

BEFORE THE HEARINGS COMMITTEE

IN THE MATTER of hearings on submissions
concerning the proposed
One Plan notified by the
Manawatu-Wanganui
Regional Council

**Introductory Statement and
Supplementary Recommendations
of Robin Britton
for the Coast hearing**

This report is prepared in three parts:

- Part One covers a brief introduction to the Coast hearings.
- Part Two covers further recommendations in response to the evidence received on the “Coastal: Planning Evidence and Recommendations Report”.
- Part Three includes recommended changes arising from the Historic Heritage Hearing Report.

PART ONE: INTRODUCTORY STATEMENT

1. The purpose of this introductory statement is to summarise and draw your attention to key information that is relevant to this hearing. I will briefly set out the relevant provisions of the Proposed One Plan (POP) that are the subject of this hearing, and set out their role, and how they are connected to other chapters in the POP. I will also summarise the information that has been pre-circulated to you.
2. This is a hearing into the Coast provisions of the Proposed One Plan contained in Chapters 9 and 17. Chapter 9 sets out the RPS framework for managing Coasts and Chapter 17 constitutes the Regional Coastal Plan.
3. **Approach taken to the Coast provisions in the POP:** The Coast chapter relates to a geographic area as defined in the RMA. Within the geographic area there are a range of resources, including for example: land, air, water. In developing the POP the philosophy was to avoid policy overlaps as much as possible between matters that are covered in the Coast chapter and those covered in other chapters of the POP. Therefore the intent was that matters relating to the landward coastal environment would be covered in other relevant chapters of the POP, while matters that applied equally to the coastal marine area (CMA) and the coastal environment (CMA plus an area landward of mean high water springs (MHWS)) should not be repeated into the Coast chapter, if covered elsewhere. It is intended that this would result in integrated chapters whereby sustainability was achieved through the whole POP and not in isolated chapters.
4. Coastal issues are not one of the four priority areas for Horizons. The level of coastal resource consent activity for Horizons is relatively low compared to that of the neighbouring regions.
5. **Key RMA provisions:** I would like to draw your attention to the following key provisions in the RMA which relate to coastal management:
 - a. s12 RMA - which sets out the restrictions on use of the coastal marine area. The presumption is that a person cannot undertake an activity unless the POP permits it or they obtain a resource consent.
 - b. s2 defines “coastal marine area” and “mouth”. The boundary is MHWS which is generally the line of coastal debris on the foreshore and where there is a dispute over the exact line it would need to be surveyed. The CMA includes rivers and estuarine areas.
 - c. the mouth of a river is decided between the Minister of Conservation, the Regional Council and the District Councils prior to the POP being proposed, this in turn (in accordance with the definition of CMA) defines where the CMA extends to in rivers and estuarine areas.

- d. clause 18 Schedule 1 states that the Minister of Conservation is the authority that gives final approval to the Regional Coastal Plan (Chapter 17 POP) after it has been adopted by Council.
6. **New Zealand Coastal Policy Statement (NZCPS):** Section 57 of the Resource Management Act (RMA) states that there shall be at least one NZCPS at all times. The “operative” NZCPS was gazetted on 5 May 1994. The POP was proposed on 30 May 2007. The proposed NZCPS was notified for submissions in February 2008. The proposed NZCPS is currently subject to hearings and it is anticipated that the Board of Inquiry will report back to the Minister of Conservation by December 2008.
 7. RMA sections 62(3) (Regional Policy Statement), 67(3) (Regional Plans) and 75(3) (District Plans) require that the respective plans “give effect to” the NZCPS.
 8. In my opinion the weighting given to the respective NZCPS documents is different. The “operative” NZCPS carries the most weight when considering the POP or resource consents. In my opinion, as the “proposed” NZCPS was produced after the POP was notified, any changes to the POP to “give effect to” the reviewed NZCPS would need to be subject to a full RMA Schedule I process. Chapter 17 seeks to provide a bridging provision in respect of resource consents, by requiring decisions to consider the NZCPS (ie. either one or both versions, depending on timing of the reviewed NZCPS).
 9. The NZCPS sets out a number of activities which are described as “restricted coastal activities” (RCAs) and which may be classified as discretionary or non-complying. Options are also provided for activities to fall outside RCA status if certain conditions stated in the NZCPS are met. The RCAs are reflected accordingly in Chapter 17.
 10. **Overview of Chapters 9 and 17:** The scope and background paragraphs in Chapter 9 (pages 9-1 – 9-3) set out the primary purpose of Chapter 9 which is to identify the resource management issues of significance to managing the coastal marine area in the Region (as required by the RMA (s62(1)(a))).
 11. Chapter 9 provides an overarching framework for how the resources within the coastal marine area will be managed. In the process of developing this chapter it was decided that the focus should be on the coastal marine area. This was fundamental to the philosophy of the One Plan being an integrated document, as well as recognising that coastal pressures were not one of the four key issues for the Region. However, it was also recognised that it was appropriate in the RPS to provide guidance on how the coastal environment landward of MHWS would be managed. The intent was that the coastal marine area provisions in Chapter 9 would inform Chapter 17 (regional coastal plan provisions). It was also intended that the integration emphasis in Chapter 9 would guide the development of the other chapters of the POP and the District plans in respect of coastal management issues landward of MHWS.
 12. Therefore Chapter 9 emphasises integration between chapters and between plans. I consider that there are areas where the cross referencing should be strengthened to ensure this is achieved. Recommendations on this aspect will be presented to the Hearing Panel as further evidence at the end of the hearing.
 13. The coastal marine area has been divided into zones. There are three “use” zones and two “water quality” zones. The three “use” zones include: a protection

zone, a port zone and a general zone. With some minor adjustments to boundaries these zones reflect those that are in the operative Regional Coastal Plan. Some rules apply across all zones, while there are also zone-specific rules.

14. The two water quality zones relate to estuarine areas and the open coast. The intent had been for water quality to have been addressed within the water chapter. However, in my opinion the links to coastal waters were not clear and I therefore made the recommendations that those matters that relate to coastal waters should be included in the Coast chapters. (Refer also to paragraphs 19 to 23 below).
15. While the RMA enables aquaculture management zones to be identified, no such zones were identified for the POP. During consultation, there was no interest shown in aquaculture in the Horizons CMA. Both coasts were considered to be too exposed for supporting an economic base for farms and associated servicing. Therefore in my opinion it was appropriate to indicate that any future aquaculture in the Region would require a plan change as an initial step.

INFORMATION PROVIDED TO THE HEARING PANEL

16. The Hearing Panel has been provided with the **Planning Report** prepared by myself which summarises the submissions on this chapter and makes recommendations on whether those submissions should be accepted in whole, or in part, or not at all, and how the provisions of the POP should be changed to reflect those submissions.
17. **Pre-hearing Meeting reports.** The outcomes from two formal pre-hearing meetings have also been circulated to the Hearing Panel. In addition to the general invitations issued to all parties in relation to pre-hearing meetings, Horizons also issued a specific invitation to various submitters who submitted to the Coast chapter of the POP. Appendix 1 outlines two tables showing (i) correspondence between Horizons Regional Council and submitters and (ii) the meetings that were eventually held.
18. **Pre-circulated evidence** from submitters has also been provided to the panel. I have reviewed that evidence and details of that evidence are contained in Part Two of this report. This has been a constructive process and some of the matters raised by the experts have been accommodated into a revised track changes version ('pink version') of Chapters 9 and 17. A number of matters remain "outstanding", and more information may arise during the hearing that may resolve this.

EVIDENCE FROM SUBMITTERS WHO HAVE ALREADY PRESENTED ALL OR PART OF THEIR SUBMISSION.

19. On Tuesday 8 July a number of submitters presented all or part of their submissions and will not be attending the individual topic hearings, including this Coast hearing.
20. The following submitter raised matters in relation to the Coast chapters. I draw the Panel's attention to this previous presentation because they will not be repeated at the Coast hearing:

New Zealand Fire Service

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PRELIMINARY QUESTION FROM THE CHAIRPERSON OF THE HEARING PANEL

21. The Chairperson of the Hearing Panel raised one initial question for consideration by staff. The question relates to the use of the term “waterbody” and to the shift of provisions relating to coastal waters from Schedule D to Schedule H. The question was *“does ‘water body’ cover water in the coastal marine area and if not, do the Schedule H amendments go beyond the scope of what was proposed in the POP?”*
22. The RMA definition of “water body” specifically excludes waters in the coastal marine area. “Coastal water” is defined to include seawater and seawater with a substantial component of freshwater. This reflects the interface between seawater and rivers waters in estuarine environments.
23. Schedule D was designed to cover all waters in the Region including coastal water. The intent was to ensure that the management of water was consistent between those waters within the coastal marine areas and those that are outside the coastal marine areas – particularly those waters either side of the cross river boundaries (as shown in Schedule H).
24. By moving those parts of Schedule D to Schedule H no new information was created. Rather the intent was to make it clearer which parts of Schedule D applied to the coastal marine area, in order to ensure it was clear which parts would be subject to the Minister of Conservation’s approval.
25. In this respect, it is my view that there was an unintentional misalignment between the wording of Chapter 6 and the link to Schedule D that resulted in coastal waters not being adequately addressed. This matter was addressed in the Minister of Conservation’s submission. In my opinion this has not adversely affected any submitter, as no new matters were incorporated and cross references to Schedule D were replaced with a relocated section into Schedule H.

FURTHER REPORTS

26. The Chairperson has also raised a series of other questions which will be addressed in a separate report. Any further supplementary recommendations as a result of the Chairperson’s questions, other questions from the Hearing Panel during the hearing and any new evidence presented at the hearing, will form part of the presentation of my reports at the end of the hearing. A further track changes version of Chapters 9 and 17 which incorporate any further recommended changes arising from that, will also be prepared. These will both be posted on the website in due course.

PART TWO: FURTHER RECOMMENDATIONS IN RESPONSE TO THE EVIDENCE RECEIVED ON THE “COASTAL: PLANNING EVIDENCE AND RECOMMENDATIONS REPORT”

Introduction

27. The purpose of Part Two of this report is to identify the changes sought by submitters in their pre-circulated evidence for the Coast hearing, and to indicate whether and where I wish to alter any of my initial recommendations in light of this new information.
28. I have also prepared and made available a further track changes version of Chapters 9 and 17 (the ‘pink’ version) which shows any supplementary recommendations contained in this report.
29. The revised recommendations and track changes are currently the subject of a legal review, to ensure clear and consistent drafting. As a result the final wording or structure of the provisions may change.

Pre-Circulated Evidence and Letters

30. Pre-circulated evidence was received from the following parties:

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|----------------------------|-----------------------|
| • Minister of Conservation | Julian Derick Watts |
| • Mighty River Power | Richard Zane Peterson |
| • Trustpower Ltd | Robert John Schofield |
| • River City Port Ltd | Ben Farrell |

Letters were received from:

- | | |
|-------------------|------------------|
| • Meridian Energy | Catherine Clarke |
| • Airways | Lisa Hooker |

30. No meetings were held with any of the above parties after the evidence was submitted due to timeframe constraints. However the results from the most recent pre-hearing meeting with the “Port” parties has been circulated and may result in some further matters of agreement prior to the hearing.
31. In the following sections of this report I wish to identify those matters that have been raised in expert planning evidence and identify for the Hearing Panel where there are areas where I accept the recommendations of the experts.
32. I have prepared the following summary table to identify issues raised by each of the planning experts. There are a number of recommendations that they make which I agree with and consider it appropriate to advise the Hearing Panel that my recommendations would change as a result. Where either I do not agree with the recommendation put forward or where the matter is complex and requires further consideration of hearing evidence, I have indicated that the issue remains outstanding. This is not an indication that I necessarily disagree with the recommendation of the experts, but that the hearing committee may wish to explore these matters in more detail.

Summary Table of Expert Evidence

Notes:

Expert Evidence from

- Julian Watts = **JW** (Department of Conservation for Minister of Conservation)
- Richard Peterson = **RP** (Harrison Grierson for Mighty River Power)
- Ben Farrell = **BF** (Boffa Miskell for Rivercity Port Ltd)
- Robert Schofield = **RS** (Boffa Miskell for Trustpower Ltd)
- Lisa Hooker = **LH** (Opus International Consultants Ltd for Airways Corporation of NZ Ltd)
- Catherine Clarke = **CC** (Boffa Miskell for Meridian Energy Ltd)

CMA = coastal marine area

CE = coastal environment

Plan Heading	S42A Planning Report Recommendations	Expert	Matters raised	Comment
General/Natural character	COA 2 (refer also to RP COA 2)	JW	New objective and policy for natural character	Agree
General/Water quality	COA 2	JW	New objective for water quality	Agree
General/Water quality	COA 2	JW	Human sewage has not been addressed	Agree
General/Water quality	COA 2	JW	Recommended new policy 9-5A	Outstanding
Policy 9-4 Appropriate use and development	COA 15 (refer also to RS and RP COA 15)	JW	Replace wording “as far as practical” with “avoid, remedy, mitigate”	Agree
Policy 17-4 (e) new structures	COA 28	JW	Replace wording “as far as practical” with “avoid, remedy, mitigate”	Agree
Policy 17-5 existing structures	COA 29	JW	Support	Agree
Consequential changes (refer also to RS COA 31)		JW	Review any other use of the wording “as far as practical” (or similar such wording)	Outstanding
Port Zone and activities	COA 37 and 43 (refer also to BF evidence)	JW		Agree in part
General	COA 2	JW	Identification of land administered under the Conservation Act	Outstanding
Objective 9-1 Integration between CMA and CE	COA 9	JW	Clarify terminology	Agree
Rule 17-21 minor disturbances, removal and deposition	COA 36	JW	Re: flaring of hydrocarbons: Concern that this would allow flaring in close proximity to the protection zones	Agree
Schedule H and table 17.1	COA 24 and 38	JW	Amend reference to life supporting capacity	Agree
Cross references		JW	Review all cross references	Outstanding
Various		JW	Recommendations agreed with provided in a Table	Agree

9-1 Scope and background	COA 3	RP	Better recognition of renewable energy in the coastal chapter	Outstanding
Policy 9-1 Integration between the CMA and CE	COA 12	RP	Include reference to Ch 3 and in particular to functional need for wind turbines to be included in the coastal environment – add a new clause d)	Outstanding
New policy on Natural character	COA 2 (refer also to JW COA 2)	RP	Opposed Minister of Conservation's request	Outstanding
Policy 9-4 Appropriate use and development	COA 15 (refer also to JW COA 15)	RP	Amend policy to cover "avoid, remedy, mitigate", oppose (c), recognition of functional need to locate in the cma	Outstanding
Policy 9-5 Public access	COA 16	RP	Public access - provide for security consistent with the purpose of a resource consent	Agree
AER	COA 23	RP	Re: inclusion of wording "or better"	Agree
Policy 17-2 Occupation of space	COA 26	RP	Include cross reference to Chapter 3	Agree
Rule 17-39 Discretionary default rule	COA 37	RP	Rule omits to provide for occupation	Agree
Schedule H	COA 60	RP	Amend Section 3 Schedule H	Agree

General/Renewable Energy	COA 2	RS	Include reference to the wind resource, renewable energy and advancing technologies for electricity generation	Outstanding
9.1.1 Scope	COA 3	RS	Include new paragraphs on benefits and value of renewable energy	Outstanding
Policy 9-1 integration between the CMA and CE	COA 12	RS	Consistent cross-referencing between chapters – and rejecting recommended changes	Outstanding
Policy 9-4 Appropriate Use and Development	COA 15 Refer also to JW COA 15 and COA 28	RS	As far as practical vs avoid, remedy, mitigate And further amendments to recognise renewable energy.	Outstanding
Method: Coastal Management Forum	COA 18	RS	Include representation of infrastructure and energy	Agree
Method Coastal Advocacy	COA 22	RS	Include representation of infrastructure and energy	Agree
AER	COA 23	RS	Amend other AER to align with recommended changes made	Outstanding
Policy 17-2 occupation of space	COA 26	RS	Include cross-references to Chapter 3	Agree
Policy 17-7	COA 31	RS	Include reference to "avoid	Agree

disturbance, removal, deposition	(refer also to JW consequential changes)		as far as practicable” or broaden the wording away from just avoid	
Table 17-1 standard conditions and water quality standards	COA 38	RS	Retain the table Delete or amend the values to clarify extent applicable	Agree Outstanding
Rule 17-5 Occupation of space	COA 41	RS	Amend status from Prohibited to discretionary	Outstanding
Rules 17-24, 17-25, 17-26 Disturbances	COA 50	RS	Support deleting the word “marine” from the rules	Agree

Objective	COA 8	BF	No longer seeking amendments	Agree
Policy 9-2 zones	COA 13	BF	Amend policy to recognise that development in the port zone is appropriate	Agree
Rules 17-9, 17-16, 17-17 and new rules for port maintenance in the protection zone	COA 37 and 43 (refer also to JW evidence)	BF	Amend or include new rules to permit extension to the existing wharf; enable reclamations up to 1 ha, remove ports and marinas from rule 17.5	Agree in part
H 10: Port Zone	COA 63	BF	Include the third discharge zone Retain the port zone boundaries as indicated in H 10	Agree

Rules 17-6 and 17-8 – Maintenance and repair and navigation aids	COA 31	LH	Retain rules as currently written	Agree
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Chapters 9 and 17	COA various	CC	Strengthen provisions to better recognise use and development of renewable energy Improve cross referencing with Ch 3	Outstanding
Policy 17-2 occupation of space and Policy 17-4 new structures	COA	CC	Supports the changes made to include cross references to Ch 3 in both policies	Agree

Note:

In the following paragraphs where I have recommended further changes:

- red changes indicate the recommendations in the s42A report
- blue changes indicate further changes recommended as a result of the expert evidence provided

33. I have considered the evidence from the above parties and have incorporated changes I agree with into this report and into the track changes version of the

plan. I have done this to assist the Hearing Panel to narrow the areas of disagreement that may need to be considered at the hearing.

34. To assist the Hearing Panel, where I agree with a recommendation of the submitter I will briefly explain why I support the alternative recommendations.

Recommendation COA2

Recommendations from Julian Watts:

(a) addition to existing Objective 9-2

(b) addition of a new objective relating to water quality

(c) add a new policy on human sewage

35. In respect to item (a) Mr Watts recommends that an addition is made to the existing Objective 9-2. I consider that this would better reflect NZCPS Policy 1.1.1 and that the link to natural character should be reinforced for the reasons provided in his evidence.
36. In respect to item (b) Mr Watts recommends the addition of a new objective relating to water quality. On closer examination of Chapter 6 the linkages to coastal waters is not strong. It does not reflect well the requirements of the NZCPS.
37. In respect to item (c) Mr Watts recommends that the Coast chapter should have had a stronger link to managing human sewage into the coastal marine area. As mentioned above the links between Chapter 6 and 9 are not strong. I agree that this should be addressed but I do not agree that this requires a new policy.
38. In light of Mr Watts' evidence on the above matters, I propose to amend my recommendation on COA 2, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 2 (Recommendation COA 2A)

39. Amend Objective 9-2 to read:

The CMA ~~is a publicly available area will be managed as a public asset~~ that is fundamental to the social, economic and cultural well-being of the people of the region, ~~and will be managed to ensure while ensuring~~ that sensitive areas are protected from inappropriate use and development ~~and the natural character of the coastal environment is preserved.~~

Reword recommendation 4.2.3.1 of the Coastal Planning Evidence and Recommendations Report to read:

~~Recommend to the Water Chapter Hearing: amend Objective 6-1 to read:~~

~~Surface water bodies and coastal waters are managed in a manner which sustains their life-supporting capacity and recognises and provides for the values set out in Schedule D and Schedule H.~~

Add a new Objective 9-3 as follows:

Objective 9-3 Water Quality

Water quality in the coastal marine area is managed in a manner that sustains its life supporting capacity and recognises and provides for the values set out in Schedule H to ensure that:

(i) water quality is maintained in those parts of the coastal marine area where the existing water quality is sufficient to support the values of the coastal marine area; and
(ii) water quality is enhanced in those parts of the coastal marine area where the existing water quality is not sufficient to support the values of the coastal marine area.

Add a new Policy 9-5 as follows (and make consequential numbering changes):

Policy 9-5 Water Quality

For the purposes of managing water quality the CMA has been divided into two zones as shown in Schedule H. The waters shall be managed in a manner which a) recognises and provides for the values identified in Schedule H, and b) applies the water quality standards set out in Schedule H. Policies 6-3 to 6-5, ~~and~~ 6-8 and 6-11 shall be read as applying to the CMA.

Add a further sentence to the end of Paragraph 9.7.2:

Water quality is an integral part of the management of the CMA, and it is considered that it should be managed consistently with the approach taken in Chapter 6.

Recommend to the Water Chapter Hearing: Delete all water management references to the CMA waters from Schedule D and added to Schedule H. as per the recommended changes and consequential changes in Appendices 1 and 2 to this report.

Recommendations COA 15 and COA 28

Recommendations from Julian Watts:

Replace wording "as far as practical" with "avoid, remedy, mitigate"

40. As a result of further discussions with Mr Watts on this matter I agree that the wording could be interpreted as being weaker. This had not been my intent.
41. I therefore propose to amend my recommendation on COA 15 and COA 28, with subsequent changes to the relevant accept/reject recommendations, as indicated below.
42. However, I also agree with Mr Watts that this change in wording is not required in COA 29 as this wording does not lead to the same difficulties expressed by Mr Watts in his evidence on COA 15 and COA 28.

Recommended Changes to COA 15 and COA 28 (Recommendations COA 15A and COA 28A)

43. Under COA 15 Further amend Policy 9-4 (c) as follows:

(c) Avoid ~~as far as practicable~~ remedy or mitigate any adverse effects on the following.....

Under COA 28 Amend Policy 17-4(e) as follows:

Avoid, remedy or mitigate ~~the avoidance, as far as practical, of~~ any adverse effects on natural character and landscape, Māori cultural values, historic heritage values, indigenous flora and fauna and the stability of riverbanks and the foreshore

Recommendation COA 9

*Recommendation from Julian Watts:
Clarify terminology used in Objective 9-1*

44. Mr Watts correctly notes that the terminology used in Objective 9-1 Integration between the coastal marine area and the wider coastal environment, should be consistent and clearly used. I agree that amending this wording would clarify the intent of the objective.
45. I therefore propose to amend my recommendation on COA 9, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 9 (Recommendation COA 9A)

46. Amend Objective 9-1 (b) to read:
 - (b) recognises and manages the impact of land uses and freshwater-based activities (including discharges) on the coastal [environment](#)

Recommendation COA 36

*Recommendation from Julian Watts:
Amend Rule 17-21 (minor disturbances, removal and deposition) re: flaring of hydrocarbons*

47. Mr Watts raised concern that flaring in close proximity to the protection zones could occur under this rule as currently written. My intent had been to measure the 1 km separation distance from the open coast not from the cross river boundary of the CMA and to cover flaring outside this 1 km separation distance.
48. I therefore propose to amend my recommendation on COA 36, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 36 (Recommendation COA 36A)

49. Further amend Rule 17-21 as follows:

Activity:

Except as otherwise regulated by the rules in Section 17.3, any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s 12(1) RMA associated with the following activities:

- (a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring [on the open coast and any associated discharge to air resulting from the flaring of hydrocarbons, for the purpose of undertaking health and safety procedures.](#)
- (b) installation of permanent anchors
- (c) burial of stock and marine fauna found dead in the CMA
- (d) clearing sediment from outfall structures, intake structures and culverts
- (e) public recreational activities
- (f) beach grooming

and any associated:

- (i) occupation of space in the CMA pursuant to s 12(2)
- (ii) discharge of water, [drilling fluids](#) or sediments into the CMA pursuant to s15(1) RMA
- (iii) damming or diversion of coastal water, pursuant to s14(2) RMA.

~~(iv) discharge to air resulting from the flaring of hydrocarbons, for the purpose of undertaking health and safety procedures.~~

Recommendations COA 24 and COA 38

*Recommendation from Julian Watts:
Amend reference to Schedule H in 17-1 and Table 17.1*

50. Mr Watts recommends that the cross-referencing to Schedule H (from D) is corrected. This is a change that was overlooked in the recommendations to shift the relevant sections of Schedule D into Schedule H.
51. I therefore propose to amend my recommendation on COA 24 and COA 38, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 24 and COA 38 (Recommendation COA 24A and COA 38A)

52. Amend references in 17-1 and Table 17.1 from Schedule D to Schedule H (Note: this occurs four times).

Recommendations COA 31

*Recommendation from Robert Schofield:
Include reference to “avoid as far as practicable” or broaden the wording away from just avoid.*

53. This matter was also raised in Julian Watts evidence. The policy is intended to provide guidance on the level of effects that would be acceptable within a protection zone. I agree that some effects are able to be managed through mitigation or remediation and that this should be reflected in the wording.
54. I therefore propose to amend my recommendation on COA 31, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 31 (Recommendation COA 31A)

55. Amend Policy 17-7 (g) as follows:

avoiding any adverse effects on the relationship of Māori with taonga, historic heritage, ~~or and avoid, remedy or mitigate any adverse effects on significant flora or fauna habitat any value identified~~ within any protection zone, as outlined in Schedule H.

Recommendations COA 13

*Recommendation from Ben Farrell:
Amend Policy 9-2 to recognise extension of structures in the port zone*

56. The port zone is recognised as an area where development is appropriate and in this context adding to clause a) (iii) is consistent with the intent.

57. I therefore propose to amend my recommendation on COA 13, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 13 (Recommendation COA 13A)

58. Amend Policy 9-2(a) (iii) to read:

involve the maintenance [and extension](#) of existing structures.

Recommendations COA 37 and COA 43

Recommendation from Ben Farrell:

Amend or include new rules to permit extension to the existing wharf; enable reclamations up to 1 ha, remove ports and marinas from Rule 17.5

59. Separate reports relate to the pre-hearing meetings that have been held in respect of River City Ports submission. Agreement in part has been reached on a number of matters. Discussions will continue up to the hearing.

Recommendations COA 37

Recommendation from Richard Peterson:

Amend Rule 17-39 to cover occupation as well

60. I agree that this was an oversight in the default rule.
61. I therefore propose to amend my recommendation on COA 37, with subsequent changes to the relevant accept/reject recommendations, as indicated below.

Recommended Changes to COA 37 (Recommendation COA 37A)

62. Amend Rule 17-39 to read:

Activity:

Any activity that either:

(a) Is subject to s 12(1) RMA and is not addressed by any other rule in this Plan, or

[\(b\) is subject to s 12\(2\) RMA, or](#)

(c) does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule in this chapter, but which is not expressly classified as a discretionary, non-complying or prohibited activity.

Recommendations COA 38

63. In copying over the values which apply to water management zones from Schedule D to Schedule H more information was copied over than should have been. For example the 'Trout Fishery' value was identified for the Coastal Manawatu zone, when in fact that value applies upstream of the CMA boundary and is not applicable for the area covered by the revised table. The table for SOS-R which shows where the value applies was not included and should be added. I recommend that an amended Schedule H is adopted which removes these errors.

64. Recommended Table H8 identifies the water quality standard references for the coastal waters. It includes standards for POM and QMCI transferred from Schedule D. These two standards are not appropriate for coastal area and should be removed from this table. Currently for the 'Toxicants' standard this table refers to the same ANZECC table as in schedule D – that table has two parts, one for freshwaters, and one for coastal waters. The reference in Table H8 should be clarified to refer to the coastal water standards only.

Recommended Changes to COA 38 (Recommendation COA 38A)

65. Amend the Tables in Schedule H to correct the identified errors.

Recommendations COA 63

66. River City Port sought in their initial submission that a third discharge area is identified in Schedule H10. This was accepted as part of recommendation COA 63, but not mapped.

Recommended Changes to COA 63 (Recommendation COA 63A)

67. To both assist the Hearing Panel and correct Schedule H10, I propose to amend recommendations COA 63 with a map showing the third dredging zone.

PART THREE: RECOMMENDATIONS FROM THE HISTORIC HERITAGE HEARING REPORT

68. The following recommendations were made in the Historic Heritage report. I have considered the matters and suggest recommended wording changes for the Coast Chapters 9 and 17.

Recommendation HH 1 – Recommended Changes to Provision (c)

c) add new method to Chapter 9 to implement new policy 7-11 – such that the Regional Council develops a database of historic heritage sites in the CMA.

69. There is an existing method entitled “coastal information”. This method mentions historic heritage in the second box. I consider it should also be mentioned in the first box rather than including a new method. This would align with the recommended directives in new policy 7-11 (recommendation HH 6(b)).

Recommended change (Recommendation COA S65)

70. Amend project description for Coastal information method as follows:

This programme will support the collection of further information on biology, coastal processes, [historic heritage](#) and significant sites, areas and values within the coastal marine area. This will enable refinement of the protection zones and build upon the existing coastal information.

Recommendation HH 1 – Recommended Changes to Provision (g)

71. (g) Amend Table 17.1 (j) to read :

In the event of the discovery of an archaeological site, waahi tapu site or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council and the New Zealand Historic Places Trust shall be notified as soon as practicable. The activity shall not recommence without the approval of both an archaeological authority from the NZHPT and the Regional Council.

This recommendation is subject to supplementary evidence to the Hearing Panel. The key issue is that both the Council and the New Zealand Historic Places Trust (NZHPT) should be notified, and that approval from an archaeological authority may be needed via the NZHPT. This would align with the wording in other parts of the POP.

Recommended change (Recommendation COA S66)

72. Amend Table 17-1 (j) as follows:

In the event of [the discovery of](#) an archaeological site, waahi tapu [site](#) or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council [and the New Zealand Historic Places Trust](#) shall be notified as soon as practicable. The activity shall not ~~be recommenced~~ without [both an archaeological authority from the NZHPT and](#) the approval of the Regional Council.

Recommendation HH1 – Recommended Changes to Provision (k)

73. (k) Amend Table 17-1 (i) to read:

“the activity shall not disturb any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan schedule, or district council or Regional Council historic heritage database, in the NAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained.”

The key issue was to include the term historic heritage, and reference to schedules, including the Regional Council schedule for the CMA that have been recommended in new policy 7-11. This would align with the wording in other parts of the POP.

Recommended Change (Recommendation COA S67)

74. Amend table 17-1 (i) as follows:

The activity shall not disturb any [historic heritage site](#), archaeological site, waahi tapu or koiwi remains as identified: in any [Regional Council historic heritage database](#), ~~district plan~~, in the New Zealand Archaeological Association’s Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.

Recommendation HH 1 – Recommended Changes to Provision (j)

75. (j) amend Rule 17-30 (f) to read:

the activity shall not be to any historic heritage site, archaeological site, waahi tapu or koiwi remains as identified in any district plan schedule, or district council or Regional Council historic heritage database, in the NAA Site Recording Scheme, or by the New Zealand Historic Places Trust except where the approval of the New Zealand Historic Places Trust has been obtained.

The key issue is to include the term “historic heritage” and to reference the “schedules” as has been recommended in new Policy 7-11. This recommendation is subject to supplementary evidence to the Hearing Panel. This would align with the wording in other parts of the POP.

Recommended Changes (Recommendation COA S68)

76. Amend Rule 17-30(f) to read as follows:

(f) The discharge shall not be to any [historic heritage site](#), archaeological site, waahi tapu or koiwi remains as identified: in any ~~district plan~~, [Regional Council historic heritage database](#), in the New Zealand Archaeological Association’s Site Recording Scheme, or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.

Robin Britton
8 September 2008

APPENDIX 1: PRE-HEARING MEETINGS

In addition to the general invitations issued to all parties in relation to pre-hearing meetings, Horizons also issued a specific invitation to various submitters who submitted to the Coast chapter of the POP. The following two tables show correspondence between Horizons Regional Council and submitters and the meetings that were eventually held.

Table 1: Correspondence between Horizons Regional Council and submitters

Date	Correspondence	Participants	Comments
17 June 2008	Email request for a pre-hearing meeting to discuss various aspects of the Coast chapter relating to energy generation. Four dates are offered to participants as potential dates to meet.	ECCA, DOC, Mighty River Power, Genesis, Trust power, Meridian, Horizons Regional Council.	Participants replied, some could attend others could not. Tentative date set down 10 July 2008. However participants started to indicate they were unable to meet and meeting is eventually cancelled.
19 July 2008	Department of Conservation approached Horizons Regional Council regarding an informal meeting to discuss the Department's submission points in relation to the coast.	Department of Conservation, Horizons Regional Council.	Informal meeting held on 18 June 2008.
30 June 2008	Letter sent requesting a pre-hearing meeting on 9 July 2008 to meet with submitters interested in the ports.	DOC, River City Port Limited, Wanganui District Council (WDC), Palmerston North City Council (PNCC), Horizons Regional Council.	Participants replied, some could attend others could not – meeting eventually cancelled. PNCC indicated that they do not wish to be involved in pre-hearing meetings as they have only submitted on this matter as a further submitter.
3 July 2008	Email request for a pre-hearing meeting to discuss various aspects of the Coast chapter relating to energy generation. Five dates are offered to participants as potential dates to meet.	ECCA, DOC, Mighty River Power, Genesis Trust power, Meridian, Horizons Regional Council.	Participants replied, agreed that 18 July 2008 would be a good date to meet however participants pulled out and meeting eventually cancelled.
10 July 2008	Email request to submitters interested in the ports requesting to meet again on 18 July 2008.	DOC, River City Port Limited, Wanganui District Council (WDC), Horizons Regional Council.	Meeting held on 18 July 2008 – Report 23
8 August 2008	Ngati Kahungunu Iwi Inc approach council regarding an informal meeting to discuss aspects of the Coast chapter they are interested in. Contact is made again on 18 August 2008 and a meeting is arranged for 28 August 2008.	Ngati Kahungunu Iwi Inc and Horizons Regional Council.	Informal meeting held 28 August 2008
8 August 2008	Email contact is made with submitters who attended the 'ports' pre-hearing meeting on the 18 th	DOC, River City Port Limited, Wanganui District Council	A meeting is arranged between submitters for 27 August 2008 – Report 25.

Date	Correspondence	Participants	Comments
	of July 2008. An outcome of the previous meeting was to meet again and discuss outstanding issues.	(WDC), Horizons Regional Council.	
8 August 2008	Contact is made with the Department of Conservation to see if they would like a 'follow up' informal meeting.	Department of Conservation, Horizons Regional Council.	Informal meeting held on 27 August 2008.
14 August 2008	Email contact is made with submitters who made submissions to the Coast chapter relating to energy generation. Two dates are offered to participants as potential dates to meet or alternatively have a phone conference/email conversations.	ECCA, DOC, Mighty River Power, Genesis Trust power, Meridian, Horizons Regional Council.	Some Participants replied. Most unable to meet. Some indicated they may take up the offer of a phone conference or the opportunity to email in questions.
14 August 2008	Phone and email contact is made with the Ministry of Economic Development. An invitation is extended for them to discuss with Horizons Regional Council points of their submission that relate to coast. The invitation is declined.	Ministry of Economic Development and Horizons Regional Council.	Invitation declined. Email is sent offering to arrange a meeting in the future if they change their mind.
26 August 2008	Contact is made by Mighty River Power requesting an informal phone conference to discuss points of their submission that relate to coast.	Mighty River Power, Horizons Regional Council	Phone conference takes place on 28 August 2008 at 9am.

Table 2: Meetings (informal and formal) held between Horizons Regional Council and submitters

Date meeting held	Participants	Informal/Formal meeting
18 July 2008 – 10am	Department of Conservation, Horizons Regional Council.	Informal
18 July 2008 – 3pm	River City Ports Limited, Department of Conservation, Wanganui District Council, Horizons Regional Council.	Formal – Report 23
27 August 2008 – 9.30am	Department of Conservation, Horizons Regional Council.	Informal
27 August 2008 – 1pm	River City Ports Limited, Department of Conservation, Wanganui District Council, Horizons Regional Council.	Formal – Report 25
28 August 2008 – 9am	Mighty River Power, Horizons Regional Council	Informal
28 August 2008 -1.30pm	Ngati Kahungunu Iwi Inc, Horizons Regional Council.	Informal