāinga / He māra (village / garden)	
Pukehou	He kāinga / He māra	
Tataraimaka	He pā/ tauranga waka	
Haurapari	He kāinga	
Puketehe	He kāinga / He māra	
Kaiwekaweke	He pūkāwa	
Tukitukipapa	He pā	
Maitahi	He kāinga / he tauranga waka / he pūkāwa	
Takaipakea	He kāinga	
Waikoukou	He kāinga	
Te Raroa	He kāinga	
Tiroa	He kāinga	

From the Oākura River to Hangatahū River		
Name of site	Classification	Iwi interests
Huakiremu	He kāinga	
Piritakini	He kāinga	
Parawaha	He pa/ He kāinga / He urupā	
Kaihihi	He kāinga	
Puketarata	He kāinga	
Mounu Kahawai	He pā	
Totoaro	He huhu/ He repo (swamp/ marsh)	
Whareatea	He pā / He kāinga / He tauranga waka	

Hangatahū River to Kapoiaia River		
Name of site	Classification	Iwi interests
Whakapohau	He onepū	
Ngātōkamaomao	He tauranga waka	
Mokotunu	He kāinga / He tauranga waka / He urupā / He pūkāwa	
Taihua	He kāinga / He tauranga waka / He urupā / He pūkāwa	
Kaihamu	He kāinga	
Wareware	He kāinga	
Tuiraho	He kāinga / He tauranga waka / He urupā / He pūkāwa	
Warea Redoubt/Bradys Grave	He urupā	
Warea	He kāinga	
Tarakihi	He kāinga / He tauranga waka	
Te Whanganui	He kāinga	
Te Opuopu	He tauranga waka / He tauranga ika / He tokatūmoana	
Te Putatupō	He kāinga / He pūkāwa	
Waikauri	He Tauranga ika	
Ihutangi	He kāinga / He pūkāwa	
Okawa	He kāinga / He pūkāwa	
Ikaroa	He kāinga / He pūkāwa	
Te Mapua / Te Awaatuteangi	He tauranga waka / He Tauranga ika	

Kapoiaia River to Moutoti River		
Name of site	Classification	Iwi interests
Mataurukuhia	He kāinga / He pūkāwa	
Te Awa Akuaku	He tauranga waka	
Ko Manu	He tokatūmoana (rock of significance)	
Tipoka	He kāinga / He tauranga waka / He māra	
Tokaroa	He tauranga waka / He pūkāwa	
Waitaha	He kāinga / He pūkāwa	
Wairua (Wairuanguana)	He kāinga / He pūkāwa	
Ōtūkorewa	He kāinga	
Kaimaora	He pūkāwa	
Otamaariki	He pūkāwa	
Aratetari	He kāinga	
Opoe	He pūkāwa	
Urupiki	He pūkāwa	
Tokapiko	He whanga / He pūkāwa	
Owhae	He pūkāwa	
Pukerimu	He kāinga	
Papanui	He pūkāwa	
Okopiri (Okopere)	He kāinga	
Kapukapu	He pūkāwa	
Okahu	He pūkāwa	
Kairoa	He urupā	
Matawhero	He whanga/ He pūkāwa (bay / reef)	
Orapa	He pūkāwa	
Taupata	He pūkāwa	
Patarakini	He pūkāwa	
Opokere	He pūkāwa	
Oraukawa	He kāinga / He tauranga waka / He pūkāwa	
Ōtūwhenua	He kāinga	
Te Kuta	He pūkāwa	
Awawaroa	He pūkāwa	
Tangihāpu	He pūkāwa	
Te Karangi	He pūkāwa	

Kapoaia River to Moutoti River		
Name of site	Classification	Iwi interests
Paparoa	He urupā	
Moutoti River to Rāwa O Turi River		
Name of site	Classification	Iwi interests
Moutoti	He tauranga waka	
Pukawa	He pūkāwa	
Waitakiato	He kāinga / He tauranga waka	
Ōtūparaharore	He pūkāwa	
Pukeariki	He kāinga	
Kaiaho	He rua taniwha (<i>taniwha lair</i>)	
Ngāmotu	He pūkāwa	
Te Tuahu	He urupā	
Waiwiri	He tauranga waka / He pūkāwa	
Arawhata	He tauranga waka / He pūkāwa	
Otahi (Te Namu)	He tauranga waka / He pūkāwa	
Taura harakeke	He tauranga waka	
Te Namu Iti	He pā / He kāinga	
Te Namu	He pā / He urupā	
Te Moua	He kāinga	
Tūkapo	He kāinga	
Taumatakahawai	He pūkāwa / He pā	
Tukutukumanu	He kāinga	
Matakaha	He pā / He kāinga	
Pukekohatu	He pā / He kāinga / He pūkāwa	
Mangahume	He pūkāwa	
Waiteika	He pūkāwa	
Hingaimotu	He kāinga	
Mātaikahawai	He pā / He kāinga	
Kororānui	He roto (<i>lake</i>)	Ngāruahine
Oruapea	He kāinga	Ngāruahine
Pūhara te rangi	He pā	Ngāruahine
Watino	He kāinga	Ngāruahine
Papaka (Papakakatiro)	He pā / He kāinga	Ngāruahine
Ōtūmatua	He pā / He kāinga / He pūkāwa	Ngāruahine

Kapoaia River to Moutoti River		
Name of site	Classification	Iwi interests
Puketapu	He pūkāwa	Ngāruahine
Mangamaire	He pā / He kāinga	Ngāruahine
Kawatapu	He kāinga / He pā	Ngāruahine
Mataawa (Mataaho)	He pā	Ngāruahine
Te Pou o Matirawhati	He tokatūmoana	Ngāruahine

WATERWAYS

Statutory Area	Location
Mangawarawara Stream Marginal Strip	(as shown on deed plan OTS-053-48)
Waiweranui Stream Marginal Strip	(as shown on deed plan OTS-053-56)
Tapuae Stream Marginal Strip	(as shown on deed plan OTS-053-54)
Pungarehu Marginal Strip	(as shown on deed plan OTS-053-52)
Otahi Stream No 1 Marginal Strip	(as shown on deed plan OTS-053-49)
Otahi Stream No 2 Marginal Strip	(as shown on deed plan OTS-053-50)
Heimama Stream Gravel Local Purpose Reserve	(as shown on deed plan OTS-053-46)
Ouri Stream Marginal Strip	(as shown on deed plan OTS-053-51)
Mangahume Stream Conservation Area	(as shown on deed plan OTS-053-32)
Waiongana Stream and its tributaries	(as shown on deed plan OTS-053-43)
Ngatoronui Stream and its tributaries	(as shown on deed plan OTS-053-33)
Oākura River and its tributaries	(as shown on deed plan OTS-053-34)
Warea River (Te Ikaparua) and its tributaries	(as shown on deed plan OTS-053-45)
Kapoaia Stream and its tributaries	(as shown on deed plan OTS-053-31)
Otahi Stream and its tributaries	(as shown on deed plan OTS-053-36)
Pungaereere Stream and its tributaries	(as shown on deed plan OTS-053-39)
Waiaua River and its tributaries	(as shown on deed plan OTS-053-41)
Mangahume Stream and its tributaries	(as shown on deed plan OTS-053-32)
Waiteika Stream and its tributaries	(as shown on deed plan OTS-053-44)
Taungatara Stream and its tributaries	(as shown on deed plan OTS-053-40)
Punehu Stream and its tributaries	(as shown on deed plan OTS-053-38)
Ouri Stream and its tributaries	(as shown on deed plan OTS-053-37)
Oeo Stream and its tributaries	(as shown on deed plan OTS-053-35)

The following statement of association by Taranaki Iwi applies to the above statutory areas.

Taranaki Iwi exercise mana whenua and mana moana from Paritūtū in the north around the western coast of Taranaki Maunga to Rawa o Turi stream in the south and from these boundary points out to the outer extent of the exclusive economic zone.

The traditions of Taranaki Iwi confirm the ancestral, cultural, historical and spiritual importance of the waterways to Taranaki Iwi within the Taranaki Iwi rohe. The rivers and tributaries that bound and flow through the Taranaki Iwi rohe (area of interest) are of high importance to Taranaki Iwi, as many of them flow directly from Taranaki Maunga. These waterways contain adjacent kāinga (villages), pā (fortified villages), important sites for the gathering of kai (food), tauranga ika (fishing areas) and mouri kōhatu (stones imbued with spiritual significance). The importance of these waterways reinforces the Taranaki Iwi tribal identity and provides a continuous connection between those ancestors that occupied and utilised these areas and their many deeds.

Waterways, rivers and streams within the Taranaki Iwi rohe were and continue to be vital to the well-being, livelihood and lifestyle of Taranaki Iwi communities. As kaitiaki (guardians), Taranaki Iwi closely monitored their health and water quality to ensure there was an abundant source of food, materials and other resources to sustain their livelihoods. A diverse range of food sources, such as piharau (lamprey eel), tuna (eel), kōkopu (native trout), inanga (whitebait), kōaro (small spotted freshwater fish) and kōura (freshwater crayfish) were a staple harvest with large numbers of kahawai and pātiki (flounder) also caught on the river mouths along the Taranaki Iwi coastline. Although access to many of the age old fishing spots for piharau has become a challenge, many are still caught in the months of June, July and August by Taranaki Iwi families.

Relatively high rainfall up on the mountain quickly drains through these river systems, contributing to high water flows and the swift clearance of excessive sedimentation. This has resulted in, clean, clear water accessible to generations of Taranaki Iwi. The river courses, waterfalls and pools were also ceremonial sites used for baptism and other forms of consecration including tohi (child dedication ceremony), pure (tapu removal ceremony) and hahunga (exhumation ceremony). The practice of hahunga involved the scraping and cleansing of bones after being laid on a whata (stage), or suspended from trees to allow for the decomposition of the flesh from the body. The bones were then painted with kōkōwai (red ochre) wrapped and interred in caves, some of these were on the banks of rivers on the plains while others were high up on the mountain. The natural resources along the edges of the rivers and large swamp systems commonly provided materials for everyday community life, waka (boats), housing, construction, medicine, food and clothing. Large

deposits of kōkōwai were also abundant in the river beds higher up on the mountain. Te Ahititi was a famous Kōkōwai deposit located along the banks of the Hangatāhua River with other known sites on the Kaitake range and Waiwhakaiho River valley above Karakatonga Pā. These sites were fiercely guarded by Taranaki Iwi.

The waterways within the Taranaki Iwi rohe also traditionally provided the best access routes to inland cultivations and village sites further up on the mountain and the ranges. Some of these routes became celebrated and were conferred names that confirmed the importance of the places they led to. Te Arakaipaka was a route that followed the Pitoone, Timaru and Waiorehu streams up onto various sites on the Kaitake and Pouākai ranges. Tararua was another route that followed the Whenuariki Stream to Te Iringa, Pirongia, Pukeiti and Te Kōhatu on the Kaitake range. The Hangatāhua River was also a key route up onto the Ahukawakawa swamp basin. The Kapoiaia River also provided a pathway for Taranaki Iwi hapū, Ngāti Haupoto. This began at Pukehāmoama (close to the Cape Lighthouse on the sea coast) and went to Te Umupua, Orokotehe, Te Ahitahutahu, Ongaonga and onto the Ahukawakawa Swamp where a whare was situated. The Ōkahu River was another well-known route to Te Apiti and onto Te Maru, a fortified pā high up on Taranaki Maunga. Te Maru Pā had extensive cultivations and satellite kāinga before it was attacked by Ngāpuhi and Waikato war parties in the early 1800's with great slaughter.

Taniwha also protected many of the rivers and waterways along the Taranaki Iwi coast. Te Rongorangiataiki was resident along the Ōākura River along with the famed taniwha Tuiaua of Matanehunehu, who was said to have caused a fishing tragedy at Mokotunu in the late 1800s. There was also Te Haiata, the taniwha who resided at Ngauhe, and Kaiaho on the Pungaereere and Ōāoiti streams. He would move from these two places from time to time to protect the people and the rivers. Taniwha are still revered by many Taranaki Iwi families and form the basis of tikanga (practices) for which the sustainable harvesting and gathering of food for Taranaki Iwi continues today.

The names of significant waterways within the Taranaki Iwi rohe are listed in Appendix B.

Appendix B

Taranaki Iwi waterways

Waterway	Main tributaries	Iwi interests
Herekawe Stream and its tributaries	Mangaherurangi Stream	Te Ātiawa
Te Hēnui Stream (<i>Headwaters and Upper Reaches</i>)	Pukekotahuna Stream	Te Ātiawa
Huatoki Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Mangorei Stream (<i>Headwaters and Upper Reaches</i>)	Taruawakanga Stream Korito Stream Mangakarewarewa Stream	Te Ātiawa
Mangamahoe Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Waiwhakaiho River (<i>Headwaters and Upper Reaches</i>)	Mangakōtūtuku Stream Mangawarawara Stream Kokowai Stream Karakatonga Stream	Te Ātiawa
Waiongana River (<i>Headwaters and Upper Reaches</i>)	Waionganaiti Stream	Te Ātiawa
Ngātoro Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Ngātoronui Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Piakau Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Little Maketawa Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Maketawa Stream (<i>Headwaters and Upper reaches</i>)		Te Ātiawa
Mangamāwhete Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa
Waipuku Stream (<i>Headwaters and Upper Reaches</i>)		Te Ātiawa

Waterway	Main tributaries	Iwi interests
Waireka Stream and its tributaries	Wairere Stream Pirongia Stream	Te Ātiawa
Ōkurukuru Stream and its tributaries	Paopahaoanui Stream Ngākara Stream	
Tapuae Stream and its tributaries	Ōraukawa Stream	
Ōākura River and its tributaries	Momona Stream Kiri Stream	
Wairau Stream and its tributaries		
Waimoku Stream and its tributaries		
Ōtūpoto Stream and its tributaries		
Whenuariki Stream and its tributaries		
Timaru Stream and its tributaries		
Pitoone Stream and its tributaries		
Waiaua Stream		
Hurumangu Stream and its tributaries		
Katikara Stream and its tributaries		
Maitahi Stream and its tributaries	Moakura Stream	
Waikoukou Stream and its tributaries	Mangakino Stream	
Kaihihi Stream and its tributaries	Waihi Stream Horomanga Stream	
Hangatahua (Stoney) River and its tributaries	Waikirikiri Stream	
Werekino Stream and its tributaries	Waitetarata Stream Otaipane Stream Waitapuae Stream	
Matanehunehu Stream and its tributaries		
Waiorongomai Stream and its tributaries		
Pūremunui Stream		
Waiweranui Stream and its tributaries		
Te Ikaparua (Warea) River and its tributaries	Whanganui Stream Mangaone Stream Waitekaure Stream Te Mahau Stream Oneroa Stream	
Kapoaiaia Stream and its tributaries	Wairere Stream Waiohau Stream	

Waterway	Main tributaries	Iwi interests
Otahi Stream and its tributaries	Moukoro Stream	
Waitotoroa Stream and its tributaries	Waiare(Waiari) Stream Pehu Stream	
Waitaha Stream and its tributaries		
Pungaereere Stream and its tributaries	Rautini Stream	
Okahu Stream and its tributaries		
Manganui Stream		
Ōtūwhenua Stream		
Tangihāpū Stream		
Moutoti Stream and its tributaries	Maungahoki Stream Waitakiato Stream	
Ōaoiti Stream and its tributaries		
Ōaonui Stream and its tributaries	Maunganui Stream Teikiwanui Stream Ngapirau Stream	
Arawhata Stream		
Ōkaweu Stream and its tributaries	Mouhanga Stream Waikārewarewa Stream Waiāniwaniwa Stream	
Heimama Stream and its tributaries	Mangamutu Stream	
Otahi Stream and its tributaries		
Hihiwera Stream and its tributaries		
Waiaua River and its tributaries	Otaki Stream Waipapa Stream	
Mangahume Stream and its tributaries		
Waiteika Stream and its tributaries	Ngārika Stream Te Waka Stream	
Taungātara Stream and its tributaries	Rāhuitoetoe Stream	Ngāruahine
Pūnehu Stream and its tributaries	Mangatawa Stream	Ngāruahine
Ōuri Stream and its tributaries	Waipaepaeiti Stream	Ngāruahine
Oeo Stream and its tributaries	Mangatoromiro Stream Waihi Stream	Ngāruahine
Wahamoko Stream and its tributaries	Waimate Stream	Ngāruahine
Rāwa o Turi Stream and its tributaries		Ngāruahine

Statutory Area	Location
Ratapihipihi Scenic Reserve	(as shown on deed plan OTS-053-53)

Ratapihipihi area is of cultural, historical and spiritual significance to Taranaki Iwi. Ratapihipihi takes its name from the extent of the growth of Rata in and around the area in former times. The domain reserve and surrounding area includes the following sites of significance: Ratapihipihi kāinga / pā, Te Rangihinga, Ongaruru, Rotokare, Kororako pā and Kaikākāriki. These pā and kāinga were widely occupied by Taranaki Iwi and sections of Te Ātiawa.

In 1847, the wider Ratapihipihi area was designated one of two native reserves during the purchase of the Ōmata Block (4856 hectares) on 30th August 1847. As a designated Native Reserve (371 acres), Ratapihipihi then became the home of many Potikitaia and Ngāti Tairi people following their relocation from the seaside kāinga of Ōmata. Many people lived for a time at Ratapihipihi pā / kāinga located south west of the current Rotokare Lagoon. Subsequently, Ratapihipihi became a prominent village and settlement up until the 1860s when Crown and Māori conflict began and, on 4 September 1860, a powerful military, naval and militia force started out from New Plymouth under the command of Major-General Pratt and attacked the kāinga. The pā and surrounding cultivations were levelled and razed by fire.

In June 1872, Ihaia Porutu, Rōpata Ngārongomate, Henare Piti Porutu and Wiremu Rangiawhio received a Crown Grant under the Native Reserves Act 1856 for 140 acres 1 rood 38 perches, being part Native Reserve No 5, Ratapihipihi. The grant was issued under the Native Reserves Act 1856.

On 29 May 1906, 50 acres of this grant was taken for scenic purposes under the Public Works Act 1905 and the Scenery Preservation Act 1903. On 2 April 1909, the Native Land Court ruled the Public Trustee pay six Māori owners £345 compensation.

Appendix 2F: Ngāruahine statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 53 of the Ngāruahine Claims Settlement Act 2006, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 3 of Part 2 of the Ngāruahine Claims Settlement Act 2006, in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

Statutory acknowledgements

The statutory acknowledgements are:

The statements of association of Ngāruahine are set out below. These are statements of the particular cultural, spiritual, historical and traditional association of Ngāruahine with identified areas.

- Awatuna Stream and its tributaries (as shown on deed plan OTS-023-18);
- Inaha Stream and its tributaries (as shown on deed plan OTS-023-35);
- Kahouri Stream and its tributaries (as shown on deed plan OTS-023-36);
- Kapuni Stream and its tributaries (as shown on deed plan OTS-023-37);
- Kapuni Stream-Ohawe Marginal Strip (as shown on deed plan OTS-023-06);
- Kaupokonui-a-Turi (being Kaupokonui Recreation Reserve) (as shown on deed plan OTS-023-08);
- Kaupokonui-Manaia Marginal Strip (as shown on deed plan OTS-023-07);
- Kaupokonui Stream and its tributaries (as shown on deed plan OTS-023-19);
- Kaupokonui Stream Marginal Strip (as shown on deed plan OTS-023-12);
- Konini Stream and its tributaries (as shown on deed plan OTS-023-38);
- Manganui River and its tributaries (as shown on deed plan OTS-023-20);
- Mangarangi Stream and its tributaries (as shown on deed plan OTS-023-39);
- Mangatawa Stream and its tributaries (as shown on deed plan OTS-023-21);
- Mangatoki Stream and its tributaries (as shown on deed plan OTS-023-40);
- Mangatoromiro Stream and its tributaries (as shown on deed plan OTS-023-41);
- Mangawhero Stream and its tributaries (as shown on deed plan OTS-023-22);
- Mangawhero Stream Marginal Strip (as shown on deed plan OTS-023-13);
- Motumate Stream and its tributaries (as shown on deed plan OTS-023-42);
- Ngāruahine Coastal Marine Area (as shown on deed plan OTS-023-56);
- Oeo-Kaupokonui Marginal Strip (as shown on deed plan OTS-023-09);
- Oeo Stream and its tributaries (as shown on deed plan OTS-023-23);
- Ohawe-Hawera Marginal Strip (as shown on deed plan OTS-023-10);
- Omiti Stream and its tributaries (as shown on deed plan OTS-023-24);
- Opuhi Stream and its tributaries (as shown on deed plan OTS-023-43);
- Otakeho Stream and its tributaries (as shown on deed plan OTS-023-25);
- Ouri Stream and its tributaries (as shown on deed plan OTS-023-26);
- Ouri Stream Marginal Strip (as shown on deed plan OTS-023-14);
- Paetahi Stream and its tributaries (as shown on deed plan OTS-023-27);
- Pātea River and its tributaries (as shown on deed plan OTS-023-28);
- Piakau Stream and its tributaries (as shown on deed plan OTS-023-44);
- Punehu Stream and its tributaries (as shown on deed plan OTS-023-29);
- Raoa Stream and its tributaries (being Rawa Stream and its tributaries) (as shown on deed plan OTS-023-30);
- Taikatu Stream and its tributaries (as shown on deed plan OTS-023-31);
- Taungatara Stream and its tributaries (as shown on deed plan OTS-023-32);
- Tawhiti Stream and its tributaries (as shown on deed plan OTS-023-45);
- Te Popo Stream and its tributaries (as shown on deed plan OTS-023-46);

- Tuikonga Stream and its tributaries (as shown on deed plan OTS-023–47);
- Wahamoko Stream and its tributaries (as shown on deed plan OTS-023–48);
- Waihi Stream (Hawera) and its tributaries (as shown on deed plan OTS-023–49);
- Waihi Stream (Oeo) and its tributaries (as shown on deed plan OTS-023–50);
- Waikaretu Stream and its tributaries (as shown on deed plan OTS-023–51);
- Waimate Stream and its tributaries (as shown on deed plan OTS-023–52);
- Waingongoro River and its tributaries (as shown on deed plan OTS-023–33);
- Waingongoro River No 1 Marginal Strip (as shown on deed plan OTS-023–15);
- Waingongoro River No 2 Marginal Strip (as shown on deed plan OTS-023–16);
- Waingongoro River No 4 Marginal Strip (as shown on deed plan OTS-023–11);
- Waingongoro Stream Marginal Strip (as shown on deed plan OTS-023–17);
- Waiokura Stream and its tributaries (as shown on deed plan OTS-023–53);
- Waipaepaeiti Stream and its tributaries (as shown on deed plan OTS-023–54);
- Waipaepaenui Stream and its tributaries (as shown on deed plan OTS-023–34); and
- Waipuku Stream and its tributaries (as shown on deed plan OTS-023–55).

STATEMENTS OF ASSOCIATION

Kanihi-Umutahi

The tuturu takiwa of the Kanihi-Umutahi hapū is described as:

"E tu e tu ki tai e tu e tu ki uta

*mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao
Tawhitipamamao*

tai noa ki te ngutu awa o Waingongoro ki Wairere

piki ake ki te tihi o Maunga Taranaki

huri noa ki te Tonga haere tonu ki te awa o Waingongoro"

Likewise the hapū describe their whanaungatanga takiwa as:

"E tu e tu ki tai e tu e tu ki uta

*mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao
Tawhitipamamao*

tai noa ki te ngutu awa o Waihi ki Inaha

piki ake ki te tihi o Maunga Taranaki

huri noa ki te Tonga haere tonu ki te awa o Waihi"

According to tribal history, the people of this hapū are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiuamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te -ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.

They also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.

Kanihi-Umutahi has a very close relationship with the people of Okahu-Inuawai, not only because of the physical proximity to one another, but because of their shared inter hapū ancestry. Puawhato was a warrior chief and tupuna of the Kanihi people. His sister Hinekoropanga was an important tupuna kuia of the Okahu-Inuawai people. Each resided in their own Pā which were along the Waingongoro river, Tau-te-one belonging to Puawhato and his people and Okahutiti belonging to his sister and her people.

The Kanihi-Umutahi people have historically resided on both the western and eastern banks of the Waingongoro River. The ancient Pā Kanihi, takes its name from the tribes people and is located on the eastern bank of the river on a block of land known as Te Rua o Te Moko. They have been variously known or referred to as the 'Umutahi', 'Ketetahi' and 'Mawhitiwhiti' people, but choose to identify themselves today as 'Kanihi'.

Ko Te Rangatapu te Takutaimoana

Ko Te Rangatapu me Te Kawau nga Tauranga Waka

Ko Waingongoro te Awa

Ko Umutahi me Te Rua O Te Moko nga Whenua

Ko Kanihi te tangata

The various awa located within the takiwa of Kanihi has great spiritual importance and are "the blood and veins of the takutaimoana". The wai that flows through these awa symbolises the link between the past and the present, each with its own mauri and wairua which connects hapū with the awa and the spiritual world providing both physical and spiritual sustenance to its people.

The domain of Tangaroa extends from the source of these awa, "te piki ake o Maunga Taranaki" to the moana. They are linked and together form an entity that includes its source, and the moana. As a result, the relationship the various hapū have with these awa relates to the entire catchment. The tangible linkages provide them with a system of ara, or pathways throughout their takiwa enabling hapū access in inland. River travel was important to all hapū for both economic and social reasons.

Mahinga kai

The rivers in the takiwa of Kanihi were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kokopu. Pa tuna and hinaki were constructed all along the rivers and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places where tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke along with the abundant birdlife also provided a crucial element of hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction and trading. It also provided a habitat for many forms of life. Pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu is the spiritual guardian of the moana and other water bodies and all that lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms that abound within his domain. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from these awa and ngahere was central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are all essential

for maintaining customary traditions - the ritual and tapu associated with gathering and utilising resources.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, associated lands, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their rohe along with the associated lands and natural resources.

The rivers and streams which are located within the Kanihi-Umutahi takiwa are the following:

- | | |
|---|--------------------------------------|
| • Paetahi Stream | • Waipuku Stream |
| • Tuikonga Stream | • Te Popo Stream |
| • Mangarangi Stream | • Piakau Stream |
| • Mangatoki Stream | • Konini Stream |
| • Inaha Stream (boundary with Ngāti Manuhiakai) | • Pātea River |
| • Waingongoro | • Ngaere Stream |
| • Waihi Stream (Hawera) | • Mangimangi Stream |
| • Tawhiti Stream | • Kaitimako Stream |
| | • Kahori Stream, Manapukeakea Stream |

Okahu-Inuawai

The tuturu takiwa of the Okahu-Inuawai hapū extends, "from seaward on the eastern mouth of the Waingongoro awa to the Maunga, thence turning following the western side of the Wairere Stream back to seaward, Tawhiti-nui, Hawaiki-nui, Tawhiti-roa, Hawaiki-roa, Tawhiti-pamamao, Hawaiki-pamamao. The hapū claim that their whanaungatanga takiwa begins "from the mouth of the Waihi Stream of Ngāti Ruanui Iwi in the east, and extends to the mouth of the Inaha Stream of Ngāti Manuhiakai in the west, back to seaward".

According to tribal history, the people of Okahu are the descendants of the tangata whenua tribes who arrived at Te Rangatapu aboard the waka Te Rangiamutu, captained by Tamatea-Rokai. The tangata whenua tribes were known as Kahui-maunga, Kahui toka, Kahui-rere, Te Kahui Tuu, Maru-iwi and Te Tini-o-tai-tawaro, Te Kahui-Ruu and Te Kahui Tawake.

This hapū also claims ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.

The relationship between the Okahu and Kanihi hapū is very strong, not only because of their physical proximity to one another, but because of their shared ancestry. Hinekoropanga the tupuna of the hapū was an important kuia not only to her hapū but she played a significant role within the tribe of Ngāruahine. Her brother was Puawhato a warrior chief and tupuna of the Kanihi-Umutahi people. Both sister and brother resided on the Waingongoro River, their Pā being adjacent to one and other. Okahutiti, which became an important Pā during the intertribal skirmishes with the Ngāpuhi tribe, was the stronghold of Hinekoropanga and her people. The hapū have historically resided on the western and eastern banks of the Waingongoro river. Although they choose to identify their hapū with the name 'Okahu' they are also referred to as the Inuawai people.

Ko Te Rangatapu te Takutaimoana

Ko Te Rangatapu me Te Kawau nga Tauranga Waka

Ko Waingongoro te Awa

Ko Okahu me Inuawai nga Whenua

Ko Okahu te tangata

Several lores abound relating to Tamawhero another well known chief of this hapū. His reputation of being a person steeped in knowledge was unrivalled. One such lore relates to a taua of Nga Puhi who were making their way down the west coast of the north island with the intent to take the lands of Taranaki and in particular the Waimate Plains. Nga Puhi had heard about Tamawhero and were known to have said, "if we cannot match him in knowledge, we will defeat him in battle". The taua set about making plans to cross the Plains and in so doing taking the various Pa that stood in their way, first attacking Waimate Pa while the men were all away at a fishing expedition. Once defeated they set forth for Okahutiti. The tupuna kuia of Okahu hapū Hinekoropanga, was married to a chief of one of the neighbouring Pa that had been attacked. She was able to escape and warn the men at sea and her people of Okahutiti. A taua was formed using the menfolk of neighbouring Ngāruahine Pā, and together they defeated the Nga Puhi at Okahutiti. The name given to this battle was, Huru-pari, "the turning of the cliff".

According to traditional lore, another significant event relating to Tamawhero was the chiefs discovery of Aniwanuiwa, a descendant of Takarangi and Rau-mahora. Tamawhero found Aniwanuiwa, as a baby, lying in a harakeke bush. He was wrapped in a topuni, a dogskin cloak, which signified his high rank. The baby was adopted by Tamawhero and raised alongside his biological son Tonga Awhikau. Aniwanuiwa married Tawhirikura and a son of this marriage was the second to bear the name Te Whiti. This second Te Whiti married Whakairi and their son was named Tohu-kakahi who in turn married Rangi-kawau and their son, the third to bear the name Te Whiti, became the prophet of Parihaka.

The awa that are located within the Okahu takiwa have great spiritual importance, they are, "the blood and veins of the takutaimoana, each of them with a story to tell." The wai that flows through these awa symbolises the link between the past and the present. Each awa has its own mauri and wairua which connect the hapū with the river and the spiritual world. They are significant taonga with each providing both physical and spiritual sustenance.

The domain of Tangaroa extends from the source of these awa "te piki ake o Maunga Taranaki" to the moana. Each awa is linked and together form an entity that includes its source, and the moana. As a result the relationship the hapū have with these awa relates to the entire catchment. The tangible linkages between these awa provide the hapū with a system of ara, or pathways throughout their respective takiwa, allowing access inland. River travel was important to hapū for both economic and social reasons.

Mahinga kai

The rivers in the Okahu takiwa were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kōkopu.

Pā tuna and hinaki were constructed all along the rivers in the Okahu takiwa, and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places where tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke and much birdlife were also a crucial element of hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction, and trading. They also provided a habitat for many forms of life. Pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu Tangaroa is the spiritual guardian of the moana and other water bodies and all that lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms within this environment. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from various awa and ngahere were central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are all essential for maintaining customary traditions, including the ritual and tapu associated with gathering.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, associated land, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their takiwa, associated lands, and associated resources.

The rivers and streams which are located within the Okahu takiwa are the following:

- Paetahi Stream
- Tuikonga Stream
- Mangarangi Stream
- Mangatoki Stream
- Inaha Stream (boundary with Ngāti Manuhiakakai)
- Waingongoro
- Waihi Stream (Hawera)
- Tawhiti Stream
- Waipuku Stream
- Te Popo Stream
- Piakau Stream
- Konini Stream
- Pātea River
- Ngaere Stream
- Mangimangi Stream
- Kaitimako Stream
- Kahori Stream
- Manapukeakea Stream

Ngāti Manuhiakakai

The takiwa of the Ngāti Manuhiakakai extends from the tip of Maunga Taranaki into Te Moana O Tangaroa taking in Te Rere o Kapuni and Inaha Rivers. From east to west, the

boundary extends from the western banks of the Waingongoro River to the eastern banks of the Raoa Stream.

Ngateko on the Kapuni stream is one of the original landing places of the Wakaringaringa waka, captained by Mawakeroa, the other being Kaupokonui. Many of the people on that waka took up settlement here. The Kapuni stream marks the boundary between the takiwa of Ngāti Manuhiakakai and Ngāti Tu hapū.

Ngāti Manuhiakakai also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went.

Ko Aotea te Waka

Taranaki te Maunga

Te Rere O Kapuni me Inaha nga Awa

Te Aroha O Titokowaru Ki Toona Marae

Ngāti Manuhiakakai te hapū

Ngaruahine-Rangi te Iwi

Inaha te Tauranga-waka.

Aotea is our waka

Taranaki our mountain

Te Rere O Kapuni and Inaha our Rivers

Te Aroha O Titokowaru Ki Toona our marae

Ngāti Manuhiakakai our sub-tribe

Ngaruahine-Rangi our Tribe

Inaha our Tauranga-waka.

The various awa that are located within the takiwa of Ngāti Manuhiakakai have great spiritual importance, they are, "the blood and veins of the takutaimoana, each of them with a story to tell." The wai that flows through these awa symbolises the link between the past and the present. Each awa has its own mauri and wairua which connect the hapū with the river and the spiritual world. They are significant taonga that provide both physical and spiritual sustenance.

The domain of Tangaroa extends from the source of these awa "te piki ake o Maunga Taranaki" to the moana. Each awa is linked and together form an entity that includes its source, and the moana. As a result the relationship the hapū have with these awa relates to the entire catchment. The tangible linkages between these awa provide the hapū with a system of ara, or pathways throughout their respective takiwa, allowing access inland. River travel was important to hapū for both economic and social reasons.

The tangible linkages between these awa provided the hapū with a system of ara, or pathways throughout the takiwa, whereby allowing hapū access inland. River travel was important to hapū for both economic and social reasons.

Mahinga kai

The rivers flowing through Ngāti Manuhiakai were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kōkopu.

Pa tuna and hinaki were constructed all along the river, and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places were tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke along with the birdlife which were crucial to the hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction, and trading. It also provided a habitat for many forms of life. Both pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu Tangaroa is the spiritual guardian of the moana, other water bodies and all that lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms within the ngahere. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from the various awa and ngahere were central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are essential for maintaining customary traditions along with the ritual and tapu associated with gathering and utilising resources.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their rohe and associated lands and associated resources.

The rivers which are located within the Ngāti Manuhiakai rohe are the following:

Kapuni Stream (boundary with Ngāti Tu)

Inaha Stream (boundary with Umutahi Inuawai).

Ngāti Tu

Ngateko on the Kapuni Stream was one of the original landing places of the Wakaringaringa waka captained by Mawakeroa, the other being Kaupokonui. Many of the people on that waka took up settlement there with the Kapuni stream acting as a marker between for the boundary between the takiwa of Ngāti Manuhiakai and Ngāti Tu hapū.

Ngāti Tu also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and traversed via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Kaupokonui River and Maraekura.

The name of the flat lands adjacent to the Kaupokonui River and lying between Pukekohe Pa and the Taoratai kāinga is Maraekura, 'courtyard of the precious heirloom Huna-kiko' Turi had brought with him from Hawaiki-Rangiatea. This cloak was used for ceremonial purposes on multiple occasions during Turi and his people's time in Taranaki and it was during one of these occasions that Mareakura was named. According to sources Turi and his companions who included his son Turangaimua, and the tohunga Tapo, Kauika, Tuau, Hau-pipi, and Rakeiora, constructed an altar on Maraekura and spread the cloak upon it. The name therefore refers to this ceremony and the spreading of this 'precious heirloom' which represented the mana of Turi.

The various awa that are located within the takiwa of Ngāti Tu have great spiritual importance, they are, "the blood and veins of the takutaimoana, each of them with a story to tell." The wai that flows through these awa symbolises the link between the past and the present. Each awa has its own mauri and wairua which connect the hapū with the river and

the spiritual world. They are significant taonga that provide both physical and spiritual sustenance.

The domain of Tangaroa extends from the source of these awa "te piki ake o Maunga Taranaki" to the moana. Each awa is linked and together form an entity that includes its source, and the moana. As a result the relationship the hapū have with these awa relates to the entire catchment. The tangible linkages between these awa provide the hapū with a system of ara, or pathways throughout their respective takiwa, allowing access inland. River travel was important to hapū for both economic and social reasons.

The tangible linkages between these awa provided the hapū with a system of ara, or pathways throughout the takiwa, whereby allowing hapū access inland. River travel was important to hapū for both economic and social reasons.

Mahinga kai

The rivers flowing through Ngāti Tu were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kōkopu.

Pā tuna and hinaki were constructed all along the river, and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places were tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke along with the birdlife which were crucial to the hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction, and trading. It also provided a habitat for many forms of life. Both pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu Tangaroa is the spiritual guardian of the moana, other water bodies and all that lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms within the ngahere. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from the various awa and ngahere were central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are

essential for maintaining customary traditions along with the ritual and tapu associated with gathering and utilising resources.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their rohe and associated lands, and associated resources.

The rivers which are located within the Ngāti Tu rohe are the following:

- Kaupokonui Stream
- Mangawhero Stream
- Motumate Stream
- Waiokura Stream
- Otakeho Stream (boundary with Ngāti Haua)
- Kapuni Stream (boundary with Ngāti Manuhiakai).

Ngāti Haua

The Ngāti Haua hapū claim that their tuturu rohe extends "seaward from the mouth of the Otakeho Stream following it inland to the Maunga, thence turning and following the eastern side of the Raoa Stream back to seaward, Tawhiti-nui, Hawaiki-nui, Tawhiti-roa, Hawaiki-roa, Tawhiti-pamamao, Hawaiki-pamamao. They claim that their whanaungatanga rohe extends from the western side of the Kaupokonui River of the Ngāti Tu hapū, to the eastern side of the Wahamoko Stream.

The hapū traces their origin to the union between the tupuna of Ngāti Haua, Te Auroa, and Hinengakau, the great ancestress of Atihaunui-a-Parangi from Whanganui. They also claim ancestry from the Aotea Utanganui waka, captained by Turi-te-Ariki-nui. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Raoa River.

The Raoa takes its name from an incident which involved Turi during his travels throughout the motu. After catching and cooking some tuna from the river, Turi being extremely hungry, devoured the tuna so quickly that a number of tuna bones became lodged in his throat. His wife, Rongorongo, asked the gods to save her husband. Turi, angry for this happening lay a curse upon the creek, proclaiming that no tuna should henceforth live in

the river. He subsequently named it Raoa, to choke. Centuries later, a tupuna koro, Te Hui removed the curse and tuna once again returned to the river.

The various awa that are located within the takiwa of Ngāti Haua have great spiritual importance, they are, "the blood and veins of the takutaimoana, each of them with a story to tell." The wai that flows through these awa symbolises the link between the past and the present. Each awa has its own mauri and wairua which connect the hapū with the river and the spiritual world. They are significant taonga that provide both physical and spiritual sustenance.

The domain of Tangaroa extends from the source of these awa "te piki ake o Maunga Taranaki" to the moana. Each awa is linked and together form an entity that includes its source, and the moana. As a result the relationship the hapū have with these awa relates to the entire catchment. The tangible linkages between these awa provide the hapū with a system of ara, or pathways throughout their respective takiwa, allowing access inland. River travel was important to hapū for both economic and social reasons.

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Mahinga kai

The rivers flowing through Ngāti Haua were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kokopu.

Pa tuna and hinaki were constructed all along the river, and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places were tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke along with the birdlife which were crucial to the hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction, and trading. It also provided a habitat for many forms of life. Both pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu Tangaroa is the spiritual guardian of the moana, other water bodies and all that

lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms within the ngahere. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from the various awa and ngahere were central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are essential for maintaining customary traditions along with the ritual and tapu associated with gathering and utilising resources.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their rohe and associated lands and resources.

The rivers which are located within the Ngāti Haua rohe are the following:

- Raoa Stream
- Wahamoko Stream (boundary with Ngāti Tamaahuroa-Titahi)
- Opuhi Stream
- Waikaretu Stream
- Otakeho Stream (boundary with Ngāti Tu)
- Taikatu Stream
- Awatuna Stream.

Ngāti Tamaahuroa-Titahi

The Ngāti Tamaahuroa-Titahi takiwa extends from the mouth of the Taungatara Stream in the west to the mouth of the Raoa stream in the east, and thence from the moana to the Maunga. The Ngāti-Tamaahuroa-Titahi hapū are descendants of the people who landed at Oeo on the waka captained by Whiro in the fourteenth century.

Ngāti Tamaahuroa-Titahi share common ancestry with the Taranaki iwi. The eponymous ancestor Rua Taranaki came, originated from Taupo but he re-settled on the Hangatahua River, and was the first in a long line of Taranaki rangatira.

Ngāti Tamaahuroa-Titahi also claim ancestry from the Aotea Utanganui waka which was captained by Turi. During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went.

Ngāti Tamaahuroa-Titahi have occupied their takiwa for generations, and throughout their history they have for the most part, co-existed peacefully with neighbouring hapū and iwi around them. There have been some occasions of conflict however, and one of these occurred when the people of Rangatapu Pa sent out a war party who sought fugitives from an iwi who had caused them offense. They came into the Ngāti Tamaahuroa lands and said to the people, "Live in peace; we have no quarrel with you". Ngāti Tamaahuroa had in fact met with and been influenced by the offending fugitives and took up arms against the Rangatapu people to avenge them. They were summarily defeated and their lands taken, but because they were strong in numbers they were able to once again become a powerful tribe.

The various awa that are located within the takiwa of Ngāti Tamaahuroa-Titahi have great spiritual importance and are "the blood and veins of the takutaimoana, each of them with a story to tell". The wai that flows through these awa symbolises the link between the past and the present. Each awa has its own mauri and wairua which connect the hapū with the river and the spiritual world. They are significant taonga that provide both physical and spiritual sustenance.

The domain of Tangaroa extends from the source of these awa "te piki ake o Maunga Taranaki" to the moana. Each awa is linked and together form an entity that includes its source, and the moana. As a result the relationship the hapū have with these awa relates to the entire catchment. The tangible linkages between these awa provide the hapū with a system of ara, or pathways throughout their respective takiwa, allowing access inland. River travel was important to hapū for both economic and social reasons.

The tangible linkages between these awa provided the hapū with a system of ara, or pathways throughout the takiwa, whereby allowing hapū access inland. River travel was important to hapū for both economic and social reasons.

Mahinga kai

The rivers flowing through Ngāti Tamaahuroa-Titahi were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kokopu.

Pa tuna and hinaki were constructed all along the river, and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga. Customary management

practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. A complex system of hapū and whanau rights operated and the places where tupuna harvested their tuna were important cultural and social sites.

The resources of the wetlands including harakeke along with the birdlife which were crucial to the hapū sustenance systems. Harekeke supplied material for rongoa, weaving, construction, and trading. It also provided a habitat for many forms of life. Both pukeko and native ducks were caught in the wetlands and were not only an important food source but provided the hapū with feathers which were used for many purposes.

The hapū regard all natural resources as being gifts from Atua kaitiaki. Tangaroa-i-te-Rupetu Tangaroa is the spiritual guardian of the moana, other water bodies and all that lives within them. Tane-nui-a-rangi is the spiritual guardian of the ngahere and all life forms within the ngahere. These guardians were central to the lives of hapū tupuna and remain culturally significant to the hapū whanau living in the present day.

Matauranga associated with the collection of resources from the various awa and ngahere were central to the lives of the hapū tupuna and remains a significant part of the cultural identity of the hapū today. Matauranga and associated tikanga, kawa and karakia are essential for maintaining customary traditions along with the ritual and tapu associated with gathering and utilising resources.

The hapū have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land, flora and fauna. The hapū have a responsibility as kaitiaki in accordance with their kawa and tikanga to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to present day whanau as it was to their tupuna. The continued recognition of the hapū, their identity, traditions and status as kaitiaki is entwined with the rivers in their takiwa and associated lands and associated resources.

The rivers which are located within the Ngāti Tamaahuroa-Titahi rohe are the following:

- | | |
|------------------------|---|
| • Taungatara River | • Mangatawa Stream |
| • Pūnehu Stream | • Oeo Stream |
| • Manganui Stream | • Wahamoko Stream |
| • Waipaepaenui Stream | • Waimate Stream |
| • Waipaepaeiti Stream | • Ouri Stream |
| • Mangatoromiro Stream | • Raoa Stream (boundary with Ngāti Haua). |

Statements of association for marginal strip sites

Kaupokonui Stream No 2 Marginal Strip (as shown on deed plan OTS-023-12)		
Site Type		Ngāruahine association (history, significance)
Location		Kaupokonui is the name of both a river and settlement. In the twelfth century this area was one of the original landing sites of the ancestral waka Wakaringiringi captained by Mawakeroa. The people of this waka were known to have taken up settlement here. Kaupokonui is a coastal waahi where Ngāti Tu resided, cultivated, hunted, gathered food and fished. The river continues to be used by the people of the hapū right up to this present time.
Description of Site	Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association		
Pepeha, waiata or whakatauki		

Mangawhero Stream Marginal Strip (as shown on deed plan OTS-023-13)		
Site Type		Ngāruahine association (history, significance)
Location		<p>The Ngāti Haua hapū claim that their tuturu rohe extends "seaward from the mouth of the Otakeho Stream following it inland to the Maunga, thence turning and following the eastern side of the Raoa Stream back to seaward".</p> <p>Their whanaungatanga rohe extends from the western side of the Kaupokonui river of the Ngāti Tu hapū, to the eastern side of the Wahamoko Stream.</p> <p>The various river environs that are located within the takiwa of Ngāti Haua and Ngāti Tu</p>

		have great spiritual importance, they are, "the blood and veins, each with a story to tell." The wai that flows through these areas symbolises the link between the past and the present. Each has its own mauri and wairua which connect these two hapū with the river environs and the spiritual world. They are significant taonga that provide both physical and spiritual sustenance.
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Waingongoro River No1 Marginal Strip (as shown on deed plan OTS-023-15)		
Site Type		Ngāruahine association (history, significance)
Location		According to tribal history, the people of these two hapū are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te -ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	Kanihi-Umutahi (me etehi) Okahu-Inuawai (me etehi)	
Pepeha, waiata or whakatauki	<p><i>Tuturu</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao Tawhitipamamao tai noa ki te ngutu awa o Waingongoro ki Wairere piki ake ki te tihi o Maunga Taranaki huri noa ki te Tonga haere tonu ki te awa o Waingongoro"</i></p> <p><i>Whanaungatanga</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa,</i></p>	

They also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and travelled via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour.

During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.

Waingongoro River No1 Marginal Strip (as shown on deed plan OTS-023-15)		
Site Type		Ngāruahine association (history, significance)
	<p><i>Hawaikipamamao</i> <i>Tawhitipamamao</i> <i>tai noa ki te ngutu awa o Waihi ki</i> <i>Inaha</i> <i>piki ake ki te tihi o Maunga</i> <i>Taranaki</i> <i>huri noa ki te Tonga haere tonu ki</i> <i>te awa o Waihi"</i></p>	

Waingongoro River No 2 Marginal Strip (as shown on deed plan OTS-023-16)		
Site Type		Ngāruahine association (history, significance)
Location		<p>According to tribal history, the people of these two hapū are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiūamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te - ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.</p>
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	<p>Kanihi-Umutahi (me etehi)</p> <p>Okahu-Inuawai (me etehi)</p>	
Pepeha, waiata or whakatauki	<p><i>Tuturu</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta</i> <i>mai Tangaroa ki Hawaikinui</i> <i>Tawhitinui, Hawaikiroa</i> <i>Tawhitiroa, Hawaikipamamao</i> <i>Tawhitipamamao</i> <i>tai noa ki te ngutu awa o</i> <i>Waingongoro ki Wairere</i></p>	<p>They also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and travelled via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour.</p> <p>During the fourteenth century, Turi, with his wife Rongorongo and their</p>

Waingongoro River No 2 Marginal Strip (as shown on deed plan OTS-023-16)		
Site Type		Ngāruahine association (history, significance)
	<p><i>piki ake ki te tihi o Maunga</i> <i>Taranaki</i> <i>huri noa ki te Tonga haere tonu ki</i> <i>te awa o Waingongoro"</i></p> <p><i>Whanaungatanga</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta</i> <i>mai Tangaroa ki Hawaikinui</i> <i>Tawhitinui, Hawaikiroa</i> <i>Tawhitiroa, Hawaikipamamao</i> <i>Tawhitipamamao</i> <i>tai noa ki te ngutu awa o Waihi ki</i> <i>Inaha</i> <i>piki ake ki te tihi o Maunga</i> <i>Taranaki</i> <i>huri noa ki te Tonga haere tonu ki</i> <i>te awa o Waihi"</i></p>	<p>people, travelled south along the coast naming many places as they went including the Waingongoro River.</p>

Waingongoro River No 4 Marginal Strip (as shown on deed plan OTS-023-11)		
Site Type		Ngāruahine association (history, significance)
Location		<p>According to tribal history, the people of these two hapū are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiūamutu waka, captained by Tamatea-Rokai. The tangata</p>
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		

Waingongoro River No 4 Marginal Strip (as shown on deed plan OTS-023-11)		
Site Type		Ngāruahine association (history, significance)
Ngāruahine hapū association	Kanihi-Umutahi (me etehi) Okahu-Inuawai (me etehi)	whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te - ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.
Pepeha, waiata or whakatauki	<p><i>Tuturu</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao Tawhitipamamao tai noa ki te ngutu awa o Waingongoro ki Wairere piki ake ki te tihi o Maunga Taranaki</i></p> <p><i>huri noa ki te Tonga haere tonu ki te awa o Waingongoro"</i></p> <p><i>Whanaungatanga</i></p> <p><i>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao Tawhitipamamao tai noa ki te ngutu awa o Waihi ki Inaha</i></p> <p><i>piki ake ki te tihi o Maunga Taranaki</i></p> <p><i>huri noa ki te Tonga haere tonu ki te awa o Waihi"</i></p>	<p>They also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and travelled via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour.</p> <p>During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.</p>

Ouri Stream Marginal Strip (as shown on deed plan OTS-23-14)		
Site Type		Ngāruahine association (history, significance)
Location		Kaupokonui is the name of both a river and settlement. In the twelfth century this area was one of the original landing sites of the ancestral waka Wakaringiringi captained by Mawakeroa. The people of this waka were known to have taken up settlement here.
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	Ngāti Tu	
Pepeha, waiata or whakatauki		Kaupokonui is a coastal waahi where Ngāti Tu resided, cultivated, hunted, gathered food and fished. The river continues to be used by the people of the hapū right up to this present time.

Oeo-Kaupokonui Marginal Strip (as shown on deed plan OTS-023-09)		
Site Type		Ngāruahine association (history, significance)
Location		The river environs shared between all three hapū were abundant with fish species resources, including tunaheke, piharau, kahawai, inanga, pakotea and kokopu.
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	Ngāti Tamaahuroa me Titahi Ngāti Haua Ngāti Tu	
Pepeha, waiata or whakatauki		Pa tuna and hinaki were constructed all along the rivers of each hapū and there was much tribal lore and skill pertaining to the catching of tuna. Gathering and processing tuna was a customary practice that strengthened cultural systems and whanaungatanga.

		<p>A complex system of hapū and whanau rights operated and the places where tupuna harvested their tuna were important cultural and social sites.</p> <p>Matauranga and associated tikanga, kawa and karakia are essential for maintaining customary traditions along with the ritual and tapu associated with gathering and utilising resources and remains as significant and important today as it was to their tupuna.</p>
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Kaupokonui-Manaia Marginal Strip (as shown on deed plan OTS-023-07)		
Site Type		Ngāruahine association (history, significance)
Location		<p>Kaupokonui is the name of both a river and settlement. In the twelfth century this area was one of the original landing sites of the ancestral waka Wakaringiringi captained by Mawakeroa. The people of this waka were known to have taken up settlement here.</p>
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	Ngāti Tu	<p>Kaupokonui is a coastal waahi where Ngāti Tu resided, cultivated, hunted, gathered food and fished. The river continues to be used by the people of the hapū right up to this present time.</p>
Pepeha, waiata or whakatauki		

Ohawe-Hawera Marginal Strip (as shown on deed plan OTS-023-10)		
Site Type		Ngāruahine association (history, significance)
Location		<p>According to tribal history, the people of these two hapū are the descendants of the tangata whenua tribes who landed at Te Rangatapu on the Te Rangiūamutu waka, captained by Tamatea-Rokai. The tangata whenua tribes were known as Te Kahui-Maunga, Te Kahui-Toka, Te Kahui-Rere, Te Kahui-Tuu, Te Maru-Iwi and Te Tini-o-Tai-Tawaro, Te -ahui-Ruu Te-Kahui-Po and Te-Kahui-Tawake.</p> <p>They also claim ancestry from the Aotea Utanganui waka which was captained by Turi-te-Ariki-nui. Aotea Utanganui set off from Hawaiki and travelled via Rangitahau (Kermadec Islands) and Tamaki before landing at the Aotea harbour.</p> <p>During the fourteenth century, Turi, with his wife Rongorongo and their people, travelled south along the coast naming many places as they went including the Waingongoro River.</p>
Description of Site	Marginal Strip	
Ngāruahine Tupuna association		
Ngāruahine hapū association	<p>Kanihi-Umutahi (me etehi)</p> <p>Okahu-Inuawai (me etehi)</p>	
Pepeha, waiata or whakatauki	<p>Tuturu</p> <p>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao Tawhitipamamao</p> <p>tai noa ki te ngutu awa o Waingongoro ki Wairere piki ake ki te tihi o Maunga Taranaki</p> <p>huri noa ki te Tonga haere tonu ki te awa o Waingongoro"</p> <p>Whanaungatanga</p> <p>"E tu e tu ki tai e tu e tu ki uta mai Tangaroa ki Hawaikinui Tawhitinui, Hawaikiroa Tawhitiroa, Hawaikipamamao Tawhitipamamao</p> <p>tai noa ki te ngutu awa o Waihi ki Inaha</p> <p>piki ake ki te tihi o Maunga Taranaki</p>	

Ohawe-Hawera Marginal Strip (as shown on deed plan OTS-023-10)		
Site Type		Ngāruahine association (history, significance)
	huri noa ki te Tonga haere tonu ki te awa o Waihi"	

Appendix 2G: Te Atiawa statutory acknowledgements

Attachment to the Coastal Plan for Taranaki

In accordance with Section 53 of the Te Atiawa Claims Settlement Act 2006, information recording statutory acknowledgements is hereby attached to the Coastal Plan for Taranaki. The information includes relevant provisions of Subpart 3 of Part 2 of the Te Atiawa Claims Settlement Act 2006, in full, the description of the statutory area and the statement of association as recorded in the statutory acknowledgements.

The statements of association of Te Atiawa are set out below. These are statements of the particular cultural, spiritual, historical, and traditional association of Te Atiawa with identified areas.

Awa te Take Pa Historic Reserve (as shown on deed plan OTS-043-08)

This site is in the rohe of Otaraua Hapū and is located on the banks of the Waitara River. Awa Te Take is an ancient site and was a papakāinga and defensive pā. As a defensive pā, the steep jagged riverside cliffs afforded perfect protection. Significant features such as earthwork defenses (ditch bank) and the remnants of prehistoric lowland forest remain visible today.

The social, cultural and historical importance of Awa Te Take Historic Reserve is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce tribal identity.

Awa te Take Scenic Reserve (as shown on deed plan OTS-043-09)

Awa te Take Awa te Take Scenic Reserve is on the banks of Waitara River and is in the rohe of Otaraua Hapu.

The social, cultural, historical and spiritual importance of Awa te take Pa is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Bayly Road Conservation Area (as shown on deed plan OTS-043-23).

The site is located at the edge of Waitapu Urupa at Nga Motu (islands) beach, New Plymouth and is in the rohe of Ngāti Te Whiti.

Waitapu is named after the stream which takes its name from an incident which arose during the siege of Otaka Pa by neighbouring northern iwi in 1832. When discussing terms for peace a chief from the neighbouring iwi, sought permission to go into Otaka to hold a tangi for his dead warriors. One inhabitant, Te Whau, ran out towards the taua, was killed and her body dismembered and thrown into the stream. The stream was then called Waitapu - wai (water) and tapu (sacred). This stream still runs through Waitapu Urupa today.

In 1923 Ngāti Te Whiti members petitioned the government for the return of the urupa this occurred in 1927 when the land was vested as an urupa through the Māori Land Court. Waitapu was the first cemetery in New Plymouth and the first recorded burial was Mary Ann Barrett in 1840. In 1847 the whaler Richard Barrett died after an accident and was also buried at Waitapu. During the excavations for the New Plymouth power station in 1970s ko iwi (bones) were uncovered at Paritutu and were reinterred at Waitapu. The ko iwi were carbon dated to the 1600s.

Over the years many Māori and Pakeha have been laid to rest at Waitapu. Waitapu remains open as an urupa and is the final resting place for many Ngāti Te Whiti members. The value of the site today is its proximity to Waitapu Urupa and its current use as an access way in to the Waitapu Urupa.

Everett Park Scenic Reserve (as shown on deed plan OTS-043-10)

Everett Park is located on the banks of the Maunganui River in the rohe of Pukerangiora Hapu.

The social, cultural, historical and spiritual importance of Everett Park is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Huatoki Stream marginal strip (as shown on deed plan OTS-043-33)

The sites are in the rohe of Ngāti Te Whiti Hapu and take their name from the Huatoki River and their close proximity to it. The Huatoki is named after the titoki tree which grows profusely in the area.

The Huatoki River, and surrounding environment were important for their resources. Along and near its banks were solid stands of timber, flax and raupo. Aside from providing a

source of water, the river was plentiful in fish, whitebait, and lamprey. The banks were used as a walkway to other papakāinga and as a highway to the coast. Several papakāinga were located along the river including Te Kawau, Pukaka, Mawhera, Maripu and Okoare. Nohoanga were also located in key resource gathering areas and were used by hapu members in the summer months to gather resources and escape the heat. Disputes/competition for these resources caused several battles between Te Atiawa hapu. Two such battles are remembered today in Korero tawhito. The first was a dispute over piharau fishing rights between Te Rangi Apiti Rua of Puke Ariki, and of Manu Kino of Waimanu. The other occurred when the rangatira. Koronerea, ambushed and attacked a taua who were hunting on the banks of the Huatoki. The battle was named Pakirikiri because the bodies resembled pakirikiri, the rock eyed cod.

During the Land Wars, British soldiers used a track along the Huatoki from Pukaka/Marsland Hill to the centre of town which was named Red Coat Lane. The river today is valued because of its rich bush stands, its conservation values and landscape aesthetics.

Huirangi Recreation Reserve (as shown on deed plan OTS-043-25)

The Huirangi Recreation Reserve is located on inland and is in the rohe of Pukerangiora Hapū.

The social, cultural, historical and spiritual importance of the Huirangi Recreation Reserve is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Katere Scenic Reserve (as shown on deed plan OTS-043-11)

Katere is located in Fitzroy, New Plymouth and is in the rohe of Ngāti Tawhirikura Hapū.

The social, cultural, historical and spiritual importance of Katere is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Mahoetahi Historic Reserve (as shown on deed plan OTS-043-12)

Mahoetahi is located at the junction of the highway north and Mountain Road, Bell Block and is in the rohe of Puketapu hapū. Historically it was a pa site located on a small hill surrounded on three sides by a flax and raupo swamp. The approach to the pā was by a

ridge from a plain on the north east side. It closely identified with another nearby pa called Nga Puke Turua.

During the land wars it was a site of a major battle involving local and neighbouring iwi against a force of about 1000 soldiers, and colonial militia. Outnumbered and on a site which was ill equipped for battle, the taua was quickly defeated and about fifty were killed and another third wounded. The chiefs were buried at St Mary's Church, New Plymouth and the others at Mahoetahi.

Mahoetahi is important to Puketapu because of its cultural and historical significance. It is a former pā, a Land Wars Site and an urupa. The significance of Mahoetahi is recognised nationally through its NZ Wars Graves rating.

Makara Scenic Reserve (as shown on deed plan OTS-043-13)

This site is located on the banks of the Waitara river and is in the rohe of Otaraua and Pukerangiora hapū.

The social, cultural, historical and spiritual importance of Makara Scenic Reserve illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Mangahinau Esplanade Reserve (as shown on deed plan OTS-043-26)

This site is on the Waitara River and is in the rohe of Otaraua Hapū.

The social, cultural, historical and spiritual importance of Mangahinau Esplanade Reserve is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Ngahere Scenic Reserve (as shown on deed plan OTS-043-27)

Te Ngahere was a small pa on the outer reaches of the great Ngāti Tuparikino papakāinga, Tūpare. Tūparewas located on the banks of the Waiwhakaiho River and was built to the landscape which rose steadily from the river. This site is named Te Ngahere because it was covered in bush.

Tupare and Te Ngahere were abandoned in the wake of the 1830s invasion by a northern iwi and the habitants fled to Otaka at Nga Motu. In the 1830s Ngāti Tuparikino returned to the area to live but did so in small whanau villages, rather than big pā sites. The only remainder of the original pa sites today are their names.

Today, Te Ngahere is a reserve in a small sheltered steep gully. In the mid-twentieth century it was replanted in exotics to replace the original bush, most of which had gone. Te Ngahere still attracts bird life, especially fantail, pigeon and tui. The value of Te Ngahere is its ancestral connection and historical association with the great Tupare papakāinga.

Ngangana Pa (being Manukorihi Recreation Reserve)

(as shown on deed plan OTS-043-14)

The site is located on the east side of the Waitara River in the rohe of Otaraia and Manukorihi hapū.

The social, cultural, historical and spiritual importance of the Manukorihi Recreation reserve is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Papamoa (being Meeting of the Waters Scenic Reserve)

(as shown on deed plan OTS-043-15)

Papamoa is located on the banks of the Waiwakaiho River in the rohe of Ngāti Te Whiti. The site is above a river bend which was later named the meeting of the waters because of the turbulent river flow at that point. The site was named Papamoa because the land around which it was located was as soft as a garden bed.

Papamoa was also a nohoanga, a camping site inhabited at certain times of the year to gather seasonal resources such as mahinga kai (kei kei, fish, eels, tii) and as a retreat to escape the heat of the summer. Kei kei and Tii were still being harvested from this site by Ngāti Te Whiti people in the 1950s. Papamoa was also used as a defensive lookout point and the site of several inter iwi battles. Papamoa was considered a tapu site because of the battles and many drownings in the turbulent river.

For Ngāti Te Whiti the site still retains its tapu nature. Today the site is a significant example of extensive ring plain forests and is important for its biodiversity, conservation and recreational values.

Puketakauere Pa Historic Reserve (as shown on deed plan OTS-043-16)

This site is in the rohe of Otaraia Hapu. Puketakauere is an ancient pa site with a history characterised by both peaceful occupation and warfare. It was the site of one of the first battles of the first Taranaki War. At this time, the site included a ring ditch pa with an escape route through the nearby swamp, and an identical paa, Onukukaitara, which had

covered passages and rifle pits. Due to the victory of Te Atiawa fighters over a large British military force at Puketakauere, the site, serves as a constant reminder for Te Atiawa of the courage and strength of Otaraia and Te Atiawa tupuna. The British built a Blockhouse on Onukukaitara once it had been abandoned by Te Atiawa. The site and the Battle of Puketakauere has an important place in the history of the Taranaki Wars and the New Zealand Wars, and continues to have significant educational, historical and symbolic value for Te Atiawa.

Robe Street Conservation Area (as shown on deed plan OTS-043-17)

The Ngāti Te Whiti name for this area is Maramamao. Maramamao was located on the outer reaches of Puke Ariki Pa. Puke Ariki was a huge pa which stretched from the coast inland and was probably built by Te Rangi Apiti Rua sometime in the 1700s. In building the pa, Te Rangi Apiti Rua retained the landscape, a hill sloping upwards from the sea to a large flat area. The large flat area became the cultivation area Maramamao through which the stream, Mangaotuku, ran. The food resources of Maramamao supplied the people of Puke Ariki and nearby pa such as Mawhero and Pukaka.

There were other cultivation areas but Maramamao was the largest and most distant from the centre of the pa. Puke Ariki contained many marae and several urupa. One of the urupa, was located close to Maramamao where at least three chiefs, including Te Rangi Apiti Rua, are buried.

Puke Ariki, its constituent marae, urupa and cultivation area remain significant to Ngāti Te Whiti and are expressed and remembered through constant Korero tawhito/oral history and daily cultural practices.

Sentry Hill Conservation Area (as shown on deed plan OTS-043-18)

Te Morere is an ancient pa located on a hill on the banks of the Waiongona. It was named Te Morere (the swing), because of the tall swing tree which stood on the site and from which the youth used to swing out and dive into the nearby river. It is located in the rohe of Puketapu hapu.

During the first Taranaki war, Te Morere was a lookout by Puketapu warriors to observe British military movements. In 1863 the British built a redoubt on Te Morere and called the site Sentry Hill. In 1864 Taranaki warriors, including from Te Atiawa, attacked the British redoubt at Te Morere resulting in the deaths of over 50 Māori. The battle of Te Morere is remembered through a haunting poem of mourning composed by Tamati Hone. The poem ends with a comparison of the dead at Te Morere to a wrecked and shattered fleet of waka:

"How vain your valour, how vain your charge against Morere's walls

Lost on that rocky coast of death are all my crews

Tanui, Tokomaru, Kurahaupo, Aotea

Aue, my brave canoes, Lie broken on the shores."

Today, the site is dissected by the road. Although there is very little physical evidence of its former glory, Te Morere remains in the cultural memory of Puketapu and Te Atiawa.

Sentry Hill Redoubt Historic Reserve (as shown on deed plan OTS-043-19)

Te Morere is an ancient pa located on a hill on the banks of the Waiongona. It was named Te Morere (the swing), because of the tall swing tree which stood on the site and from which the youth used to swing out and dive into the nearby river. It is located in the rohe of Puketapu hapu.

During the first Taranaki war, Te Morere was a lookout by Puketapu warriors to observe British military movements. In 1863 the British built a redoubt on Te Morere and called the site Sentry Hill. In 1864 Taranaki warriors, including from Te Atiawa, attacked the British redoubt at Te Morere resulting in the deaths of over 50 Māori. The battle of Te Morere is remembered through a haunting poem of mourning composed by Tamati Hone. The poem ends with a comparison of the dead at Te Morere to a wrecked and shattered fleet of waka:

"How vain your valour, how vain your charge against Morere's walls

Lost on that rocky coast of death are all my crews

Tanui, Tokomaru, Kurahaupo, Aotea

Aue, my brave canoes, Lie broken on the shores."

Today, the site is dissected by the road. Although there is very little physical evidence of its former glory, Te Morere remains in the cultural memory of Puketapu and Te Atiawa.

Te Henui Stream Conservation Area (as shown on deed plan OTS-043-28)

The site is on the banks of the Te Henui River, close to three papakāinga, Pukewarangi, Puketarata and Parihamore and in the rohe of Ngāti Te Whiti Hapu.

Te Henui means "the huge mistake" and refers to an incident that is no longer remembered. The Te Henui River and nearby papakāinga were very important to Ngāti Te Whiti. The three papakāinga were close to each other and their occupants shared resources and strategies in times of conflict with other Hapu or Iwi. All sites are situated on the Te Henui River which was used for transport to the papakāinga down river and on the coast.

The papakāinga on the coast at the Te Henui river mouth were Purakau, Autere and Kerau. Fish and kaimoana were collected from the river and the nearby reef, Arakaia and these provided staple as well as gourmet food. Kaimoana and fish were gathered according to strict protocols to ensure sustainability and good health and customary practices such as manaakitanga. Although the resources were important for physical survival and customary practises were important, the land was always important for without it the Hapu had nothing. The relationship with the land and the landscape was that of kaitiaki-guardianship, survival and heritage. The land and its constituent resources were perceived in physical terms as ability to survive and secondly in spiritual terms as turangawaewae/birth right. The ultimate aim was communal well being and balance. From 1841 the land at the mouth of the Te Henui was set aside as reserves for the use of Ngāti Te Whiti. During the construction for the sea wall the shape of the mouth of the Te Henui was changed so that the river flows to the sea in a straight line.

Today, the only physical remains are those of the papakāinga above as well as the reef, Arakaitai, from which Hapu members still gather kaimoana.

Waiongana Stream Conservation Area (as shown on deed plan OTS-043-29)

The resources of the lower reaches of the Waiongana supported many papakāinga, such as Nga Puke Turua, Mahoetahi, Te Morere and Manutahi. The river itself provided an abundance of large tuna, koura, inanga and piharau. The banks of the river provided flax, manuka and raupo.

The reefs at the mouth of the Waiongana provided pipi, paua, kina, mussels, crab and seaweed. Hapu members would camp at the papakāinga at the river mouth during the spring and summer specifically to gather kaimoana and larger ocean fish. The men would go out to fishing if the day and weather was right and only caught one species each day. Sometimes the fishing party met with disaster, as related in the following Korero tawhito (oral history). One morning about twenty waka and two hundred men prepared to set off to the Hapuka fishing grounds known as Waitawhetawheta. A dispute arose between two members about a particular seat on a particular waka during which fishing gear was thrown into the water. The offended party was the tohunga Mokeuhi who then refused to go out fishing. Whilst the fleet was at sea Mokeuhi conjured up an immense storm which devastated the fleet. There were only two survivors, Kawenui who beached at Urenui and Te Kohita who beached at Motupipi in the South Island.

Waipapa Road Conservation Area (as shown on deed plan OTS-043-30)

Waipapa is located on the banks of the Waitara River and is in the rohe of Otaraia and Manukorihi Hapu.

The social, cultural, historical and spiritual importance of the Waipapa Road Conservation Area is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waitara River No 1 Marginal Strip (as shown on deed plan OTS-043-20)

The site is part of the Waipapa Road Conservation Area/Nganana and is in the rohe of Otaraua hapu.

The social, cultural, historical and spiritual importance of the Waitara River No.1 Marginal Strip is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waitara West Marginal Strip (as shown on deed plan OTS-043-31)

The site is located on the coast at the mouth of the Waitara River and is in the rohe of Puketapu and Otaraua Hapu.

The social, cultural, historical and spiritual importance of the Waitara West Marginal Strip is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waiwhakaiho River Mouth (Crown Land Conservation Area) (as shown on deed plan OTS-043-21)

This site is at the mouth of the Waiwhakaiho River on the edges of the great pa, Rewa Rewa. The site is located in the rohe of Ngāti Tawhirikura and Ngāti Te Whiti. The river mouth, the wetlands and associated water bodies were important because of its resources such as raupo (for thatching) water, ferns (for food and blankets) berries, birds, fish, flax (for clothing) and kaimoana reefs. Fish and whitebait, were caught from particular purpose built sites called whakaparu and these remain and continue to be used today. The sand dunes were used as gardens for food crops such as kumara and plants such as pingau, which was used to colour clothing flax. The sand dunes were also used as a temporary urupa because the heat of the sand assists the breaking down of the flesh. Often the ko iwi/bones were removed and interred elsewhere. Rewa Rewa was located on a hill above the river mouth and was an ancient pa which over the generations housed a large population.

The Waiwhakaiho River supported many papakāinga from its river mouth to its source on Taranaki, such as Rewa Rewa, Waiwhakaiho, Raiomiti, Te Ngaere, Pukemapo, Te Renega,

Pukeotepua and Papamoa. The river was used as a means of transport to nearby papakāinga to trade food and taonga and to maintain whanaungatanga. The river is the boundary marker between Ngāti Te Whiti and Ngāti Tawhirikura and is embodied in pepeha, waiata and Korero tawhito.

Rivers and tributaries

Herekawe Stream and tributaries (as shown on deed plan OTS-043-32)

The Herekawe is located to the south of New Plymouth and springs from the land and heads to the Tasman Sea. At its source it is very narrow but widens as it flows to the sea. The Herekawe is located with the rohe of the Ngāti Te Whiti Hapu.

The Herekawe was, and is, socially and culturally important because of the freshwater and coastal mahinga kai resources it provided to generations of the Hapu and the many papakāinga nearby such as Onuku Taipari, Te Mahoe, Moturoa, Mikotahi, Ruataka, Papawhero.

Two events of more recent times provide evidence of the continuing importance of the Herekawe as a boundary marker. In 2004, the Herekawe is used as one of the boundary indicators between Te Atiawa and Taranaki for their respective 2004 Fisheries Settlements. In 2008 the Herekawe was decided as one of the boundary markers for the Tapuae Marine Reserve after Te Atiawa refused to give up its customary rights to collect kaimoana from the nearby reefs.

Te Atiawa acknowledges the Taranaki Iwi interest in the Herekawe.

Huatoki Stream and tributaries (as shown on deed plan OTS-043-33)

The Huatoki runs through the centre of New Plymouth. The Huatoki springs from the land and heads to the Tasman Sea. At its source it is very narrow but widens as it flows to the sea. The Huatoki is within the rohe of the Ngāti Te Whiti Hapu.

The name Huatoki was coined because of the abundance of the titoki tree, which grew, and still grows, along its banks. A product from the titoki tree, oil, was valued for its cosmetic qualities.

The Huatoki was also important for its running freshwater source and mahinga kai, flax, raupo and timber. The food resources along with the kaimoana from nearby reefs provided ample sustenance for and sustained the papakāinga along the banks of the Huatoki, papakāinga such as Puke Ariki, Te Kawau, Pukaka, Mawhera, Maripu and Okoare. Most of the papakāinga existed peacefully with the others and shared nohonga (places to stay)

along the banks of the Huatoki, especially in the summer months, to gather and store resources.

The abundance of resources, however, did not prevent the odd dispute. One such dispute remembered today in Korero tawhito was between Te Rangi Apiti Rua of Puke Ariki and of Manu Kino of Waimanu over the latter's piharau fishing rights. This resulted in Te Rangi Apiti Rua's attacking Waimanu in revenge and the people of Waimanu being rescued by Potaka of Nga Puke Turua.

Another battle occurred when Koronerea, ambushed and defeated a taua from a neighbouring iwi who were advancing up the Huatoki. This battle was named pakirikiri because the bodies of the slain resembled pakirikiri, the rock eyed cod.

The banks were a walkway to other papakāinga whilst the river was used as a highway to the coast and inland. Several known tauranga waka sites remain today.

During the Land Wars, British soldiers used a track along the Huatoki from Pukaka/Marsland Hill to the centre of town which was named Red Coat Lane.

The Huatoki retains its historic, cultural and traditional value to Te Atiawa who continue to exercise kaitiakitanga over the river and its conservation and aesthetic values.

Kowhangamoku Stream and tributaries (as shown on deed plan OTS-043-34)

The Kowhangamoku is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the Kowhangamoku is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Manganui River and tributaries (as shown on deed plan OTS-043-35)

The Manganui springs from Taranaki Maunga and flows into the Waitara. It is in the rohe of Pukerangiora and Otaraua Hapu.

The social, cultural, historical and spiritual importance of the Manganui River is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity and manawhenua.

MaNgāti Stream and tributaries (as shown on deed plan OTS-043-36)

The MaNgāti is located at Bell Block and springs from the land and flows to the Tasman Sea. It is within the rohe of Puketapu Hapu.

The social, cultural, historical and spiritual importance of MaNgāti stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity and manawhenua.

Manu Stream and tributaries (as shown on deed plan OTS-043-37)

The Manu is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the Manu Stream illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Motukari Stream and tributaries (as shown on deed plan OTS-043-38)

The Motukari is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the rivers, streams, lakes and waterways is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity and manawhenua.

Onaero River and tributaries (as shown on deed plan OTS-043-22)

Part of the Onaero flows through the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the Onaero River is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Parahaki Stream and tributaries (as shown on deed plan OTS-043-39)

The Parahaki is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the Parahaki Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Tapuae Stream and tributaries (as shown on deed plan OTS-043-40)

Part of the Tapuae flows through the rohe of Ngāti Te Whiti Hapu.

The social, cultural, historical and spiritual importance of the Tapuae River is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Te Henui Stream and tributaries (as shown on deed plan OTS-043-41)

The Te Henui is located in east New Plymouth. It springs from the land and runs to the Tasman Sea. At its source it is very narrow but widens as it flows to the sea. The Te Henui is in the rohe of Ngāti Te Whiti Hapu. Te Henui means "the huge mistake" and refers to an incident which is no longer remembered.

The Te Henui was very important because of the abundant resources which sustained the physical and metaphysical needs of the papakāinga and communities along its banks, such as Purakau, Autere and Kerau. Autere was also a fishing village from which Hapu would launch their waka and sail to offshore fishing grounds. Fish and kaimoana were collected from the river and the nearby reef, Arakaitai, and these provided staple as well as gourmet foods. Kaimoana and fish were gathered according to strict protocols to ensure sustainability and good health. Kaimoana and gourmet foods were important to uphold customs such as manaakitanga. Although the resources were important for physical survival and customary practises were important, the land was always important for without it the Hapu had nothing.

Further up river were the papakāinga of Pukewarangi, Puketarata and Parihamore. These papakāinga were located close to each other and shared resources and strategies in times of conflict with other Hapu or Iwi. Pukewarangi and Parihamore were settlements as well as defensive strongholds whilst Puketarata was a settlement which stored food reserves.

Waiau Stream and tributaries (as shown on deed plan OTS-043-42)

The Waiau is located north of Waitara and springs from the land and flows to the Tasman Sea. It is in the rohe of Ngāti Rahiri.

The social, cultural, historical and spiritual importance of the Waiau Stream illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Apart from its other important aspects the Waiau is important as a boundary marker between Te Atiawa and Ngāti Mutunga. The Te Atiawa northern coastal boundary point, Te Rau O Te Huia, is on the banks of the Waiau.

Waihi Stream and tributaries (as shown on deed plan OTS-043-43)

The Waihi is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of Waihi Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waihowaka Stream and tributaries as shown on deed plan OTS-043-44)

The Waihowaka is located in Bell Block and springs from the land and flows to the Tasman Sea. It is within the rohe of Puketapu Hapu.

The social, cultural, historical and spiritual importance of the Waihowaka Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waiongana Stream and tributaries (as shown on deed plan OTS-043-45)

The Waiongana flows from Taranaki Maunga to the Tasman Sea and is in the rohe Puketapu Hapu.

The social, cultural, historical and spiritual importance of the Waiongana Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waipapa Stream and tributaries (as shown on deed plan OTS-043-45)

The Waipapa is located north of Waitara and springs from the land and flows to the Tasman Sea. It is located in the rohe of Ngāti Rahiri Hapu.

The social, cultural, historical and spiritual importance of the Waipapa Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waipu Stream and tributaries (as shown on deed plan OTS-043-46)

The Waipu Lagoons are located on the coast and are within the rohe of Puketapu Hapu.

The social, cultural, historical and spiritual importance of the Waipu is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waitaha Stream and tributaries (as shown on deed plan OTS-043-48)

The Waitaha is located in Bell Block and springs from the land and flows to the Tasman Sea. It is in the rohe of Puketapu Hapu.

The social, cultural, historical and spiritual importance of the Waitaha Stream is illustrated through Te Atiawa traditions and histories. The traditions and histories also represent the spiritual links and an unbroken continuity with Te Atiawa tipuna and present generations and reinforce Te Atiawa tribal identity.

Waitara River and tributaries (as shown on deed plan OTS-043-49)

The Waitara River is one of the major rivers in the Te Atiawa rohe and takes its name from the legend of Te Whaitara-nui-a-Wharematangi-i-te-kimi-i-tana-matua-i-a-Ngarue. The Waitara flows through the rohe of the Hapu of Manukorihi, Otaraua, Pukerangiora and Ngāti Rahiri.

The Waitara River, unlike other substantial rivers within Taranaki, does not flow directly from Maunga Taranaki but springs from the Manganui River which flows off the mountain and converges with the Waitara River.

The Waitara river mouth was one of the first areas to be settled in Aotearoa and life was sustained here by the abundant resources provided by the reefs and wetlands. There were many kāinga and tauranga waka at the mouth of the Waitara and the kāinga later became seasonal fishing villages as Te Atiawa spread along and inhabited the entire length of the Waitara River. One of the streams, Mangahinau, was the mooring site for the largest Te Atiawa war waka, Eanganui.

There were many papakāinga along the banks of the Waitara, such as Ngangana, Kuikui, Te Whanga, Huirapa, Werohia, Aorangi, Puketapu, Mamaku, Tokitahi, Purimu, Karaka, Te Awaiotetaki, Manukorihi, Pukerangiora, Mangaemiemi / Te Ahikaroa, Wakatete, Kerepapaka, Tahunakau, and Taumaatene. The Waitara River provided an abundance of fish, inanga, tuna/eel, piharau, kahawai, yellow eyed mullet, flounder, herrings, kokopu, weka, pukeko, ducks. One of the river's tributaries, the Tangaroa, was an important spawning area for inanga and native fish. The Hapu fished from purpose built platforms and this technique continues today to describe customary fishing locations on the river. Each whakaparu was named and these names remain and continue to be used by Te Atiawa today. The mara / gardens along the river included Te Rore, Mangahinau, Panekeneke, Opakaru, Te Ramarama and Mangaemiemi. The urupaa include Te Rohutu, Manaaiti, Pukehou, Teremutu and Ngangana. The natural defences and height provided by the cliffs provided control of the Waitara River. Aorangi along with Pukekohe and Manukorihi, formed a triangle of strongly defended paa in the valley. In its upper reaches, its cliffs provided defence for Pukerangiora Pa and in one battle many Pukerangiora people jumped from the cliffs into the Waitara River.

The river continues to be, an important resource for mahinga kai. Contemporary uses of the site include cultural harvesting (fish, whitebait) and the site is valued because of its biodiversity and conservation values.

Te Atiawa has a physical, historical and spiritual relationship with the Waitara River. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waitara River which has a spiritual force and personality of its own.

The Waitara River has been, and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.

Waiwhakaiho River and tributaries (as shown on deed plan OTS-043-50)

The Waiwhakaiho River is located in the suburb of Fitzroy, New Plymouth and flows from Taranaki Maunga to the Tasman Sea. It is one of the largest rivers in the Te Atiawa rohe and has several tributaries including the Mangaone and Mangorei. At its mouth today there is a man made waterway, Lake Rotomanu which was created in the 1960s to provide a habitat and refuge for wildlife and is also used for recreational purposes.

The Waiwhakaiho River is the ancient boundary marker between Ngāti Te Whiti and Ngāti Tawhirikura and is embodied in pepeha and korero tawhito. In former times the

Waiwhakaiho River marked the boundary of the rohe of Puketapu, Ngāti Tawhirikura and Ngāti Te Whiti.

The Waiwhakaiho River was very important because of the abundant resources which sustained the physical and metaphysical needs of the papakāinga and communities along its banks, papakāinga such as Rewa Rewa, Waiwhakaiho River, Raiomiti, Te Ngaere, Pukemapo, Te Renega, Pukeotepua and Papamoa.

The Waiwhakaiho River mouth, the wetlands and associated water bodies were important because of resources such as raupo, water, ferns, berries, birds, fish, flax and kaimoana. The river fish and whitebait were caught from particular purpose built sites called whakaparu and these remain and continue to be used today.

There were several papakāinga on the river from its mouth to further inland. Rewa Rewa was located on a hill above the river mouth and was an ancient paa which, over the generations, housed a large population. Other papakāinga along the river were Waiwhakaiho River, Raiomiti, Te Ngaere, Pukemapo, Te Rerenga, Puke O Te Pua and Papamoa. The river was also used as a means of transport to nearby papakāinga to trade food and taonga and to maintain whanaungatanga.

The Waiwhakaiho River remains an important river today. Te Atiawa has a physical, historical and spiritual relationship with the Waiwhakaiho River. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waiwhakaiho River which has a spiritual force and personality of its own.

The Waiwhakaiho River has been, and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.

From Herekawe Stream to Onaero River (referred to in clause 5.11.1(rr) of the deed as Te Atiawa Coastal Marine Area (as shown on deed plan OTS-043-51))

This statement describes the Te Atiawa association and values in relation to its coastal marine area.

The Te Atiawa rohe commences from Te Rau O Te Huia, along the coast westward to the Herekawe, inland to Tahuna Tutawa, thence to Whakangeregere, continuing to Taramoukou, thence turning northwards to Te Rau O Te Huia.

The coastal marine area was part of the natural world which encompassed the expanses of Ranginui, the immensity of Papatuanuku, and the vastness of Tangaroa. It was an important part of the tribal rohe and included land, outlets, streams, rivers, lagoons, reefs, beaches

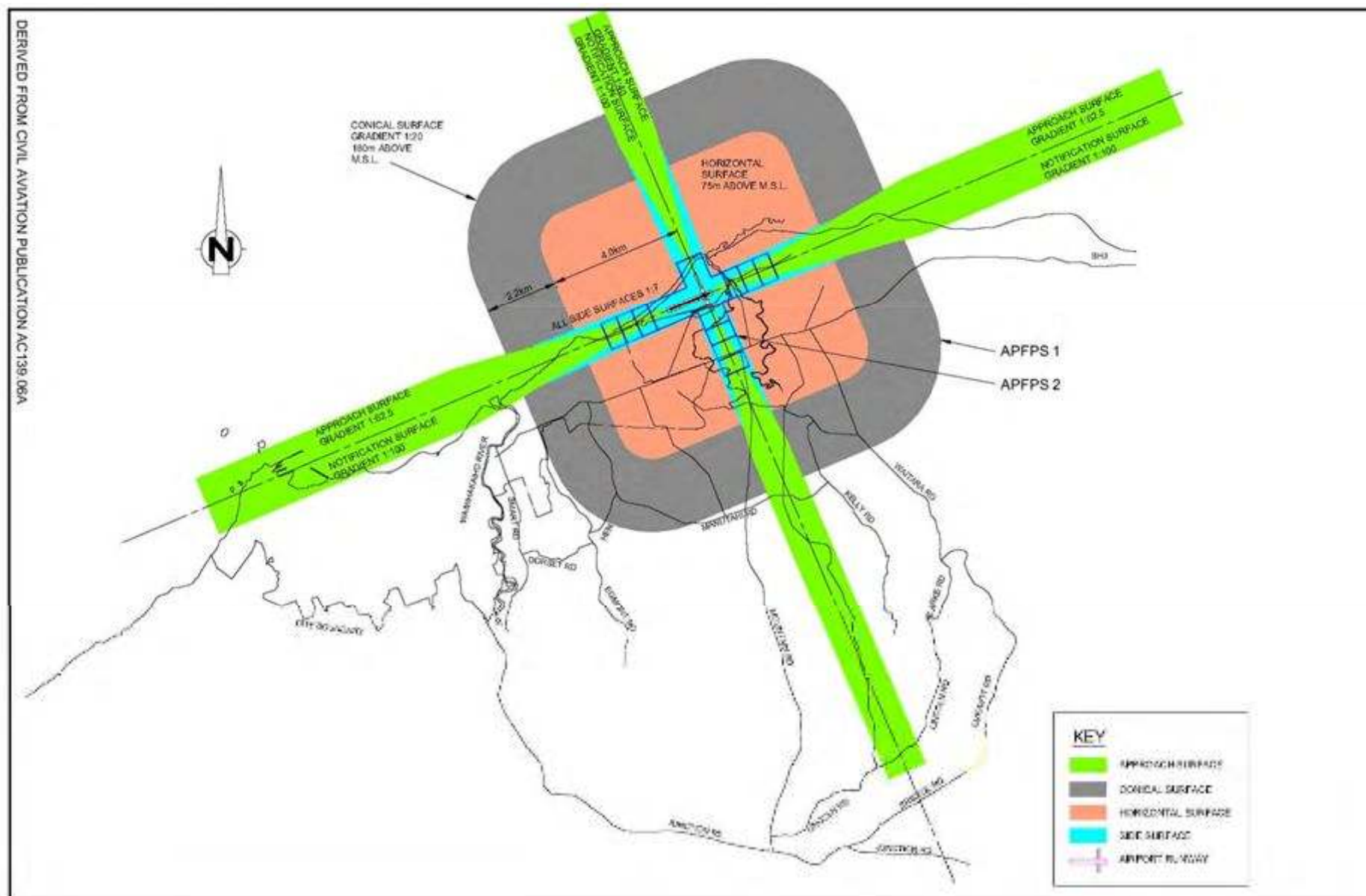
and sand hills. Just as hapu exercised mana over the whenua, so it exercised mana over the moana.

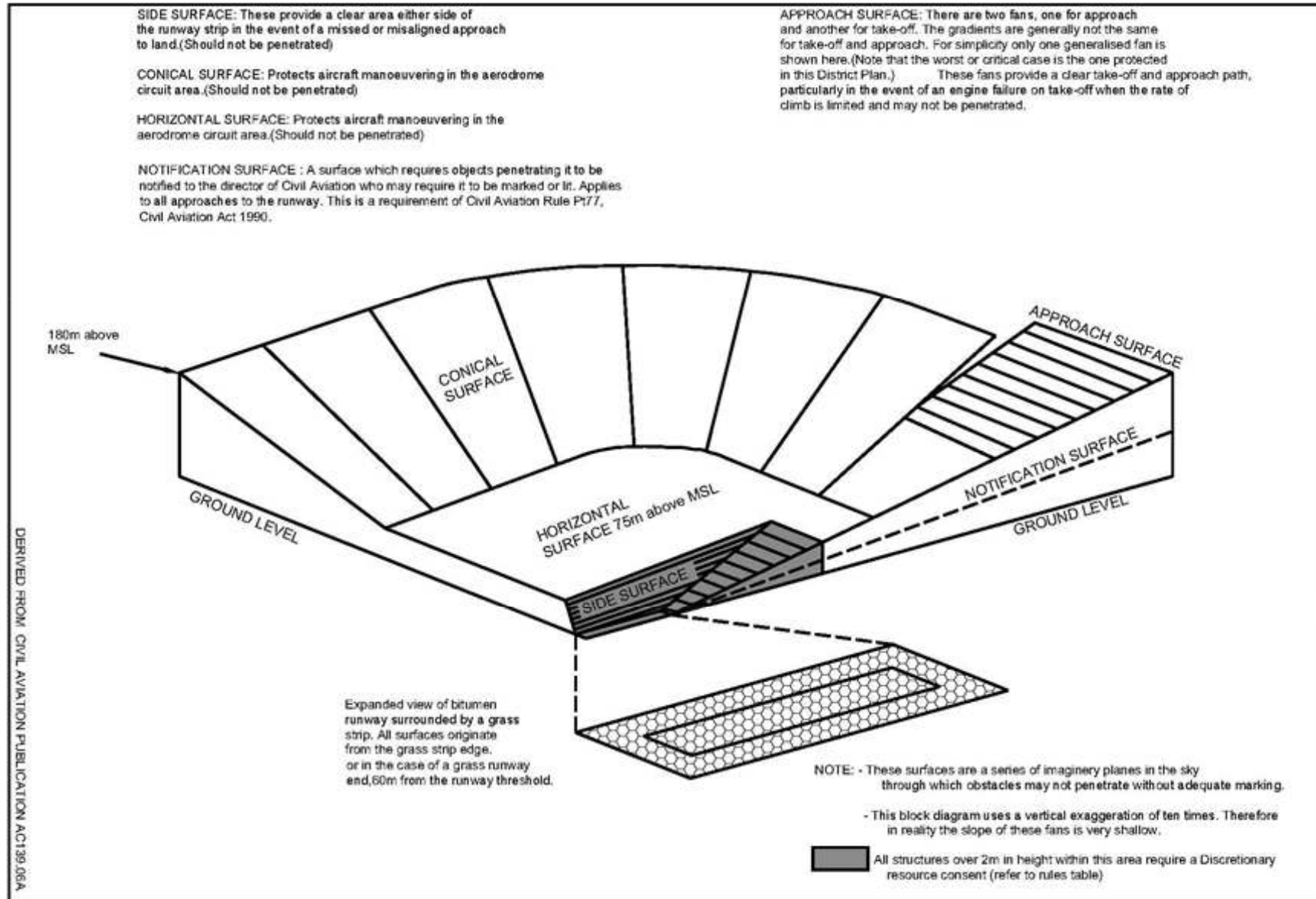
The Te Atiawa social, cultural and spiritual relationship with the coastal marine area was very important and is one of long-standing which began with the first Te Atiawa tupuna and has continued through the centuries to the present day. Many of the first settlements in the rohe, such as Nga Motu and the Waitara River, were on the coast. The papakāinga was the centre of social, cultural, economic and spiritual wellbeing. Papapakāinga such as Puke Ariki, Purakau, Rewa Rewa and MaNgāti were located on the coast close to the valued resources of water, mahinga kai and kaimoana. The resources sustained and nourished the lwi and were important to ensure survival and to maintain the spiritual, cultural and economic prosperity of Te Atiawa. The spiritual relationship was embodied in the ideologies, kawa, karakia and tikanga such as rahui. Every reef and lagoon was named and these names remain and the resources are harvested and customary rights continue to be exercised. Examples of the reefs are Papamoa, Tarawhata, Kawaroa, Arakaitai and Mangati. The sites also include urupa and tauranga waka, such as Autere. Te Atiawa has and continues to exercise, its kaitiakitanga on the coastline from the Herekawe to Te Rau O Te Huia.

The cultural and spiritual importance of the coastline and marine area continues to be embodied in waiata pepeha, traditions and histories and continues to underpin the mana and mauri of the Te Atiawa hapu. These ideologies and histories reinforce the connection, tribal identity and continuity between the generations to th

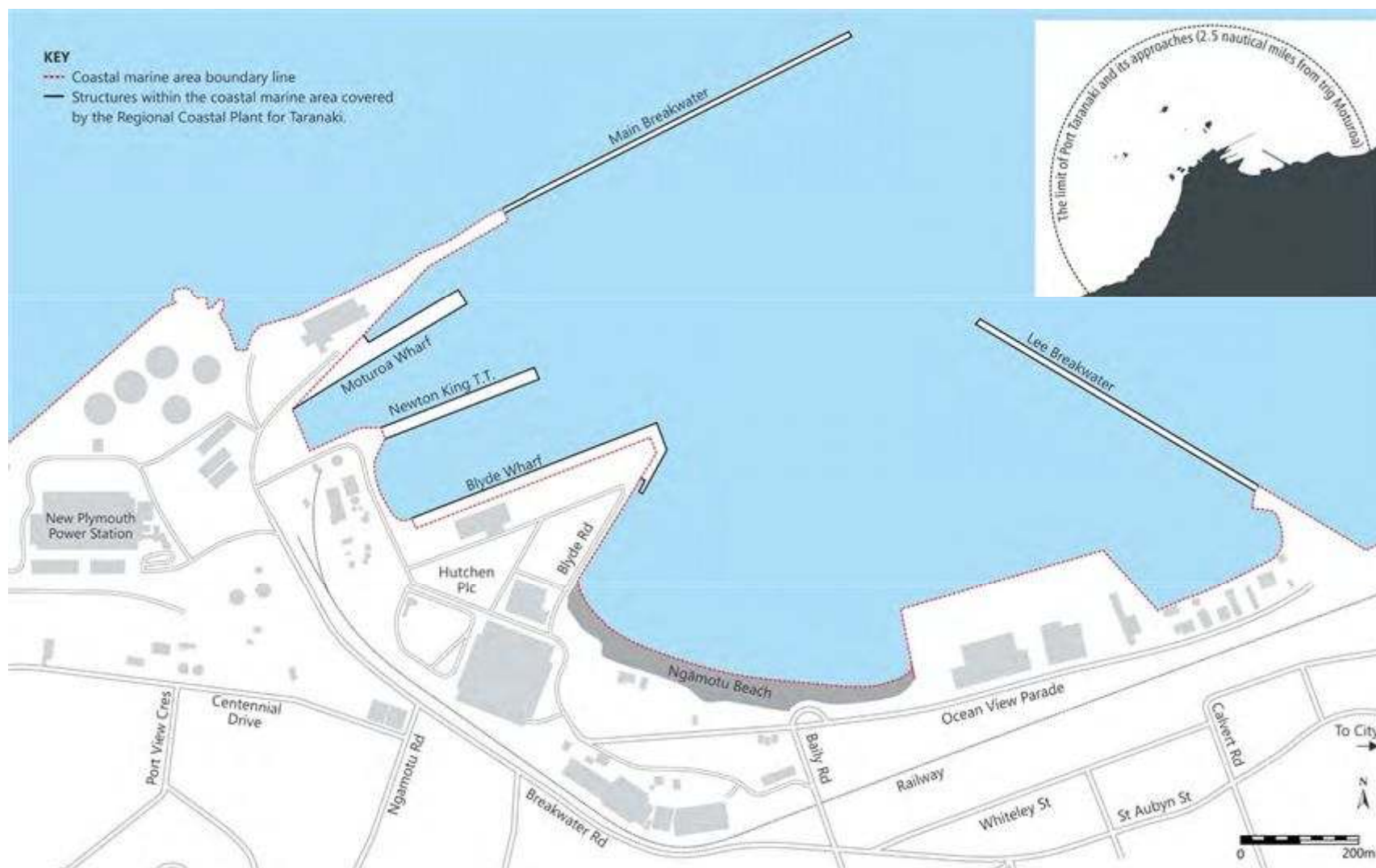
Appendix 3 – New Plymouth airport flight path protection surfaces

The flight path protection surfaces are given effect through Policy 6.





Appendix 4 – Port Taranaki and its approaches



Appendix 5 – Resource Management (Marine Pollution) Regulations 1998



Section 32AA Evaluation Report

Proposed Coastal
Plan for Taranaki

Section 32AA evaluation report

Proposed Coastal Plan for Taranaki

3 September 2019

Document number: 2287678

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1 Introduction

This section outlines the scope and structure of the report.

1.1 Purpose

The purpose of this report is to provide a summary of the evaluation undertaken in accordance with Section 32AA of the *Resource Management Act 1991* (RMA) for the review of the *Regional Coastal Plan for Taranaki*.

The Section 32AA evaluation builds on the Section 32 evaluation provided at the initial notification of the *Proposed Coastal Plan for Taranaki* (Proposed Plan). In particular, the evaluation addresses those key changes that have occurred through the submission and hearing processes that were not considered by the Taranaki Regional Council (the Council) under the initial Section 32 evaluation by:

- identifying reasonably practicable options for achieving the objectives, and
- assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions in the Proposed Plan.

1.2 Scope and background

The *Proposed Coastal Plan for Taranaki* was publicly notified for submissions on 24 February 2018, with submissions closing on 27 April 2018.

Public notice calling for further submissions supporting or opposing the initial submissions was made on 21 July 2018 and closed on 4 August 2018.

Sixty-one initial submissions were received, with 25 further submissions also received.

In October 2018, a draft officers' report with preliminary recommendations in response to submissions (and a revised track change version of the Proposed Plan) was released and made available to all submitters for their consideration. Subsequently, the Council extended an offer to submitters to ascertain their interest in meeting with officers to discuss their issues and officers' preliminary response as part of a pre-hearing engagement process. Council officers met with 28 submitters to discuss changes

recommended to the Proposed Plan. These meetings allowed submitters to further clarify their concerns, discuss proposed relief and explore any alternative relief options where appropriate. The opportunity to reconsider officers' preliminary recommendations in light of these engagements was useful and resulted in a number of changes in officer recommendations.

The Section 42A Report and Track changes version of the *Proposed Coastal Plan for Taranaki* identifying changes resulting from the submission and pre-hearing engagement process were released for submitters on 29 June 2019. The Section 42A Report identified submitters' requests by submission point and the officers' recommendations to the Hearing Panel.

The Hearing for the *Proposed Coastal Plan for Taranaki* was held on July 24th and August 1st 2019 at the Taranaki Regional Council chambers. Fifteen submitters presented oral submissions and six submitters provided written hearing statements instead of presenting an oral submission. This report addresses the Hearing Panel's recommendations to Council that were presented to the Policy and Planning Committee on September 3rd 2019.

1.3 Section 32AA requirements

Section 32AA of the RMA sets out the requirements for preparing and publishing evaluation reports for changes to proposed regional plans and reads as follows:

- 1) *A further evaluation required under this Act—*
 - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - (b) *must be undertaken in accordance with section 32(1) to (4); and*
 - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

- (d) must—
- (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) *In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*

For a full reading of section 32, please refer to Appendix I.

1.4 Key changes

Inevitably changes to the notified version of a proposed plan occur as a result of the submission and hearing processes. In response to submissions and further submissions received on the Proposed Plan, several major changes are recommended by the Hearing Panel to be added to the Proposed Plan. Only these new provisions are the subject of this Section 32AA further evaluation as they are the key changes being proposed, and have implications for plan making and resource consent processing.

Key changes analysed in this report are grouped around the following themes:

- **Tangata whenua principles:** Inclusion of agreed tangata whenua principles in the Plan that are aligned and/or given effect to through relevant Plan objectives, policies, rules and schedules.
- **Subdivision:** Amendments to Objectives 1, 3, 6, 7 and 11; and Policies 2, 5, 8 and 15 of the Proposed Plan to reference and require explicit consideration of the effects of subdivision within the coastal environment.
- **Coastal environment line mapped:** Amendments to Policy 4 (and associated Planning maps) to identify the extent of the coastal environment on planning maps based on their equivalent in relevant district plans (i.e. the Coastal Protection Area identified in the *Proposed District Plan for South Taranaki* and the Coastal Hazard Area identified in the *Draft District Plan for New Plymouth*).
- **The balance of protective policies against the use and development policies:** The *New Zealand Coastal Policy Statement* (NZCPS) is particularly directive towards protection of the coastal environment and some submitters were concerned with how the needs of the national grid (and other regionally important infrastructure) would be balanced against the need to protect specific values. Amendments to the Plan include new Policy 6A [Management of adverse effects of the National Grid], to better align with the *National Policy Statement on Electricity Transmission* (which provides direction specific to managing the effects of the National Grid).
- **Indigenous biodiversity:** Amendments to Policy 14 [Significant indigenous biodiversity] to explicitly identify significant marine animal and seabird areas, amendments to the Plan to include a new Policy 14A to address other indigenous biodiversity, and amendments to the planning maps (and other consequential changes to the Plan) to identify known significant indigenous biodiversity areas.
- **Cultural and historic heritage:** Greater consideration of cultural and heritage values within the Plan. This includes the addition of a new Policy (14B [Taonga species]), schedule (4C [Taonga species]) and appropriate standards, terms and conditions for permitted and controlled activities; as well as amendments to Schedule 5B [Historic heritage] to identify additional sites of significance and new Methods for protecting cultural and historic heritage.
- **Sewage discharge rules:** Amendments to the Plan to prohibit any future new discharges of treated human sewage to the CMA to address tangata whenua concerns, promote improvements in coastal water quality, and to align the rules with requirements of Plan objectives and policies. The change continues to provide for existing wastewater discharges (subject to a consenting process).
- **Discharges of water containing minor contaminants:** Inclusion of additional Rule (1A) for the discharge of water and minor contaminants for small and temporary discharges of water.
- **Schedule of Hazardous substance thresholds:** Inclusion of an additional schedule that lists the type and quantity of hazardous substances that will be excluded from

Rule 1 [Stormwater discharges] permitted activity to ensure that routine, detergents and household cleaners do not get captured in the requirement for industrial or trade premises discharging stormwater to not use or store hazardous substances.

- **Discharges of petroleum dispersants:** Removal of Rule 4 permitting discharges of petroleum dispersants to the Open Coast and Port coastal management areas in order to ensure that inappropriate discharges are not encouraged and to promote alignment with the *Marine Protection Rules*.
- **Cleaning of biofouling:** Amendments to the standards, terms and conditions of Rule 9 [Cleaning of biofouling] (permitted activity in the Port coastal management area) to better align with national expectations and approaches elsewhere. Guidance and direction on amendments was provided by the Ministry for Primary Industries and the Department of Conservation.
- **Seismic surveying rule:** Amendments to Rule 12 [Seismic surveying and bathymetric testing] to address effects of seismic surveying on indigenous biodiversity through the inclusion of a new Rule (12A) that makes seismic surveying a controlled activity in all coastal management areas (rather than permitted). Standards, terms and conditions of the rule ensure that the activity complies with the Department of Conservation's *Code of Conduct for minimising acoustic disturbance to marine mammals for seismic survey operations*. Other adverse effects on indigenous biodiversity (e.g. effects on seabirds such as the little blue penguin) not addressed through the code of conduct are addressed through additional standards, terms and conditions.
- **Storage and transfer of cargo materials within the Port Air Zone:** Amendments to align with current permitted rule to allow discharges of contaminants to air and water during the storage and transfer of cargo materials within the Port Air Zone. During transport or storage of cargo materials (e.g. palm kernel), some materials will inevitably become entrained in the air and may settle on the water surface.
- **Rules for structure maintenance, alteration and extensions:** Amendments to the suite of Rules addressing maintenance, alteration and extension of structures following general feedback from some submitters that the framework was complicated and, in some instances/scenarios, submitters were not sure which rule might apply to specific activities with the potential for more than one rule to apply to a single activity. Submitters were also concerned about the relevant definitions of these activities. Amendments focus on simplifying the rules cascade by deleting inappropriate rules (already addressed through other rules), merging rules that

address similar activities and inclusion of new rules where the activity has not been appropriately provided for as well as clarifying definitions.

- **New rules pathway for sampling and monitoring:** Amendments to Rule 52 [Collection of benthic grab samples] (permitted) and inclusion of two additional rules, 52A and 52B (controlled and discretionary) to provide for disturbances arising from the collection of scientific samples and/or arising from monitoring activities.
- **Revised noise provisions for temporary military training activities:** Amendments to Section 8.6.3 (c) [Noise limits] to better reflect requirements set by the New Zealand Defence Force for temporary military training activities and adopted around the country.
- **Māori surf break names:** Amendments to Schedule 7A [Nationally, regionally and locally significant surf breaks] (and on the planning maps) to include alternative traditional names (where appropriate) next to the commonly known surf break names to address concerns of cultural inappropriateness of some surf break names and increase cultural recognition throughout the Plan.
- **'Breakwater' surf break:** Amend Schedule 7A to remove the breakwater surfbreak from the regionally significant category and inclusion in locally significant category to ensure that regular maintenance activities at the Port are not inhibited.
- **On-line maps:** amendments to on-line maps (and associated schedules) to better identify 'high natural character areas' and areas of 'significant indigenous biodiversity'.

Of note, numerous other minor or inconsequential changes to the Proposed Plan are not considered to require a further evaluation as they are relatively minor or do not change the policy intent of provisions in the Proposed Plan (e.g. changes are to improve certainty or clarity in relation to policy intent and/or to improve the readability of Plan provisions). Other consequential changes include new (non-regulatory) methods and alignment with the *National Planning Standards*.

This Report should be read in conjunction with the Hearing Panel's report and recommendations presented to the Taranaki Regional Council for its consideration.

2 Section 32AA evaluation

This section identifies options for change, considers the costs and benefits of the change and explains the preferred options.

Issue/theme	Options	Section 32AA evaluation	Conclusion
Tangata whenua principles	Option 1: <i>Status quo</i> – no change. The Proposed Plan does not include any tangata whenua principles.	<ul style="list-style-type: none"> Lesser consideration and integration of agreed tangata whenua principles throughout Plan provisions. 	Option 2 is the preferred option. The benefits outweigh the costs and the proposed change promotes better integration and alignment of agreed tangata whenua values in Plan provisions.
	Option 2: Inclusion of agreed tangata whenua principles in the Plan.	<ul style="list-style-type: none"> Option better supports the integration of Māori principles and values in the Plan with the principles also being aligned where relevant to Objective 10 [Treaty of Waitangi], Policy 2(aa), Policy 16 and Schedule 5B [Sites of significance]. Promotes greater consideration (and the protection) of tangata whenua principles and values when implementing the Plan. Broad tangata whenua support for the inclusion of the principles. No increase in costs to any parties. Is consistent with section 6 (e) of the RMA which requires that “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga” be recognised and provided for as a matter of national importance. 	
Subdivision	Option 1: <i>Status quo</i> – no change. The Proposed Plan does not explicitly recognise the effects of subdivision within the coastal environment.	<ul style="list-style-type: none"> Less certainty and clarity to Plan readers that the effects of subdivision within the coastal environment are a consideration in the implementation of the Plan. No additional costs or benefits to any parties. 	Option 2 is the preferred option. The benefits outweigh the costs and the proposed change improves integrated management within the coastal environment.
	Option 2: Reference to subdivision within relevant Plan provisions. Amend Objectives 1, 3, 6, 7 and 11; and Policies 2, 5, 8 and 15 of the Proposed Plan to reference and require explicit consideration of the effects of subdivision within the coastal environment.	<ul style="list-style-type: none"> Minor benefits as it promotes alignment of Coastal Plan provisions with the RMA and the <i>Regional Policy Statement for Taranaki</i>, as well as district council plans. Minor benefits by promoting and supporting integrated management provisions in the Proposed Plan. More certainty and clarity to Plan readers that the effects of subdivision within the coastal environment need to be considered as part of use and development in the implementation of the Plan. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> More effective as it gives clearer direction for district councils addressing subdivision matters in the coastal environment and promotes consistency with the <i>Regional Policy Statement for Taranaki</i>. No additional costs associated with this change. 	
Map extent and characteristics of the coastal environment	<p>Option 1: Status quo – no change.</p> <p>The Proposed Plan does not map the extent of the coastal environment but instead relies on the descriptive matters set out in Policy 4.</p> <p>The Proposed Plan relies on identification of the coastal environment on a case-by-case basis having regard to areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas as determined through Policy 4 and the definition for coastal environment.</p>	<ul style="list-style-type: none"> Less certainty and clarity during the consenting process and possibility of disputes over whether an activity is within the coastal environment or not resulting in increased costs to Council, resource users and affected parties. Less effective as identifying coastal environment extent may be subject to differing interpretations by Council consenting officers. 	<p>Option 2 is the preferred option. The benefits outweigh the costs and the mapping provides more certainty for plan users. It also improves integrated management within the coastal environment.</p>
	<p>Option 2: Identify the extent of the coastal environment on Planning maps based on the Coastal Protection Area identified in the <i>Proposed District Plan for South Taranaki</i> and the Coastal Hazard Area identified in the <i>Draft District Plan for New Plymouth</i>.</p> <p>Changes proposed align the extent of the coastal environment with the equivalent coastal environment line (or similar) identified in a District Plan. Policy 4 is also amended to refer to the coastal environment line but also includes descriptive matters in the Policy that may allow other areas landward of the coastal environment line to be considered or assessed as part of the coastal environment at a finer spatial scale, e.g. the extent of estuaries.</p>	<ul style="list-style-type: none"> Appropriate in that the amendment supports Objective 1 [Integrated management] by aligning with district council plans and the outcome of their planning processes. Appropriate as the provision is consistent with the characteristics identified in Policy 1 [Extent and characteristics of the coastal environment] of the NZCPS. More efficient in that there is increased certainty on the extent of the coastal environment (and therefore the application of relevant Plan provisions) during the consenting process. Efficient and effective in that mapping provides increased certainty during the consenting process and will minimise disputes and reduce costs for the applicant and the Council. More effective as Plan users will have greater certainty around whether their activity falls inside/outside the coastal environment and the appropriate Policies to consider. More effective as each consent application will be addressed consistently and reduces variation between consents. There are no additional costs associated with this change. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> Efficient as the coastal environment extent is consistent with other similar extents identified in proposed district plans and will be amended for consistency if any changes occur through the plan review process. 	
Explicitly provide for the needs of the National Grid	<p>Option 1: <i>Status quo</i> – no change.</p> <p>No provision currently made for the National Grid outside of provisions made generally for all regionally important infrastructure within Policy 6 [Benefits of regionally important infrastructure]. Policy 6 is limited to considering benefits of regionally important infrastructure and does not provide any additional weight for the National Grid when considering the environmental effects of an activity.</p>	<ul style="list-style-type: none"> Less efficient and effective as the Proposed Plan does not explicitly address the requirements of the <i>National Policy Statement for Electrical Transmission</i> (NPSET). Less efficient as this may lead to lengthy debates with resource users over whether an activity is appropriate after having regard to the 'protective' policies (relating to outstanding value, significant indigenous biodiversity, outstanding value and nationally or regionally important surf breaks etc) within the Plan. Less effective due to uncertainty over the outcome of consenting processes. Has implications for the community (and wider New Zealand) due to the importance of the national grid as nationally important infrastructure that provides electricity throughout the country. Less certainty during the consenting process likely to result in additional costs for consent applicants during this process. 	Option 2 is the preferred option. This option better provides for the requirements of the NPSET.
	<p>Option 2: To include:</p> <ul style="list-style-type: none"> A new Policy 6A to address the requirements of the <i>National Policy Statement on Electricity Transmission</i> (NPSET) and to better address/balance the needs of the National Grid when considering those values identified for protection under Policies 8, 14 and 19. A new Rule 37A which provides for the maintenance, alteration or extension of network utilities in Outstanding Value, Estuaries Unmodified, Estuaries Modified and the Open Coast coastal management areas as a restricted discretionary. 	<ul style="list-style-type: none"> Efficient and effective as the change explicitly gives effect to the NPSET. Changes expand upon amendments to the notified Proposed Plan to increase the efficiency and effectiveness of the Plan by increasing certainty for resource users. More efficient as the change will reduce unnecessary disputes during the consenting process when weighing the economic and social values of the national grid against environmental and cultural values. More effective as the change will better recognise and provide for social and economic benefits by providing an appropriate pathway for the national grid beyond what is already provided for in Policy 6. The change addresses requirements for the National Grid under the NPSET as well as the requirements of the NZCPS. There are no additional costs associated with this change. 	
All indigenous biodiversity to be covered by Plan provisions	<p>Option 1: <i>Status quo</i> – no change.</p> <p>The Proposed Plan is silent on maintaining and enhancing indigenous biodiversity generally (i.e. outside of that provided under Policy 14 which pertains to 'significant indigenous</p>	<ul style="list-style-type: none"> Current policy meets requirements of Policy 11 of the NZCPS. Less effective as the Plan contains no specific policy direction for implementing the first part of Objective 8 [Indigenous biodiversity] in which indigenous biodiversity in the coastal environment is maintained and enhanced. 	Option 2 is the preferred option. The change provides for greater clarity and a wider consideration of indigenous biodiversity values which will lessen the

Issue/theme	Options	Section 32AA evaluation	Conclusion
	<p>biodiversity" and is listed specifically in Schedule 4A and B).</p> <p>Option 2: Include a new Policy 14A to provide policy direction for all indigenous biodiversity not already addressed under Policy 14 plus amend standards, terms and conditions of permitted activity and controlled activity rules to refer to all significant indigenous biodiversity identified in Schedule 4 (and not limit it to that identified in Schedule 4A and B only).</p>	<ul style="list-style-type: none"> • Less effective as the Plan only addresses effects on 'significant indigenous biodiversity' and provides no guidance or direction on managing other, unspecified indigenous biodiversity. • Less efficient due to no consideration for managing indigenous biodiversity generally during the consenting process. • Option produces no additional costs initially. • Option supports Objective 4 [Life-supporting capacity and mauri] and Objective 8 [Indigenous biodiversity]. • Is consistent with sections 6 (a) and (c) of the RMA which requires councils, as a matter of national importance, to recognise and provide for the natural character of the coast and for significant indigenous biodiversity plus section 30(1) (ga) RMA functions relating to maintaining indigenous biodiversity generally. • More effective as the Plan contains policy direction for implementing the first part of Objective 8 in which indigenous biodiversity in the coastal environment is maintained and enhanced. • More effective as it ensures other biodiversity considerations in addition to those set out in Policy 14 as required under Objective 8. • More efficient as it reduces the likelihood that remedial steps may be required at a later stage to offset negative environmental outcomes to indigenous biodiversity not addressed under Policy 14. • Costs accrue to resource consent applicants on a case-by-case basis for assessments of indigenous biodiversity affected by activity and consideration of appropriate protective measures to be taken. • Benefits include greater consideration of indigenous biodiversity values generally through the consenting process resulting in better environmental outcomes. 	likelihood of inadvertent damage occurring.
Strengthened provisions addressing cultural and historic heritage protection	<p>Option 1: <i>Status quo</i> – no change.</p> <p>The Proposed Plan only identifies those scheduled sites of historic significance identified at the time of publicly notifying the Plan and does not include any specific policy direction for taonga species outside of that provided under Policy 14 which focuses on significant indigenous biodiversity that is listed specifically in Schedule 4A.</p>	<ul style="list-style-type: none"> • Less effective in that any new discharges unlikely to achieve Objective 4 [Life-supporting capacity and mauri] and Objective 5 [Indigenous biodiversity]. • Currently no recognition of taonga species as identified in Treaty of Waitangi settlements. 	Option 2 is the preferred option. The change gives better effect to Plan objectives relating to the Treaty of Waitangi and cultural and historic heritage while also enhancing cultural considerations during the consenting process.

Issue/theme	Options	Section 32AA evaluation	Conclusion
	<p>Option 2: To include:</p> <ul style="list-style-type: none"> A new Policy 14B to provide policy direction to protect taonga species identified through iwi deeds of settlement and scheduled in the Plan (Schedule 4C). New permitted and controlled activity standards, terms and conditions in Rules 1, 18, 19, 51, 52 and 65 to avoid adverse effects on scheduled taonga species. A new Schedule 4C identifying coastal taonga species as identified through iwi deeds of settlement. Amend Schedule 5B to identify additional sites of significance based upon new information supplied by iwi and hapū and schedule any additional sites of significant with special cultural, spiritual, historical and traditional associations to tangata whenua. New methods in section 6 [Methods of Implementation] and 10 [Monitoring and review] addressing non regulatory methods for protecting cultural and historic heritage values. 	<ul style="list-style-type: none"> No additional costs. Reduced costs on consent applicants as there are less sites of significance identified and there is no policy requirement to protect species specifically of value to Māori. Option better supports the integration of Māori values in the Plan, including Objective 4 [Life-supporting capacity and mauri], Objective 8 [Indigenous biodiversity], Objective 9 [Relationship of tangata whenua with the coastal environment], Objective 10 [Treaty of Waitangi] and Objective 11 [Cultural and historic heritage]. Broad tangata whenua support for stronger provisions addressing cultural and historic heritage protection. Increased costs may accrue to resource consent applicants on a case-by-case basis to undertake assessments of impacts on taonga species affected by the activity and consideration of appropriate protective measures to be taken. More effective as change promotes greater consideration (and the protection) of taonga species of value to tangata whenua. More effective as change provides greater consideration and protection to sites of significance to Māori. More efficient as Plan users can easily see areas that hold significance to Māori, rather than waiting for the consenting process. 	
<p>Prohibition on new discharges of wastewater containing human sewage to the CMA</p>	<p>Option 1: <i>Status quo</i> – no change.</p> <p>The Proposed Plan provides for the discharge of new wastewater discharges in the Open Coast under Policy 25 and Rule 7.</p> <p>Option 2: To include the following changes:</p> <ul style="list-style-type: none"> Amend Policy 25 to prohibit any new discharges of wastewater containing human sewage to all coastal management areas in the CMA. 	<ul style="list-style-type: none"> Less effective in that any new discharges are unlikely to achieve Objective 5 [Coastal water quality] or Policy 11 [Coastal water quality] to maintain Taranaki's, generally high, coastal water quality. Less recognition of tangata whenua principles and values and, in particular, their abhorrence of wastewater discharges to water. Potentially lengthy consenting processes and uncertain outcomes. Provides for the discharge of treated community wastewater into the Open Coast coastal management area. This option gives better effect to Māori principles and values in the Plan, including Objective 9 [Relationship of tangata whenua with the coastal environment], Objective 10 [Treaty of Waitangi] and Objective 11 [Cultural and historic heritage]. 	<p>Option 2 is the preferred option. The environmental benefits outweigh the costs and the change gives better effect to Plan objectives relating to coastal water quality.</p>

Issue/theme	Options	Section 32AA evaluation	Conclusion
	<ul style="list-style-type: none"> Amend Rule 7 and delete Rule 8 so that no new wastewater treatment plant discharges are allowed to the CMA. 	<ul style="list-style-type: none"> The prohibition on new treated wastewater discharges better contributes to Objective 4 [Life-supporting capacity and mauri] and Objective 5 [Coastal water quality] and, in particular, will avoid any degradation in Taranaki's coastal water quality. More effective in that the change recognises Council's experience with existing municipal wastewater discharges where localised degradation in coastal water quality has occurred resulting in restrictions to shellfish gathering and recreational bathing. It effectively recognises existing best practice which is to avoid direct discharges to water. Broad tangata whenua support for stronger provisions prohibiting direct wastewater discharges to the CMA. Potentially significant constraints and costs on district councils addressing future population growth requirements (of note, this option would continue to provide for existing wastewater discharges subject to a consenting process). 	
Amend regulatory framework to allow for the temporary discharge of water containing minor contaminants into the CMA	<p>Option 1: <i>Status quo</i> – no change.</p> <p>No provision currently for the temporary discharges of water to the CMA). This activity would be addressed under catch all Rules 13 or 14 as Discretionary or Non-complying activities.</p>	<ul style="list-style-type: none"> The temporary discharge of water is not currently provided for in the current or Proposed Coastal Plan. Unnecessarily restricts discharges of water into the CMA that are having less than minor adverse effects, e.g. desalination discharges associated with temporary military training exercises and discharge from water blasting. Unnecessary costs and constraints on resource users whereby discharges of water into the CMA that are having less than minor adverse effects (e.g. desalination discharges associated with temporary military training exercises and discharge from water blasting) are required to get a resource consent. 	<p>Option 2 is the preferred option. The change allows for temporary and minor incidental discharges of water in the CMA as a permitted activity. This is an efficient and appropriate status for these activities.</p>
	<p>Option 2: To include a new Rule 1A that addresses temporary water and minor contaminant discharges to the Coastal Marine Area. Also the addition of a new definition for 'temporary'.</p>	<ul style="list-style-type: none"> Option permits small incidental discharges of water to the CMA (e.g. desalination discharges associated with temporary military training exercises and discharge from water blasting) without a resource consent subject to standards, terms and conditions. Option is appropriate in that Rule 1A is consistent with similar provisions in the Freshwater Plan. More effective in that any adverse environmental effects allowed by the rule will be less than minor. More efficient in that it allows activities such as the use of desalination equipment as part of any military training require a consent. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> Provision of new definition provides greater clarity and therefore efficiency to resource users as to what is meant by term 'temporary' in relation to this activity. No additional costs. Reduced costs on resource users by avoiding requirements to obtain consent for water discharges having no or less than minor adverse effects. 	
Amend regulatory framework for stormwater discharges to include a schedule setting out hazardous substances threshold values of concern	Option 1: <i>Status quo</i> – no change. The Proposed Plan does not currently differentiate or specify hazardous substances of a type, toxicity or amount that are of interest.	<ul style="list-style-type: none"> Large number of industrial and trade premises inadvertently being captured by the term "<i>hazardous substances</i>" and their stormwater discharge to the CMA would require a resource consent. Unnecessary costs and constraints on resource users industrial and trade premises inadvertently being captured by storing "<i>hazardous substances</i>". 	Option 2 is the preferred option. The benefits outweigh the costs and suggested improvements provide more certainty for plan users.
	Option 2: To include the following: <ul style="list-style-type: none"> Amend Rule 1 to better recognise hazardous substances threshold values of concern. A new Schedule 8AA identifying hazardous substances and threshold values for stormwater discharges from industrial and trade premises. 	<ul style="list-style-type: none"> Option permits stormwater discharges from industrial and trade premises subject to those premises not using or storing hazardous substances in quantities or of a type that exceeds the threshold values identified in Schedule 8AA. Aligns with hazardous substances threshold criteria under the <i>Hazardous Substances and New Organisms Act 1996</i>. More effective in that any adverse environmental effects allowed by Rule 1 will be less than minor. More efficient in that it permits industrial and trade premises that use or store day-to-day items and products not of concern such as detergents and household cleaners (but which are still classified as "<i>hazardous substances</i>") to discharge stormwater without the requirement to obtain a consent. Reduced compliance costs by excluding premises (and the requirement to obtain a consent) that may have hazardous substances but not of a type or quantity to exceed hazardous substances threshold values of concern. 	
Remove Rule 4 addressing petroleum dispersant use in the Port coastal management area	Option 1: <i>Status quo</i> – no change. Discharges of a petroleum dispersant in the Port coastal management area are a permitted activity under Rule 4 of the Plan.	<ul style="list-style-type: none"> Inappropriate as Rule 4 duplicates the requirements of the <i>Marine Protection Rules, Part 132: New Zealand Oil Spill Control Agents</i>. Less appropriate as Rule 4 duplicates powers available under the emergency provisions of the RMA. Less efficient as avoidance, mitigation and remediation measures addressing the event of a natural marine oil seep resulting from capital dredging in the Port can be adequately addressed under the consent for the dredging activity and the Ports Oil Spill Management Plan. 	Option 2 is the preferred option as it ensures that the Plan is not inconsistent with the requirements of the <i>Marine Protection Rules</i> which ensures appropriate application of a petroleum dispersant.

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> Inappropriate as it indicates to Plan users that use of petroleum dispersants may be appropriate when other means of capture and recovery may be more appropriate. Inappropriate as the rule is not consistent with the <i>Marine Protection Rules, Part 132: New Zealand Oil Spill Control Agents</i> which allows only certain persons the authority to discharge oil spill control agents. There are no benefits or additional costs of retaining this rule. 	
	<p>Option 2: Delete Rule 4 of the Plan permitting the discharge of petroleum dispersants in the Port coastal management area.</p>	<ul style="list-style-type: none"> More effective as, in the event of a spill, discharges of petroleum dispersants are regulated under the <i>Marine Protection Rules, Part 132: New Zealand Oil Spill Control Agents</i>. More effective as, in the event of a spill, discharges of petroleum dispersants could be authorised using the emergency provisions of the RMA. More efficient as the adoption of appropriate avoidance, mitigation and remediation measures addressing the event of a natural marine oil seep resulting from capital dredging in the Port (including the use of petroleum dispersants) can be addressed as part of a resource consent application for any dredging activity. More effective as it does not encourage (through a dedicated rule) the use of petroleum dispersant discharge, which may have high and unintended adverse environmental effects. More effective as it promotes the use of alternative methods for controlling and recovering oil when the oil spill event is of a small scale (i.e. Tier I). There are no additional costs associated with this option. 	
<p>Rule 9: Cleaning of biofouling in the Port coastal management area</p>	<p>Option 1: <i>Status quo</i> – no change.</p> <p>The current rule is limited to only “in-water cleaning” and would preclude cleaning of objects on wharves (within the Port coastal management area). The rule has standards, terms and conditions that address anti-foul coatings, the capture and disposal of biological material where a vessel has travelled outside of the Taranaki coastal marine area, and the notification of MPI following a suspected encounter with any suspected invasive or non-indigenous aquatic species.</p>	<ul style="list-style-type: none"> Less efficient as there are inconsistencies with similar provisions in other coastal plans around New Zealand. Less effective as cleaning of biofouling above-water is not covered by the Plan yet may also negatively effect on marine values in and near Port Taranaki. Less certainty during the consenting process likely to result in additional costs for consent applicants during this process. 	<p>Option 2 is the preferred option as it promotes better inter-regional alignment between Coastal Plan rules addressing biofouling activities and should minimise biosecurity risks associated with the activity.</p>

Issue/theme	Options	Section 32AA evaluation	Conclusion
	<p>Option 2: To include the following:</p> <ul style="list-style-type: none"> Activity description broadened to refer to cleaning in general and is not limited to “in-water cleaning”. New and amended standards, terms and conditions Activity description is broadened to refer to cleaning in general plus alignment with similar rules adopted elsewhere across New Zealand. 	<ul style="list-style-type: none"> Option better supports Objective 5 [Coastal water quality] and Objective 8 [indigenous biodiversity]. More efficient in that revised rule and standards aligned with similar rules elsewhere across the country – greater transparency for Plan users. More effective as the proposed amendments better align industry best practice relating to biofouling. More effective as the broadening of the scope of the rule to include all cleaning of biofoul, as well as more comprehensive standards, terms and conditions, better addresses biosecurity risks associated with the activity. There are no additional costs associated with this option. 	
Rule 12A: Seismic surveying	<p>Option 1: <i>Status quo</i> – no change.</p> <p>Seismic surveying is a Permitted Activity under Rule 12. The only requirement being compliance with the <i>2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations</i> (Code of Conduct).</p>	<ul style="list-style-type: none"> Less effective as the Code of Conduct does not address effects on non-marine mammals. Of particular concern are possible significant effects to the little blue penguin (amongst others). Less effective as this option may result in environmental costs arising from no or little consideration of biodiversity impacts currently not addressed under the Code of Conduct and which relate to marine mammals. Minimised costs to resource users, with no requirement to obtain a resource consent. No additional costs or benefits associated with this option. 	<p>Option 2 is the preferred option as it has improved environmental considerations through the consenting process that addresses all biodiversity impacts (and not just those covered by the Code of Conduct and marine mammals) and provides more certainty in the assessment and adoption of appropriate avoidance, remediation and/or mitigation measures.</p>
	<p>Option 2: Seismic activity is addressed through the consenting process as a Controlled Activity, with standards, terms and conditions established which address effects on indigenous biodiversity in addition to required compliance with the Code of Conduct.</p>	<ul style="list-style-type: none"> More effective as this option better supports Objective 4 [Life-supporting capacity and mauri] and Objective 8 [Indigenous biodiversity]. More effective as this option provides increased environmental benefits from the consideration of impacts on non-marine mammal species and currently not addressed by the Code of Conduct. More effective as this option adopts a precautionary approach whereby through the consenting process appropriate ecological assessments can be required to ensure the adoption of appropriate avoidance, remediation and/or mitigation measures (including those not covered by the Code of Conduct). More effective in that through the consenting process there is increased flexibility to identify and tailor appropriate avoidance, remediation and/or mitigation measures to address environmental impacts on non-marine mammal species. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> Increased costs accrue to consent applicants with the need to obtain a resource consent and/or undertake any necessary ecological assessments to ensure appropriate measures are taken to protect indigenous biodiversity affected by activity. Increased certainty for Plan users and consent applicants that the activity will be allowed subject to compliance with appropriate standards, terms and conditions. This option will not affect employment or the economy within Taranaki. 	
	Option 3: Seismic activity is addressed through the consenting process as a discretionary activity and consent conditions are determined on a case-by-case basis.	<ul style="list-style-type: none"> Effective as this option better supports Objectives 4 [Life-supporting capacity and mauri] and Objective 8 [Indigenous biodiversity]. Effective as this option adopts a precautionary approach to the environmental effects (and extent of effects) on other biodiversity values which may be unknown but can be addressed (on a case-by-case basis) through the consenting process as more information is available. Increased costs accrue to consent applicants with the need to obtain a resource consent and/or undertake any necessary ecological assessments to ensure appropriate measures are taken to protect indigenous biodiversity affected by activity. Less efficient as the environmental risks are generally well known and Discretionary Activity status may result in unnecessarily lengthy consenting processes. Less certainty for Plan users and consent applicants that the activity will be allowed. This option may affect employment or the economy within Taranaki due to less business certainty in relation to the outcome of consenting processes. 	
Rules 15 and 16: inclusion of discharges to air and water	Option 1: <i>Status quo</i> – no change. Rules 15 and 16 (in the Port) only address discharges of contaminants to “air” but not to water also.	<ul style="list-style-type: none"> Less effective in that incidental discharges to water from the storage and cargo of materials in the Port coastal management area is not covered in any rule. Unnecessary compliance costs and uncertainty for resource users in relation to managing incidental discharges to water from the storage and cargo of materials in the Port coastal management area. 	Option 2 is the preferred option. The benefits outweigh the costs and suggested improvements provide more certainty for plan users.
	Option 2: To amend Rules 15 and 16 to address discharges to ‘water and air’ from the storage and transfer of cargo materials.	<ul style="list-style-type: none"> Option permits discharges to water and air from the storage and transfer of cargo materials subject to certain standards, terms and conditions. Option is consistent with the approach taken in the current <i>Coastal Plan for Taranaki</i>. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none"> Effective in that any adverse environmental effects allowed by Rule 15 will be less than minor. Efficient in that this option permits discharges to water and air from the storage and transfer of cargo materials not of concern without the requirement to obtain a consent. No additional costs. Reduced costs on consent applicants as there is greater clarity on which discharges to water and air from the storage and transfer of cargo materials are of concern. 	
Rules 35 – 43: Reframing of structure maintenance, alteration and extension rules.	Option 1: <i>Status quo</i> – no change.	<ul style="list-style-type: none"> Inefficient as less certainty and transparency with current structure and content of Rules 35 – 43. Greater risk of misinterpretation rules resulting in disputes in the consenting processes. Increased costs possible through increased and unnecessary consenting requirements associated with structure maintenance, alteration and extension activities. 	Option 2 is the preferred option. The proposed combined changes to Rules 35 – 43 provide greater certainty, clarity and transparency in addressing structure maintenance, alteration and extension activities in the CMA.
	Option 2: reframing of rules relating to the maintenance, alteration, extension and replacement of coastal structures including: <ul style="list-style-type: none"> Amending maintenance, alteration and extension rules 35, 37, and 40 for the Port or network utilities generally. Additional Rules 37A and 40A that explicitly provide for network utilities and the port activities as a restricted discretionary activities. Deleting rules 36, 38, 39 and 41 to simplify rule cascade, particular in relation to structure removal. Additional policy criteria for allowing a structure, a part of a structure or material associated with a structure to be left in situ or elsewhere in the coastal marine area. Including new definitions for 'alteration' and 'extension'. Amending the definition for 'maintenance'. 	<ul style="list-style-type: none"> Improved certainty and clarity to Plan readers with regard to what is meant by maintenance, alternations and extensions of structures in certain coastal management areas. Simpler and more transparent in terms of how these rules address the different life-stages of a structure e.g. maintenance, alteration and/or extensions. Provision of new definitions provide greater clarity and therefore efficiency to resource users as to what is meant by the terms 'maintenance', 'alteration' and 'extension'. Improved environmental outcomes with cumulative impacts arising from minor extensions authorised by rules 35 and 37 of the Plan being capped. No additional costs. Reduced costs on consent applicants as there is greater clarity on what is required through the consenting process. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
Rule 52, 52A and 52B: rules cascade for disturbance for the purpose of scientific sampling and monitoring (excluding hydrocarbon explorations)	<p>Option 1: <i>Status quo</i> – no change.</p> <p>The Plan does not address disturbances for the purpose of scientific sampling or monitoring beyond minor disturbances from grab samples. Core samples and geotechnical analyses activities are addressed as discretionary or non-complying depending on the coastal management area involved.</p>	<ul style="list-style-type: none"> Inappropriate as drilling for geotechnical bore holes will have less than minor adverse effects subject to compliance with standards, terms and conditions. Ineffective as no specific rule means that the activity is addressed as Discretionary or Non-complying Activity, depending on the coastal management area (through catch-all rules). Inefficient as this option will result in a potentially lengthy consenting process for plan users. Costs accrue to resource consent applicants on a case-by-case basis for assessments of environmental affected by activity and consideration of appropriate protective measures to be taken. 	<p>Option 2 is the preferred option as it provides a regulatory pathway appropriate for the scale and effect of the activity that can consider any environmental or community costs.</p>
	<p>Option 2: Amend the Plan to include additional rules to address disturbances for the purpose of scientific sampling and monitoring as permitted, controlled and discretionary pathways depending on the activity and the coastal management area involved.</p>	<ul style="list-style-type: none"> Effective as a the Plan provides a suite of rules with appropriate activity classifications depending on the activity and environmental effects associated. Effective as the consenting process will ensure that the Council can impose the necessary restrictions to ensure negative environmental and community effects are adequately addressed for activities that are not expected to have less than minor effects. Efficient as permitted and controlled activity classifications identifies what conditions will be imposed and the matters over which control is determined. Efficient as permitted and controlled activity classifications provide user certainty. No additional costs associated with this option. 	
General standards - noise provisions: Temporary military training activities	<p>Option 1: <i>Status quo</i> – no change to noise levels.</p>	<ul style="list-style-type: none"> Current noise provisions specified for temporary military training activities do not adequately provide for the requirements of the New Zealand Defence Force and are different to those limits set by other regional plans across New Zealand. Current noise provisions for helicopters landing in the coastal marine area (as a temporary military training exercise) need to comply with the NZS6807: 1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i>. Increased compliance costs for activities that would not currently meet the activity thresholds. 	<p>Option 2 is the preferred option. The proposed changes provide greater consistency with other regional councils and their regional plan noise provisions.</p>

Issue/theme	Options	Section 32AA evaluation	Conclusion
	<p>Option 2: Amend noise limits to better reflect requirements set by the New Zealand Defence Force for temporary military training activities throughout the country.</p>	<ul style="list-style-type: none"> Revised noise limits allow for better alignment and clarity across New Zealand further to the requirements of the New Zealand Defence Force. Better provision and clarity for New Zealand Defence Force temporary training exercises. Options addresses the environmental effects of noise on adjacent residential properties in the coastal environment. Updated reference provided to New Zealand noise standards. Improved alignment across regional council plans with regard to noise levels to permit temporary military training activities. More effective in reducing consenting requirements and therefore unnecessary costs for the New Zealand Defence Force. There are no additional costs associated with this proposed change. 	
Schedule 7: Māori surf break names	<p>Option 1: <i>Status quo</i> – no change. Surf breaks identified in Schedule 7 do not currently identify with their traditional Māori names.</p>	<ul style="list-style-type: none"> Current Proposed Plan identifies some surf breaks with culturally offensive names. No additional costs. 	<p>Option 2 is the preferred option as it better recognises and provides for cultural considerations in the naming conventions for surf breaks.</p>
	<p>Option 2: Identify traditional Māori names for significant surf breaks and surf areas.</p>	<ul style="list-style-type: none"> Improved cultural considerations. Proposed change promotes greater consideration (and the protection of) Māori terms and references (i.e. names) and cultural and historic heritage. There are no additional costs associated with this change. 	
Schedule 7A: Breakwater surf break	<p>Option 1: <i>Status quo</i> – no change. Breakwater Surf Break remains a regionally significant surf break under Schedule 7A [Nationally, regionally and locally significant surf breaks], with the effects on the surf break addressed through Policy 19 (b) i.e. with a direction to avoid significant adverse effects.</p>	<ul style="list-style-type: none"> Less appropriate as the values associated with the Breakwater surf break are assessed as relatively low and the area is not utilized regularly for surfing. Less appropriate as this surf break is man-made through the placement of the breakwaters and sediment build up requiring regular removal through dredging. Less effective and inefficient as protection of this surf break compromises the provision of the Port Taranaki and could potentially undermine the regular maintenance activity of capital dredging at the Port. Less efficient and effective as it could potentially cause significant delays (or prevent entirely) the Port Taranaki from acquiring a consent to dredge and therefore causing risks to vessels and personnel leaving and entering the Port. Less effective as the prevention of dredging could affect the Port Taranaki being able to operate safely, as well as cause social and economic harm through 	<p>Option 2 is the preferred option as it better recognises and provides for Port operations.</p>

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<p>partial or full closure of the Port due to being unable to provide vessels with safe passage into/out of the Port.</p> <ul style="list-style-type: none"> May cause unnecessary costs for the applicant and unnecessary disputes between the Council and applicant where Port activities may have an impact on the man-made surf break. 	
	<p>Option 2: The Breakwater Surf Break is re-classified as 'locally significant', with effects on the surf break addressed through Policy 19 (c) i.e. with a direction to avoid, remedy or mitigate adverse effects.</p>	<ul style="list-style-type: none"> Appropriate as 'locally significant' surf break status better aligns with the anthropogenic nature of the break, i.e. it has not formed naturally and its formation is a result of the Port's presence. Appropriate as the change better recognises and provides for regular Port maintenance operations and is consistent with other Plan provisions seeking to recognise and provide for regionally important infrastructure. More effective as the Plan still includes the Breakwater Surf Break as locally significant, therefore recognising and providing appropriate protection for its amenity values. Efficient as this would allow less restrictions in place for the processing of consents for dredging in the Port, while still taking into account surf break values. There are no additional costs. 	
	<p>Option 3: The Breakwater Surf Break is deleted from Schedule 7 and not identified in any of the planning maps.</p>	<ul style="list-style-type: none"> Efficient as no requirement to avoid, remedy or mitigate adverse effects on the surf break values during consent applications. There are no additional costs associated with this change. 	
<p>Planning maps: identify 'high natural character' and 'significant indigenous biodiversity'</p>	<p>Option 1: <i>Status quo</i> – no change. Planning maps currently do not identify areas of 'high natural character' and/or 'significant indigenous biodiversity'.</p>	<ul style="list-style-type: none"> Less certainty and clarity during the consenting process and possibility of disputes over whether an activity falls within an area of 'high natural character' and/or 'significant indigenous biodiversity' or not, resulting in increased costs to Council, resource users and affected parties. Less transparency identifying areas of 'high natural character' and/or 'significant indigenous biodiversity' extent, which may be subject to differing interpretations by resource users and Council staff. 	<p>Option 2 is the preferred option as it provides greater clarity as to where areas of 'high natural character' and 'significant indigenous biodiversity' are located in the CMA.</p>
	<p>Option 2: Amend planning maps (and schedules) to better identify areas of 'high natural character' and 'significant indigenous biodiversity' in the CMA.</p>	<ul style="list-style-type: none"> More efficient in that there is increased certainty on the extent of areas of 'high natural character' and 'significant indigenous biodiversity' (and therefore the application of relevant Plan provisions) during the consenting process. 	

Issue/theme	Options	Section 32AA evaluation	Conclusion
		<ul style="list-style-type: none">• More efficient and effective in that mapping provides increased certainty during the consenting process and will minimise disputes and reduce costs for the applicant and the Council.• There are no additional costs associated with this change.	

3 Assessment of economic impacts and risk of acting or not acting

This section assesses the economic impacts and risk of acting or not acting on the preferred options.

3.1 Impacts on economic growth and employment

Further to this assessment, Section 32(2)(a) of the RMA requires that an evaluation report must assess anticipated “opportunities for economic growth and employment” arising from the implementation of the provisions.

The aforementioned changes to the Proposed Plan are not anticipated to have a significant effect (either positive or negative) on economic growth and employment.

Possible beneficial impacts from the changes to the Proposed Plan which are anticipated to promote economic growth and employment include:

- increased recognition and provisions for the National Grid
- increased business certainty around consenting requirements (and environmental limits to be met)
- protecting and promoting those aspects of the coastal environment that make Taranaki a unique and special place to live and visit, including enhanced recreational and tourism opportunities associated with the protection of Taranaki’s high quality surf breaks.

Some of proposed changes to the Regional Coastal Plan may constrain some economic growth and employment. However, any constraints are likely to be limited given the relatively low level of use and development occurring within the CMA (i.e. 263 active coastal consents), with the number of new coastal consents granted in any given year in the order of three to eight new consents per annum. Potential impacts on economic growth and development arising from the proposed changes include:

- constraining some activities to manage adverse effects on taonga species and additional sites of significance identified through this process

- prohibition on new discharges of human sewage align with community expectations but are likely to have cost implications for the New Plymouth and South Taranaki district councils, which in turn, affects the economic wellbeing of their ratepayers
- requiring the adoption of additional measures (and costs) by use and development activity to avoid, remedy or mitigate any adverse effects on the natural character of the coast, coastal water and air quality, coastal indigenous biodiversity values, cultural and historic heritage values, and sites and places with significant amenity values (including surf breaks)
- stronger provisions requiring consenting processes to recognise and facilitate tangata whenua’s role as kaitiaki in coastal management.

In summary, for most coastal activities there is sufficient flexibility through the Plan provisions and consenting processes to provide for appropriate use and development. The impacts of the proposed changes on economic growth and employment are generally considered to be relatively minor, with a number of positive outcomes. Any negative outcomes are considered to be reasonable and appropriate.

3.2 Risk of acting or not acting

Section 32(2)(c) of the RMA also states that an evaluation report must “*assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*”.

For most matters relating to coastal management the Council has sufficient information arising from its interim reviews, state of the environment monitoring and feedback on the Coastal Plan review which did not raise any fundamental issues with acting in the manner proposed. Therefore, there is considered to be a low level of risk of acting in the manner proposed.

For some matters relating to coastal indigenous biodiversity, taonga species and sites of significance, there is sufficient information for identifying those elements of indigenous

biodiversity that are regionally significant. However, there remains considerable variability and gaps in marine information.

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 those species, habitats and sites of special significance. Known significant indigenous biodiversity areas have also been mapped. 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 and or cultural or historical values within the coastal environment. However, standards, terms and conditions underpinned by notification requirements, will enable Council to ensure these values are indeed not being adversely affected by a proposed activity.

Furthermore, through the resource consenting process the Council may seek additional information to ensure adverse environmental effects on coastal uses and values are appropriately identified and can be managed. The Council implements and tailors compliance monitoring programmes to not only ensure compliance with the conditions of any resource consent, but also to ensure adverse environmental effects are as anticipated and to address ongoing information requirements.

4 Summary of changes

The following table provides a summary of the efficiency and effectiveness of the key proposed changes, including the benefits, costs and opportunities

Key changes		Efficiency and effectiveness							Sufficient information	
		Benefits			Costs			Opportunity		
		Environmental	Economic	Social and cultural	Environmental	Economic	Social and cultural	Economic growth		Employment
Tangata whenua principles		Low	Low	High	Low	Low	Low	Low	Low	Yes
Subdivision	Objectives 1, 3, 6, 7 and 11 Policies 2, 5, 8 and 15	Low	Low	Low	Low	Low	Low	Low	Low	Yes
Coastal environment line		Medium	Medium	Low	Low	Low	Low	Low	Low	Yes
Needs of National Grid	Policy 6A	Low	Medium	Medium	Low	Low	Low	Medium	Medium	Yes
	Rule 37A	Low	Medium	Medium	Low	Low	Low	Medium	Low	Yes
Indigenous biodiversity	Policy 14A	High	Low	Medium	Low	Medium	Low	Low	Low	Yes
Cultural and historic heritage protection	Policy 14B	High	Low	Medium	Low	Low	Low	Low	Low	Yes
	New permitted and controlled activity standards	Medium	Low	High	Low	Medium	Low	Low	Low	Yes
	Schedule 4C	High	Low	High	Low	Low	Low	Low	Low	Yes
	Schedule 5B	High	Low	High	Low	Low	Low	Low	Low	Yes
	New methods in Section 6	Medium	Low	Medium	Low	Low	Low	Low	Low	Yes
New discharges of wastewater containing human sewage	Policy 25	High	Low	Medium	Low	Medium	Low	Low	Low	Yes
	Rule 7	High	Low	Medium	Low	Medium	Low	Low	Low	Yes

Key changes		Efficiency and effectiveness								Sufficient information
		Benefits			Costs			Opportunity		
		Environmental	Economic	Social and cultural	Environmental	Economic	Social and cultural	Economic growth	Employment	
Temporary discharges of water	Rule 1A	Low	Medium	Medium	Low	Low	Low	Low	Low	Yes
Hazardous substance thresholds	Rule 1	Medium	Low	Low	Low	Low	Low	Low	Low	Yes
	Schedule 8AA	Medium	Low	Low	Low	Low	Low	Low	Low	Yes
Petroleum dispersants	Removal of Rule 4	High	Low	Medium	Low	Low	Low	Low	Low	Yes
Biofouling	Amendments to Rule 9	High	Low	Medium	Low	Low	Low	Low	Low	Yes
Seismic surveying	New Rule 12A	High	Low	Low	Low	Low	Low	Low	Low	Yes
Port discharges to air and water	Amendments to Rules 15 and 16	Low	Medium	Low	Low	Low	Low	Low	Low	Yes
Structure maintenance, alteration and extensions	Amendments to Rules 35 - 43	Medium	Medium	Medium	Low	Low	Low	Low	Low	Yes
Scientific sampling and monitoring	New Rules 52, 52A and 52B	High	Medium	Medium	Low	Low	Low	Low	Low	Yes
Temporary military training activities – noise levels		Low	Medium	Medium	Low	Low	Low	Low	Low	Yes
Māori surf break names	Schedule 7	Low	Low	Medium	Low	Low	Low	Low	Low	Yes
Breakwater surf break	Policy 9(c)	Low	Medium/high	Low	Low	Low	Low	Low	Low	Yes
Planning map layers for high natural character and significant indigenous biodiversity		Medium	Medium	Medium	Low	Low	Low	Low	Low	Yes

Appendix I – Section 32 of the *Resource Management Act*

- (1) An evaluation report required under this Act must—
- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—
- (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

Agenda Memorandum

Date 3 September 2019



**Memorandum to
Chairperson and Members
Policy and Planning Committee**

**Subject: Discussion document: Proposed
National Policy Statement on Highly
Productive Land**

Approved by: AD McLay, Director – Resource management
BG Chamberlain, Chief Executive

Document: 2315702

Purpose

1. The purpose of this memorandum is to introduce a discussion document on a proposed *National Policy Statement on Highly Productive Land* and to recommend that the Council makes a submission on the discussion document.

Executive summary

2. The Ministry for Primary Industries and the Ministry for the Environment have released a discussion document on a proposal to introduce a National Policy Statement (NPS) on highly productive land and have called for submissions by 10 October 2019. The intent of the proposed NPS is provide clarity on how highly productive land in New Zealand should be managed under the Resource Management Act (RMA).
3. The discussion document states that urban expansion onto highly productive land and fragmentation of land for rural lifestyle developments are precluding the use of highly productive land for primary production for the benefit of New Zealand. Some councils have stated that it is difficult to give sufficient weight to protecting highly productive land when there is no specific mention of it in the RMA or in national policy instruments.
4. The preferred option put forward in the discussion document is a NPS. Under the NPS, regional councils are to identify land that is classified as Class 1, 2, or 3 under the Land Use Capability classification system (LUC) as a 'default' position. This will be until regional councils are able to complete a full assessment (to be completed within three years) excluding some of this land or including additional land not recognised under the LUC system.
5. These areas are to be mapped and included within regional policy statements (RPSs). Territorial authorities must then amend their district plans to include these areas along with detailed land use and subdivision controls to manage new urban development

and rural subdivision to protect highly productive land from inappropriate subdivision and use.

6. There will be significant cost issues for all regional councils in implementing the proposed NPS. Investigating, mapping and including these areas in RPSs with associated policies will require considerable effort and financial resources. Deciding on what is highly productive land will also be challenging, time consuming and costly. There is also the question of whether the loss of highly productive land is a regionally significant issue in all regions. In Taranaki, we have large areas of land that could be classified as highly productive land but these are not under serious threat of being lost to urban expansion or lifestyle block fragmentation.
7. One alternative option could be that the NPS apply certain policies to different areas such as major urban centres or high growth areas with high proportions of versatile land. This is the general approach that has been adopted in the proposed *National Policy Statement on Urban Development* released after the NPS on Highly Productive Land.
8. The inclusion of a policy in the NPS to require territorial authorities to include policies in their district plans on reverse sensitivity is supported.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum '*Discussion document: Proposed National Policy Statement on Highly Productive Land*'; and
- b) agrees to make a submission on the document including matters agreed by the Committee.

Background

9. On the 14 August 2019, the Ministry for Primary Industries and the Ministry for the Environment released a discussion document on a proposal to introduce a National Policy Statement (NPS) on highly productive land.
10. Submissions on the discussion document '*Valuing highly productive land*' close on 10 October 2019.
11. The full discussion document; a summary document and a media release can be found on <https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/>
12. The primary issue raised in the discussion document, and which would be the focus of the proposed NPS, is a lack of clarity on how highly productive land in New Zealand should be managed under the Resource Management Act (RMA).
13. The discussion document maintains that the value of this land for primary production is often given inadequate consideration in decision-making under the RMA, with more weight generally given to other matters and priorities. This in turn is resulting in urban expansion onto highly productive land and to fragmentation for rural lifestyle

development when less productive land may be available and better suited to urban use. Some councils have indicated that it is difficult to give sufficient weight to protecting highly productive land when making planning decisions, when there is no specific mention of it in the RMA or in national policy instruments.

14. The discussion document says this is precluding the use of this finite resource for primary production for the benefit of New Zealand.
15. Subsequent to the release of the NPS on Highly Productive Land, the Government released a proposed *National Policy Statement on Urban Development* (NPS-UD) and called for submissions by 10 October 2019. The Council is currently considering the NPS on Urban Development and will bring an item on it to the next Committee meeting in November 2019.
16. However, we note at this stage that most of the detailed work required by the NPS-UD would only apply to larger urban centres with growing populations and where pressure on housing is creating national impacts (e.g. Auckland, Hamilton, Tauranga, Queenstown). Local authorities in all other urban areas will only need to meet the basic requirements of the NPS. This is a change from the current National Policy Statement on Urban Development Capacity, which the NPS-UD would replace. It will be important that these NPSs are aligned.

Discussion

17. A variety of approaches have been adopted to date to protect and manage highly productive land. According to the discussion document, these approaches have produced mixed results with evidence of good practice in some areas, but also incremental, cumulative loss of highly productive land in others. This variation often reflects differences in the extent of highly productive land, urban expansion pressures and patterns of land use around the country.
18. Urban expansion pressures and rural lifestyle development in the Auckland, Hamilton, Tauranga and Western Bay of Plenty regions, along with Selwyn and Ashburton districts in the South Island, are often cited as areas where loss of highly productive land is most acute.
19. Under proposals in the NPS, regional councils will identify in the first instance, land that is classified as Class 1, 2, or 3 under the Land Use Capability classification system (LUC) as a 'default' or holding position. This will be until regional councils are able to complete a full assessment (to be done within 3 years) applying criteria set out in the NPS that would exclude some of this land or include additional land not recognised under the LUC system.
20. The criteria to be applied include the capability and versatility of the land to support primary production (based on the LUC classification system) as well as the suitability of the climate for primary production and the size and cohesiveness of the area to support primary production. Other factors that may be considered include potential water availability, access to transport routes and labour markets, supporting rural infrastructure, water quality issues, current land cover and the environmental, economic, social and cultural benefits the land provides.

21. The discussion document states that the intent of this policy is to give regional councils and their communities the flexibility to identify land that has a lower LUC class rating (i.e. the less versatile land of LUC classes 4-8). These LUC classes may contain special properties that make them highly productive and worth protecting for primary production (for example, wine growing areas on poorer soils that face pressure from urban or rural lifestyle development).
22. The discussion document states that the objective of the NPS is not to provide absolute protection to highly productive land for primary production. Rather, its purpose is to require councils to consider the highly productive land resource within their region or district alongside other considerations, and to protect it from inappropriate subdivision, use and development. In some circumstances, this (protection) *'would not be practical due to population growth pressures and other constraints on where urban development can be located'* (discussion document, page 33). A flexible approach is therefore recommended that allows councils to make land available for urban development while also considering the benefits of retaining highly productive land for primary production.
23. Primary production is defined as any agricultural, pastoral, horticultural or forestry activities, including initial processing of commodities that result from these and any ancillary buildings used in the initial processing. It excludes further processing of commodities into a different product.
24. The three key options explored in the discussion document for addressing the issue of the loss of highly productive land are a national policy statement; a national environmental standard and amendment to the National Policy Statement on Urban Development Capacity.
25. The preferred option is a national policy statement. This is seen as the best tool available to provide a clearer framework for managing highly productive land and assessing trade-offs between competing land uses, in particular urban expansion and rural lifestyle development.
26. The proposed NPS contains three objectives and seven policies. The proposed policies are as follows:
 - Proposed Policy 1: Identification of highly productive land
 - Proposed Policy 2: Maintaining highly productive land for primary production
 - Proposed Policy 3: New urban development and growth on highly productive land
 - Proposed Policy 4: Rural subdivision and fragmentation
 - Proposed Policy 5: Reverse sensitivity
 - Proposed Policy 6: Consideration of requests for plan changes
 - Proposed Policy 7: Consideration of resource consent applications for subdivision and urban expansion in highly productive land.

Implications for the Council

27. The first issue for Members to note is that the proposed NPS requires all regional councils to identify areas of highly productive land within their regions using the criteria set out (see discussion above), map each area, and amend their regional policy statements to identify areas of highly productive land within the region, and to include policies to manage their use. Territorial authorities must then amend their district plans to include these areas along with detailed land use and subdivision controls to manage new urban development and rural subdivision.
28. Regional council and territorial authority policies must prioritise the use of highly productive land for primary production, give greater protection to areas of highly productive land that make a greater contribution to the economy and community and protect highly productive land from identified inappropriate subdivision, use and development.
29. Territorial authorities must also manage reverse sensitivity effects by controlling incompatible activities within and adjacent to areas of highly productive land.
30. As noted above, regional councils will have three years to complete the mapping exercise and amend RPSs to include mapped areas and objectives and policies relating to highly productive land. The 'default' definition (see above) will provide some protection to highly productive land in the meantime.
31. There will be significant cost issues for all regional councils in implementing the proposed NPS. For a start, the LUC scale of mapping (1:50,000 to 1:63,000) is not of sufficient resolution to accurately identify where mapped areas sit in relation to property boundaries and this will require considerable effort and financial resources to complete this work for all classes of highly productive land across the region. In addition, the Council will need to go through a plan change process to give effect to the NPS. The discussion document notes these costs are likely to be highly variable in practice but estimates that changes to RPSs are likely to be of the order of \$1.5 million on average.
32. The discussion document (pages 53 to 55) contains a discussion of the expected costs and benefits from the proposed NPS. The monetised results from the cost-benefit analysis (CBA) of six case studies found an overall 'moderate' positive effect from protecting highly productive land under the proposed NPS compared to the status quo, with a benefit-cost ratio between 1.01 ('low/medium' regulatory scenario) and 1.24 ('high' regulatory scenario).
33. Furthermore, the discussion document notes a number of limitations with the indicative CBA, including a number of costs that have not been quantified, and these costs are likely to be significant. The discussion document states that further work to understand and quantify these potential costs will be undertaken and included in the final CBA after consultation. The CBA, undertaken for the NPS therefore has serious limitations.
34. Deciding on what is highly productive land will also be challenging, time consuming and costly. As currently defined, highly productive land would likely include parts of LUC Classes 4-8 if the criteria proposed are adopted. This would mean considerable

areas of the region including the frontal and inland hill country, would be covered by the definition.

35. There is also the question of whether the loss of highly productive land is in fact a regionally significant issue in all regions. In Taranaki, we have large areas of land classified as LUC classes 1–3 (see Attachment 1) but these are not under serious threat of being lost to urban expansion or lifestyle block fragmentation. Extending highly productive land to other less versatile land use classes would not be an issue for this region.
36. Arguably, the only area in Taranaki where there is significant population and lifestyle growth pressure is in and around New Plymouth but here future urban growth areas have been carefully selected by the New Plymouth District Council in relation to existing urban areas and a range of other factors. Any attempt to redirect future urban growth to other areas would likely result in much higher development costs and unfulfilled housing demands and affordability and supply problems.
37. In addition, we understand that the New Plymouth District Council has put in place controls on rural subdivision to ensure it is directed to particular parts of the district.
38. One alternative option could be that the NPS apply certain policies to different areas, for example, policies requiring detailed mapping with associated policies could be targeted to major urban centres or high growth districts with high proportions of highly productive or versatile land. Less onerous requirements could apply to other areas. This would make the policy response more targeted to areas where there are issues or likely foreseeable issues and not subject other areas to unnecessary costs. This is the general approach that has been adopted in the proposed NPS on Urban Development.
39. The inclusion of a policy to require territorial authorities to amend their district plans to address reverse sensitivity issues is supported. The Council has experienced instances of sensitive or incompatible activities being established near primary production operations which have then caused problems for this Council in its resource consents processes. The Council has made repeated submissions to district plan changes and reviews in the past on this issue.

Decision-making considerations

40. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

41. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

42. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

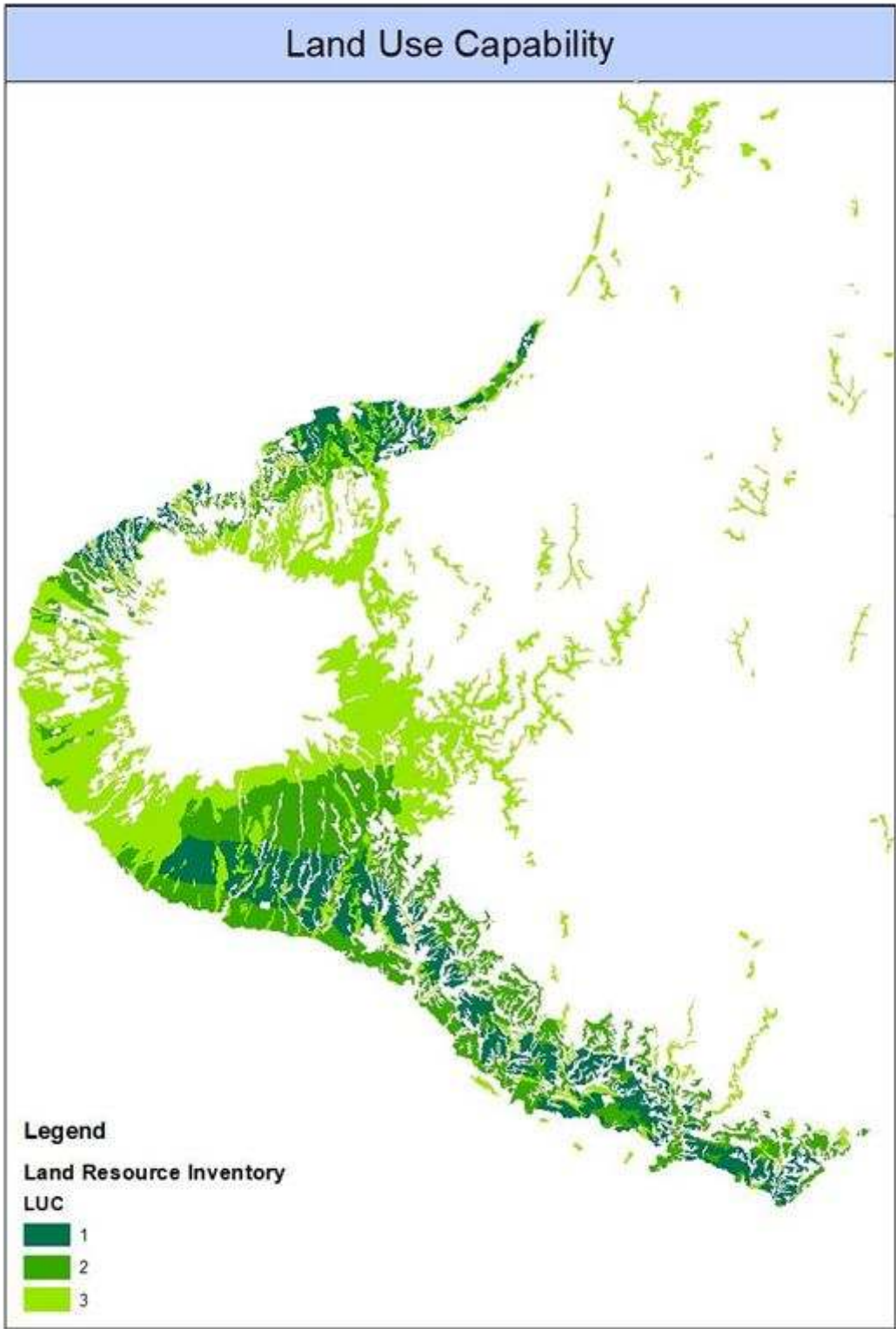
43. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

44. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Attachment 1

Taranaki Land Use Capability classes 1-3



Whakataka te hau

Karakia to open and close meetings

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

Nau mai e ngā hua

Karakia for kai

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!