

BEFORE THE HEARINGS PANEL

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

**End of Hearing Report
for the Coast Hearing**

1. Introduction

This report responds to a range of issues raised by the panel prior to and during the Coast Hearing.

In responding to matters raised by members of the Panel, staff have reconsidered the initial recommendations made on submissions and have recommended further changes to the POP, where considered appropriate to do so.

The recommended changes arising from this report have been added to a further "amended" version of Chapters 9 and 17 and Schedule H. This version has been legally reviewed, as requested.

RMA Schedule 1 Clause 16(2) states:

A local authority may make an amendment, without further formality, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

In this report cl16 has been recommended as the basis for changes which:

- amend inaccuracies in cross referencing section of the RMA
- add clarification to the Rule Guides and to the rule titles (ie. minor amendments which do not change the meaning or intent of the rule)
- amend grammar (eg words omitted)
- amend words to ensure consistent use of same word or abbreviation (eg. MHWS)
- amend references to Schedule H to indicate more clearly which part of the Schedule is being referenced (eg. Schedule H: Part C)
- add a pictorial depiction of the river mouth co-ordinates on the cross river boundary maps.

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
Coast Hearing Panel's Preliminary Questions – Received by Council Officers on 5 September 2008.						
1. There seem to be gaps in recommendations on pages 23, 24, 136, 137, and 167. Should page 61 (464/6) be "Accept in part", because presumably the power of veto is not accepted?	Coast Hearing Panel's Preliminary Questions	General clarification	See comments in Appendix 1	See recommendations in Appendix 1	Clerical omission	Not applicable
2. What progress has been made on the general issue of which objectives and policies should be in the RPS and which should be in the plan sections of the POP? Has anyone looked at Chapters 9 and 17 in that respect?	Coast Hearing Panel's Preliminary Questions	General clarification	Yes this has been reviewed – see Track changes for Chapter 9 and 17.	See Track changes for Chapter 9 and 17.	Planning review	Planning review
3. Are there any new provisions or changes to the POP that the officer would recommend as a result of the Foxton Beach Coastal Erosion Hazard report that was recently received by Council?	Coast Hearing Panel's Preliminary Questions	General clarification	The Horizons Regional Council report on coastal erosion hazards at Foxton Beach identified a 35-metre wide zone that is currently at risk of erosion and a further 100-metre wide zone that may, by the end of this century, be affected by movements in the shoreline and impacts of sea level rise resulting from global climate change. The report proposes some minor recommendations on sand dune stabilisation, Manawatu River alignment and further monitoring. Maintenance and repair of any part of the seawall that is located in the CMA is recommended as a permitted activity under Rule 17-6.	In my opinion there are no impacts on the Coast chapters and I would not be looking to make any changes.	Not applicable as this issue is beyond the CMA boundary.	Not applicable

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			For further discussion see Appendix 2			
4. For Rule Guides, would it be helpful to note the particular rules to which each applies eg something like "Rule Guide, Rules 17-1 to 17-5", for the Rule Guide on page 17-5.	Coast Hearing Panel's Preliminary Questions	General clarification	Officer agrees that this would be helpful	Make the following changes to each of the rule guides Page 17-5 Rule Guide for rules 17-1 to 17-5: Page 17-10 Rule Guide for rules 17-6 to 17-14: Page 17-12 Rule Guide for rules 17-14 to 17-19: Page 17-16 Rule Guide for rules 17-19 to 17-26: Page 17-18 Rule Guide for rules 17-27 to 17-28: Page 17-22 Rule Guide for rules 17-29 to 17-36: Page 17-24 Rule Guide for rule 17-37: Page 17-25 Rule Guide for rule 17-38:	Clarity (First Schedule Cl 16(2))	COA 69
5. Is there scope for giving more direction/certainty to territorial authorities regarding the landward activities to be covered in district plans and, if that is to be given, should it be in this chapter or the relevant landward chapters?	Coast Hearing Panel's Preliminary Questions	General clarification	In my opinion there is no need to provide further guidance to District Councils on these matters. The NZCPS already applies equally to them and there is significant guidance in this policy document for Territorial Authorities. Refer to discussion in Appendix 2.	No Changes required	Not applicable	Not applicable
6. A number of submissions raised general points about planning, legal and other aspects of the POP that apply across the POP but are not repeated for each specific topic (and	Coast Hearing Panel's Preliminary Questions	Legal question	See Memorandum from John Maassen – Appendix 14	No Changes required	Not applicable	Not applicable

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therefore do not appear in the summary of submissions in the planning report for each specific topic). Could you please confirm that the panels should be conscious of those general points when they are dealing with each specific topic.						
7. In terms of general interpretation of the POP (not just this chapter): a) Should the POP explain what parts are relevant for interpretation purposes, if there is an ambiguity? (see, eg, the Rule and Activity columns of Rules 17-12(a) and 17-29)	Coast Hearing Panel's Preliminary Questions	Legal question	See Memorandum from John Maassen – Appendix 14	No Changes required	Not applicable	Not applicable
7. In terms of general interpretation of the POP (not just this chapter): b) Should the POP explain that (presumably) the Rule Guides are not relevant for interpretation purposes? If they are to be included in the POP, even if not relevant for interpretation purposes, do they need to be accurate?	Coast Hearing Panel's Preliminary Questions	Legal question	See Memorandum from John Maassen – Appendix 14	No Changes required	Not applicable	Not applicable
8. Could we please have a legal audit (with planning input) of the provisions in section 17.8 "Noise and Discharges Into the Air", the Rule Guide, and Rule 17-39 in relation to both noise and discharges to air.	Coast Hearing Panel's Preliminary Questions	Legal question	For simplicity, noise and discharges into air were combined in the one chapter. It is agreed that the wording is not clearly used between the two activities. It is also noted that cross	Refer to recommended changes in Appendix 3	Not applicable	Not applicable

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8a) In relation to noise, section 17.8 seems to raise a range of issues including: what section in the RMA is the source for the rule; on what basis is noise treated as a discharge; what is the relationship between the all-embracing permission of noise (with conditions only on seismic activities) and section 16 of the RMA; how should noise be addressed in the CMA; the accuracy, legal effect and appropriateness of Rule Guide (a); and whether it is appropriate to refer to the "most recent version" of the DOC Guidelines.	Coast Hearing Panel's Preliminary Questions	Legal question - Section 17.8	referencing to other chapters outside the CMA is not appropriate. With respect to air discharges, Rule 17-39 has been amended to incorporate reference to s15 and therefore now addresses this aspect. (Refer also to Questions 20 and 21)	Refer to recommended changes in Appendix 3	Legal clarification	COA 37B Submission x519/162
8b) In relation to discharges to air: what is the intention, legal effect and appropriateness of Rule Guide (b) and (d); is section 15(1) or (2) being relied on; what discharges to air (if any) should be regulated; and how are discharges to air regulated or categorised (given that Rule 17-39 refers only to section 12(1) RMA)?	Coast Hearing Panel's Preliminary Questions	Legal question		Refer to recommended changes in Appendix 3	Legal clarification	COA 12B Submission 340/75

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9. In terms of section 104(1)(b)(iii) of the RMA, what would be the relevant provisions of the RPS for a coastal permit application? Would only those referred to in Chapter 17 be relevant? Is the relationship between Chapter 9 and the other chapters of the RPS clear? By way of explanation of the issue:	Coast Hearing Panel's Preliminary Questions	Legal question	Refer to recommended changes in Appendix 2. The provisions of Chapter 9 would apply to any coastal permit. In my opinion the recommended changes clarify the linkages with other chapters in the POP (as raised in question 9(a)). Fundamentally the POP should be read as a combined package in order to recognise that resources cannot be considered in isolation from each other. Questions 9(b), 9(c) and 9(d) in my opinion have been addressed through the recommended changes to this chapter. Further discussion on the AER is provided under the Coast Hearing Panels Preliminary question 26	No Changes required	Not applicable	Not applicable
9a) While the comments are not in the specific context of section 104 and a coastal permit application, the planning report refers in a number of places to the relevance of other chapters and the integrated nature of the POP, although sometimes there is also reference to other chapters dealing with landward matters (eg page 26 last para; page 32 4.3.2; page 43 re tangata whenua and historic heritage; page 51 para 4.11.2; page 55 last para). These comments seem to indicate that all chapters of the RPS could be relevant.	Coast Hearing Panel's Preliminary Questions	Legal question			Not applicable	Not applicable

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9b) 9.1.1 (third para) says “The Regional Council manages its landward responsibilities in the coastal environment through the other chapters of this Plan.” (emphasis added) That would seem to infer that other chapters are only relevant for landward activities, not the CMA.	Coast Hearing Panel's Preliminary Questions	Legal question - Section 9.1.1		No Changes required	Not applicable	Not applicable
9c) 9.1.1 (fifth para) says “Other chapters in this Plan also contribute to the management of the landward coastal environment”. This seems ambiguous because it infers that the coastal chapters contribute to the management of the landward part of the coast but it also seems to indicate that the other chapters would only be relevant for landward activities.	Coast Hearing Panel's Preliminary Questions	Legal question - Section 9.1.1		No Changes required	Not applicable	Not applicable
9d) Policy 9-1(a) refers to a range of matters dealt with in other chapters of the POP but it is not clear whether the other chapters are only relevant in relation to the landward part of the coastal environment or also relevant to the CMA. The POP provisions referred to in the Link to Policy column in Anticipated Environmental Results (pages 9-10 and 9-11) raise a similar issue.	Coast Hearing Panel's Preliminary Questions	Legal question - Policy 9-1(a) and AER		No Changes required	Not applicable	Not applicable

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<p>9e) From the perspective of some of the other chapters, Policy 3-3(a)(v) refers to effects on Protection Zones in the CMA; it is not clear if that could be taken to infer that the chapter is not dealing only with landward matters. Figures F:11 to F:13 show significant landscapes in the coastal marine area, so a glance at those Figures in light of their link with Chapter 7 would seem to infer that Chapter 7 matters may extend to the coastal marine area, although Chapter 17 does not refer to these Figures as being part of the Regional Coastal Plan. However, page 7-2 states: "The natural character of the coastal marine area is covered in Chapter 9. The natural character of the coastal environment landward of mean high water spring ... is dealt with in this chapter." The use of "waterbodies" ("water bodies" in the officer's latest tracked changes version) in Policy 4-3 could indicate that this Chapter only applies on the landward side of MHWS.</p>	<p>Coast Hearing Panel's Preliminary Questions</p>	<p>Legal question</p>	<p>The POP was prepared as an integrated document. In terms of s104(1)(b)(iii) any coastal consent would be required to consider the whole RPS not just chapter 9.</p> <p>I agree that these links are not always clear in the wording of policies across the chapters. Recommended changes (in relation to Appendix 2) has sought to clarify the intent of Chapter 9. This consistency of coverage may need to be addressed as a general matter across all the chapters as the respective staff reports are prepared on each chapter.</p> <p>With regard to Policy 3-3(a)(v), I consider it is appropriate to include reference to the protection zones in the CMA. Infrastructure with a linear form could well cross the CMA as well as landward areas and therefore require integrated management. In my opinion, there is a clear implication that the policy applies to the land and the CMA. The links to these policies is then clarified through changes recommended to Chapter 17.</p> <p>By contrast while it is clear that Schedule F also applies to the CMA, links have not been made to</p>	<p>Add to Policy 17-1(aa) as follows: <u>the objectives and policies of Chapter 4, and Objective 7-2 and policies 7-7 and 7-8.</u></p> <p>Add to Policy 17-2 (aa) as follows: <u>objective 3-1 and policies 3-1 to 3-5, and the objectives and policies of Chapter 4, and Objective 7-2 and policies 7-7 and 7-8.</u></p> <p>Add to Policy 17-4 (b) as follows: <u>objective 3-1 and policies 3-1 to 3-5, the objectives and policies of Chapter 4, and Chapter 10 Objective 7-2 and policies 7-7 and 7-8 and objective 10-1 and policies 10-4 to 10-6.</u></p> <p>Add to Policy 17-6 (aa) as follows: <u>the objectives and policies of Chapter 4, Objective 7-2 and policies 7-7 and 7-8.</u></p> <p>Add to Policy 17-7 (aa) as follows: <u>the objectives and policies of Chapter 4, Objective 7-2 and policies 7-7 and 7-8</u></p> <p>Add to Policy 17-9 (b) as follows: the objectives and policies of <u>Chapter 4, Objective 7-2 and policies 7-7 and 7-8, Chapter 6,</u></p>	<p>OVR 64B</p>	<p>OVR 64B</p>

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			Chapter 17 and Figures F11-F13. I agree that this is inconsistent and is an omission in the cross referencing. For schedule F to be considered appropriately I consider that the policies in Chapter 17 should reference the related Chapter 7 policies.	Chapter 10 and Chapter 15 that are relevant to the activity, and in particular the water management zones in Schedule D and objective 10-1 and policy 10-6		
10. In Schedule H (page H-1), is the first paragraph under the heading "Coastal Marine Area Cross River Boundaries Maps H3-H9" an accurate description of the line of MHWS i.e. does the line of MHWS go up the river for relevant rivers and stop either side of other rivers (including streams) or is it a line that runs along the coast even when it crosses a river? (This question is also relevant more generally.)	Coast Hearing Panel's Preliminary Questions	Legal question - Schedule H	<p>(This question also cross references to the Coast Hearing Panel's Preliminary Question 49). In my opinion there is a question of legal interpretation as well as practical application.</p> <p>From a practical perspective my opinion is that the "line" of MHWS continues from the open coast and follows the river banks up to the point where the river boundary is set to cross the river. It also follows the harbour edge when a harbour "interrupts" the open coast line.</p> <p>Mean High Water Springs is defined as:</p> <p>Mean high water springs is the average level of each pair of successive high tides during the 24 hours of each semi-lunation when the range of tides is greatest. (Minister for Land Information, 2003, Foreshore</p>	No change	Not applicable	Not applicable

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			<p>Project Final Report, 2003) or Mean high water spring is traditionally the level of the average spring tides just after full or new moon (Ministry for the Environment, 2008 Coastal Hazards and Climate Change) (NB: this document also includes methods for measuring where MHWS lies)</p> <p>In my opinion this means that MHWS is a line which is defined by tidal cycles. By association the river estuaries are also affected by tidal cycles. My approach of considering that the "line" also extends inside estuaries also makes a clear jurisdictional boundary on the river bank as to whether a coastal permit is required or not.</p>			
11. Part B of Schedule H (page H-17) will be dealt with as part of the water quality hearing, but one of the Water Management Zones is "open coastal waters". Is the description of open coastal waters at (i) on page H-17 consistent with the definition of that term in the RMA?	Coast Hearing Panel's Preliminary Questions	Definitions	See comments in Appendix 4 and 6	See recommendations in Appendix 4 and 6	Minister of Conservation 372/173	COA 38B

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12. Are there particular matters we should be thinking about in deciding whether the categorisation in Chapter 17 of non-complying activities and prohibited activities is appropriate?	Coast Hearing Panel's Preliminary Questions	Legal question	See comments in Appendix 11 and Coast Hearing Panels Preliminary question 28	No changes recommended	Not applicable	Not applicable
13. Can you please confirm that condition (c) in Rule 17-30 does not offend against any legal principle relating to permitted activities. It seems that what will be a permitted activity in the POP in some locations may change as changes are made to another document (district plan). (also (f))	Coast Hearing Panel's Preliminary Questions	Legal question - Rule 17-30	See Memorandum from John Maassen – Appendix 14	No Changes required	Not applicable	Not applicable
14. A number of the following questions also raise legal issues and need legal input. Could you please do a legal audit of any further tracked changes versions of Chapters 9 and 17 and Schedule H, considering the wording in the base documents and any tracked changes, before the revised material is provided to the panel.	Coast Hearing Panel's Preliminary Questions	Legal question	A Legal review has been undertaken and changes are shown in the track changes document with reference to this question.	See recommended changes in the Tracked changes versions of Chapters 9, 17 and Schedule H	Clarification (First Schedule cl 16(2))	COA 83B

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15. Is there a risk that a person interested in the area just landward of the CMA would read the first sentence in Chapter 9 and stop reading, thinking that the chapter did not apply? Should the first sentence be amended to reflect more closely what is in the chapter? (see, eg, 9.1.1 para 4)	Coast Hearing Panel's Preliminary Questions	General clarification - Section 9.1.1	Refer to recommended changes in Appendix 2 The changes in the Appendix have been made to better reflect the intent of the chapter. In my opinion this clarifies the coverage of this chapter and its link to other chapters.	Refer to recommended changes in Appendix 2.	Not applicable	Not applicable
16. Chapter 9 refers to mean high water spring and Schedule H refers to mean high water springs. Should the Chapter 9 references be changed to "springs" to be consistent with both Schedule H and the definition of CMA in the RMA?	Coast Hearing Panel's Preliminary Questions	General clarification	Officer agrees that the Proposed One Plan should stay consistent with the RMA	Refer to recommended changes in Appendix 2.	Not applicable	Not applicable
17. Is use of the term "coast" potentially ambiguous? In Objective 9-1, for example, is it possible that using the term "coast" instead of "coastal marine area", in the context of the words in that provision, actually fails to provide the integration between land uses/ fresh-water based activities (which seem to be referring to landward activities?) and the CMA (see page 46 of the planning report)? Is it appropriate for an objective in this chapter to refer to managing the impact of those activities? (see the points referred to below)	Coast Hearing Panel's Preliminary Questions	General clarification	Refer to recommended changes in Appendix 2. I agree that the terms used should be consistent to avoid confusion.	Refer to recommended changes in Appendix 2.	Not applicable	Not applicable

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in Manawatu District Council's submission)						
18. Objective 9-2: On COA page 47 submissions 353/35 and 358/69 appear to be seeking the same thing, but one is rejected, while the other is accepted in part. What is the reason?	Coast Hearing Panel's Preliminary Questions	General clarification	See comments in Appendix 5	See Recommendation in Appendix 5	Not applicable	Not applicable
19. Policy 9-1(a) refers to other chapters of the plan without making it clear whether the other chapters are only relevant in relation to the landward part of the coastal environment or also relevant to the CMA. Would it be desirable for this to be clarified?	Coast Hearing Panel's Preliminary Questions	Policy 9-1(a)	Refer to recommended changes in Appendix 2. I consider that the changes recommended will address the two issues raised and clarify the intent and scope.	Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	
20. In Policy 9-1(b), is it appropriate to refer to all the matters and are they appropriately worded? For each of the matters referred to, is there an equivalent provision in the other relevant chapters of the RPS or plan and, if so, could you please provide the references. A number of the matters seem to be worded as absolutes. For example, there is reference to "preserve the natural character ... of the coastal environment" without any link to "from inappropriate subdivision, use and development" in s 6(a).	Coast Hearing Panel's Preliminary Questions	Policy 9-1(b)	Refer to recommended changes in Appendix 2. I consider that the changes recommended will address the two issues raised and clarify the intent and scope.	Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	

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There is reference to “and protect landscape values of the coastal environment” without the reference to “outstanding” that is in s 6(b). “Protect coastal dunes” is another example.						
21. Manawatu District Council raised a number of issues about Policy 9-1(b). Could you please consider its submission and comment on: a) the statement that some parts of the chapter seem to be getting into the management of the coastal strip per se; and	Coast Hearing Panel's Preliminary Questions	Policy 9-1(b)	Refer to recommended changes in Appendix 2. I consider that the recommended changes address the issue of consistency as raised by the Manawatu District Council. The primary reason for retaining the requirement to define the landward boundary is that the NZCPS applies equally to the landward areas as it does to the CMA. Most of the development pressures being experienced at the coast are related to subdivision and during consultation the Districts sought to retain control over this area. I consider that further to the recommended changes, water quality is now clearly tied to the CMA and management of coastal dunes addressed through the land chapter of the POP. While reference to sprawling subdivision has been recommended for removal, it should be noted that this is a term that is used in the NZCPS and has been the subject of case law. In my opinion the onus is clearly now on the Districts to give effect to such provisions in	Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	
21. Manawatu District Council raised a number of issues about Policy 9-1(b). Could you please consider its submission and comment on: b) the four points of detail that are raised about the intention and implications of the policy being unclear.	Coast Hearing Panel's Preliminary Questions	Policy 9-1(b)		Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	

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			the NZCPS.			
22. Should there be some indication in Policy 9-4 that, in some circumstances, the protection in Protection Zones will be absolute, given that Rule 17-5 does prohibit the occupation of this space by certain activities? Alternatively, does Rule 17-5 give effect to the policy?	Coast Hearing Panel's Preliminary Questions	Policy 9-4	Refer to comments in Appendix 11	No change recommended	Not applicable	Not applicable

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23. In relation to Policy 9-4(c): a) page 66 of the planning report refers to Policy 3.2 of the NZCPS, but that seems to be a general policy, unrelated to the specific matters identified in (c). What is the authority to use the words at the beginning and end of Policy 9-4(c) (about avoiding etc) with the specific matters identified in (c)? In addition, in terms of deciding on the wording of Policy 9-4(c), to what extent (if at all) is it relevant to consider the wording of the proposed NZCPS 2008 and use wording that both gives effect to the NZCPS but also would be consistent with the proposed NZCPS?	Coast Hearing Panel's Preliminary Questions	Policy 9-4(c)	<p>In my opinion, there is no need to have an "authority" linkage to words used in a policy. The test in my view is s59 RMA which sets out the purpose of the RPS. I consider that the policy does meet the matters detailed in s59. The policy captures a range of aspects identified in the RMA as well as in the NZCPS (1994) which contribute to elaborating on "appropriate use and development". In my opinion it is a the planner's role to set out how these matters would be addressed in terms of avoid, remedy, mitigate.</p> <p>Both the 1994 version and the 2008 proposed version of the NZCPS provide guidance on "appropriate use and development". Regarding wording aligning with both version of the NZCPS - refer to my comments made in my "Introductory Statement and Supplementary Recommendations": paragraph 8. In my opinion, the wording should be addressed in the context of the submissions made on the policy and not n relation to the subsequently produced proposed NZCPS.</p>	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
23. In relation to Policy 9-4(c): b) Why does (ii) refer to the "coast" and (iii) refer to the "coastal marine area"?	Coast Hearing Panel's Preliminary Questions	Policy 9-4(c)	Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	Refer to recommended changes in Appendix 2.	
24. In relation to the recommended new Policy 9-5A: a) Which objective(s) do this new policy implement and how? Objective 9-2 refers to sensitive areas being protected from inappropriate use and development, but Schedule H seems to apply to the whole CMA.	Coast Hearing Panel's Preliminary Questions	Policy 9-5A	In my opinion, it is more appropriate to include a new objective to ensure an appropriate linkage is made for managing water in the CMA. Refer to recommended changes in Appendix 6. These changes clarify which areas are more sensitive than others in terms of water quality issues.	Refer to recommended changes in Appendix 6	Refer to recommended changes in Appendix 6.	
24. In relation to the recommended new Policy 9-5A: b) What does the reference to "managing water quality" and "waters shall be managed" mean? Does it relate to consideration of applications for consent or something else?	Coast Hearing Panel's Preliminary Questions	Policy 9-5A	I agree that the phrases "managing water quality" and "waters shall be managed" are not clear and should be amended. In my opinion this is more about the use of the waters and the standards to which that use should be managed. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	

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24. In relation to the recommended new Policy 9-5A: c) Is it potentially confusing to refer to the CMA having the two water quality “zones” in Part B of Schedule H which overlay the three Port, Protection and General “zones”? Do the three zones not have anything to do with water quality? In addition, both the two Water Quality Zones and the Protection Zones have “values” that are identified in Schedule H (is the assumption correct that Policy 9-5A is not intending to refer to the Protection Zone values?). Are there changes that could be made to minimise the potential for confusion?	Coast Hearing Panel's Preliminary Questions	Policy 9-5A and Schedule H	I agree that the use of zones is confusing and that a wording change would clarify the intent. The intent is that the Port, Protection and General zones are about uses and activities, while the water management “zones” are intended to cover a policy approach to managing activities that impact on the water quality. Clarifying the use of “zones” in my opinion will also clarify the applicability of the values tables in Schedule H. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	
24. In relation to the recommended new Policy 9-5A: d) In (a), “recognises and provides for” is used. What information do we have that each of the values identified in Schedule H comes within section 6 of the RMA?	Coast Hearing Panel's Preliminary Questions	Policy 9-5A	I do not consider that the use of the wording “recognise and provide for” are exclusively linked to s6 matters. In my opinion, in the context of this policy the wording is appropriate to also be used to link to the values identified in Schedule H. They are providing policy guidance on how the values should be considered.	No change required	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
24. In relation to the recommended new Policy 9-5A: e) How is (b) consistent with the provisions of Chapter 17? The limited references in Chapter 17 policies to the water quality provisions in Schedule H (Policy 17-7(b), Policy 17-9(ba)) do not seem to apply the water quality standards. Those policies refer to avoiding, remedying or mitigating any adverse effects on the water quality values identified in Schedule H; in Schedule H, the water quality values seem to be related to, but different from, the water quality standards.	Coast Hearing Panel's Preliminary Questions	Policy 9-5A and Schedule H	I agree that the wording should be more consistent between the recommended new policy and the cross references to water management in Chapter 17. Under Policies 17-7 and 17-9 I consider it is appropriate to retain particular reference to the values and water quality standards, as well as cross referencing the new policy as a part of Chapter 9. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6	Refer to recommended changes in Appendix 6	
24. In relation to the recommended new Policy 9-5A: f) Policies 6-3 to 6-5 and 6-8 refer to "activities" being "managed". What does this mean?	Coast Hearing Panel's Preliminary Questions	Policy 9-5A	These questions will be referred to the staff preparing for the Water hearing, for their consideration. The linkages to the recommended new part C in Schedule H has been clarified. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	

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24. In relation to the recommended new Policy 9-5A: g) Policy 6-8 uses the terminology “recognise and provide for” the strategies in Policies 6-3 to 6-5. On what basis is the s 6 RMA terminology appropriate? Policy 6-8 refers to point source discharges into water but, in terms of activities that require resource consent in Chapter 17, only Policy 17-7 (Disturbances, Removal and Deposition) and Policy 17-9 (damming and diversion) refer to water quality values in Schedule H; Policies 17-10 and 17-11 (discharges into the CMA) do not, which seems surprising. How is all of this logically linked? (Table 17.1 is dealt with later)	Coast Hearing Panel's Preliminary Questions	Policy 9-5A		Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	
25. There seems to be a mismatch between the grounds in Policy 9-5 and Rule 17-2 for restricting public access (eg Rule 17-2 refers to commercial and privacy reasons but Policy 9-5 does not).	Coast Hearing Panel's Preliminary Questions	Clarification	See comments in appendix 7	See recommendations in appendix 7	Horizons Regional Council 182/96	COA 40B
26. In AER (pages 9-10 and 9-11): a) Under Link to Policy, why are there references to so many provisions outside Chapters 9 and 17 and are such cross-references appropriate? Do all of these provisions apply in the	Coast Hearing Panel's Preliminary Questions	Chapter 9 - AER	<p>The links to the policies are part of the ‘integrated management’ that the POP promotes.</p> <p>For example if there is a discharge upstream of the CMA then the approach taken will be to ensure that this discharge will not cause</p>	No changes recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
CMA?			an adverse effect when it reached the CMA.			
26. In AER (pages 9-10 and 9-11): b) The first row and column refers to class A and class B water management zones. What are they? How does this AER relate to Policy 9-1, which is the only coastal provision referred to?	Coast Hearing Panel's Preliminary Questions	Chapter 9 - AER	See comments in Appendix 6	See comments in Appendix 6	See comments in Appendix 6	
26. In AER (pages 9-10 and 9-11): c) At the top of page 9-11 in the third column (second and third bullet points), how can there be protection afforded to features in the CMA in district plans and why would there be submissions made on features in the CMA to territorial authority consent planning processes?	Coast Hearing Panel's Preliminary Questions	Chapter 9 - AER	I agree – these two should be removed as they cannot be monitored.	Alter the indicators for the 3 rd AER as follows <ul style="list-style-type: none"> Number of Schedule F outstanding landscapes and natural features in the <u>coastal marine area CMA</u> where identified characteristics/ values have been damaged Level of protection afforded to Schedule F outstanding landscapes and natural features in the <u>coastal marine area CMA</u> in Territorial Authority district plans Ratio of successful Horizons' sub-missions supporting Schedule F versus total submissions made on outstanding landscapes and natural features in the <u>coastal marine area CMA</u> to Territorial Authority consent planning processes 	COA 12 (340/75)	COA 12B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
27. The various Policies in Chapter 17 do not seem to refer to Chapter 4 in a consistent way (see, for example, Policy 17-12(b) which refers to “relevant” objectives and policies of Chapter 4, but Policy 17-13 does not include “relevant”). Should all of the references be made consistent?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Policies	As the chair correctly points out the references in policy 17-10, 17-11 and 17-12 refer to the relevant objectives and policies of chapter 4 while the rest of the policies refer to the objectives and policies of chapter 4. it is agreed that the references should be consistent.	Alter Policy 17-10(b) as follows: (b) the relevant objectives and policies of Chapter 4, Chapter 6 and any relevant policies in Chapter 13, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D Alter Policy 17-11(b) as follows: (b) the relevant objectives and policies of Chapter 4, Chapter 6 and any relevant policies in Chapter 15, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D and policy 6-11. Alter Policy 17-12(b) as follows: (b) the relevant objectives and policies of Chapter 4, Chapter 8 and Chapter 17 objective 8-1 and policy 8-1.	Environmental working party 386/123 and Nga Pae O Rangitikei 427/123	COA 32B
28. The section 32 Report says (page 133) that the approach “is an enabling one”. Could you please explain the rationale for classifying activities (other than restricted coastal activities) as non-complying or prohibited in more detail and advise if they were similarly classified in the operative Regional Coastal Plan.	Coast Hearing Panel's Preliminary Questions	Chapter 17 - General	See Comments in Appendix 11	No changes recommended	Not applicable	Not applicable
29. “Important note” (page 17-1): a) The “policies and rules” of Chapter 17 are part of the Regional Coastal Plan. Is it	Coast Hearing Panel's Preliminary Questions	Chapter 17 - “Important note”	In light of these questions it is clear that the statement as currently worded is inaccurate and as such should be reworded.	Amend the “Important Note” at the beginning of Chapter 17 as follows:	COA 24 (372/167)	COA 24B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
clear that the descriptive paragraph above Table 17.1 is included?			Significant Landscapes, where relevant are referred to in policies and biodiversity issues are referred to in Schedule H Table H1.	Important note: For the purposes of the Resource Management Act 1991 (RMA), the Regional Coastal Plan the general objective and policies of Chapter 11, and the policies and rules of all provisions in Chapter 17, and Error! Bookmark not defined. Chapter 18 and the information contained in provisions in Schedule H, and the CMA components of Schedule F: Figures F11 – F13., and the relevant definitions in the glossary		
29. "Important note" (page 17-1): b) Figures F:11 to F:13, which are linked to Chapter 7, show significant landscapes in the coastal marine area. Are they intended to be part of the Regional Coastal Plan?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - "Important note"				
29. "Important note" (page 17-1): c) Is this note effectively the authority for the Rule Guides in this chapter having no legal status?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - "Important note"				
29. "Important note" (page 17-1): d) Do the relevant Glossary definitions need to be referred to as being included in the Regional Coastal Plan?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - "Important note"				
30. Is it correct that Table 17.1 conditions: a) only apply to relevant sites;	Coast Hearing Panel's Preliminary Questions	Table 17.1	See comments in Appendix 8	See Recommendation in Appendix 8	See Recommendation in Appendix 8	
30. Is it correct that Table 17.1 conditions: b) that the conditions (or in some cases, some of them) only apply where the rule has indicated that this should occur; and	Coast Hearing Panel's Preliminary Questions	Table 17.1				

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
30. Is it correct that Table 17.1 conditions: c) when it is stated in the rules that the conditions in Table 17.1 apply, only the conditions relevant to the relevant value and site apply? If so, should both the Table 17.1 heading and the wording of the conditions in the rules be changed to clarify that intention? Could the wording in the Conditions column of the rules cause some to argue that all of the conditions should apply everywhere?	Coast Hearing Panel's Preliminary Questions	Table 17.1				
31. In Table 17.1: a) In the Value column, should "Schedule D" references be to the specific relevant provisions in Schedule H?	Coast Hearing Panel's Preliminary Questions	Table 17.1	See comments in Appendix 8	See Recommendation in Appendix 8	See comments in Appendix 8	
31. In Table 17.1: b) In condition (e), while there is an asterisk after "toxic", there does not seem to be a definition in the Glossary.	Coast Hearing Panel's Preliminary Questions	Table 17.1				
31. In Table 17.1: c) In condition (k), why is there reference only to "railways, bridge or electricity infrastructure" and not just "infrastructure"? Should "and/or" be "or"? Is the term "estuarine areas" sufficiently specific as a condition for a permitted activity?	Coast Hearing Panel's Preliminary Questions	Table 17.1				

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
32. In condition (n), where are “public bathing beaches” shown in Schedule D or H? Is “conspicuous” sufficiently certain as a condition for a permitted activity?	Coast Hearing Panel's Preliminary Questions	Table 17.1				
33. Would it be helpful to explain the relationship between the two groups of policies and rules in 17.2 (Occupation) and 17.3 (Structures) for the resource user, given that most of the rules under “Occupation” involve structures? (Rule 17-2 re events and Rule 17-5 being exceptions)	Coast Hearing Panel's Preliminary Questions	Chapter 17 - General	See Memorandum from John Maassen – Appendix 14	No Changes required	Not applicable	Not applicable
34. Given that it is recommended that particular mention is made of objective 3-1 and policies 3-1 to 3-5 and the objectives and policies of Chapter 4 in Policies 17-2 and 17-4, why are relevant Chapter 7 matters not referred to specifically (rather than just the inclusion of “natural character” in item (d) in 17-2 and (e) in 17-4)?	Coast Hearing Panel's Preliminary Questions	Policies 17-2 and 17-4	Refer to comments made in response to the Coast Hearing Panel's Preliminary Question 9(e) above.	Refer to comments made in response to the Coast Hearing Panel's Preliminary Question 9(e) above.	Not applicable	Not applicable
35. In Policy 17-2(b) (and other similar references in the chapter), does “this Plan” mean the regional coastal plan or the whole POP?	Coast Hearing Panel's Preliminary Questions	Policy 17-2(b)	See comments in Appendix 9	See recommendations in Appendix 9	See recommendations in Appendix 9	

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
36. Leaving aside the discharge of water, why are there references to both “coastal water” and “water” (Rules 17-29, 17-33 (discharge into water); cf Rule 17-6 (a)(iv) with (b)(i); cf Policy 17-8 heading with the text of that policy)?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - General	Chair's question 36 identified that there was an inconsistent use of the terms “water” and “coastal water” in Chapter 17. Sections 15 and 15B refer to water in the coastal marine area. In my opinion it is appropriate to be consistent with this wording and use “water”.	Amend title to Policy 17-8 as follows and make consequential changes to rule tables in Chapter 11.	COA 2 (372/172)	COA 2B
				Consent decision making for take and use of coastal water		
				Amend Policy 17-9 as follows: When making decisions on resource consent applications and setting consent conditions for any activity in the CMA involving the damming or diversion of coastal water, the Regional Council will have particular regard to:	COA 24 (440/114)	COA 24B
				Amend Rule 17-1 as follows: The occupation of space in the CMA pursuant to s 12(2) RMA by any existing , a lawfully established structure and any associated damming or diversion of coastal water pursuant to s 14(1) or <u>s 14(2)</u> RMA.	COA 2 (372/172)	COA 2B
				Amend Rule 17-2 as follows: The temporary and exclusive occupation of an area of foreshore or a space of coastal surface water pursuant to s 12(2) RMA for the purposes of a special event,	COA 2 (372/172)	COA 2B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				and any associated surface water activity. Amend Rules 17-6(a)(iv), 17-7 (d) and 17-8(e) and 17-9(e) and 17-10(e) and 17-20(d) and 17-21(iii) as follows: damming or diversion of coastal water pursuant to <u>s 14(1) or s 14(2)</u> RMA	COA 2 (372/172)	COA 2B
37. While the RMA definition of "coastal marine area" seems to infer that coastal water is throughout the CMA including up relevant rivers, can you please confirm that the water in the rivers up to where the CMA boundary extends would come within the RMA definition of "coastal water"?	Coast Hearing Panel's Preliminary Questions	Clarification	This matter is addressed in Paras 21-25 of the Introductory Statement and Supplementary Recommendations of Robin Britton for the Coast hearing: 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 <i>"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?"</i> 22. The RMA definition of "water body" specifically excludes waters in the coastal marine area.	Refer to recommended changes in Appendix 6	Refer to recommended changes in Appendix 6	

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			<p>“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.</p> <p>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).</p> <p>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.</p> <p>25. In this respect, it is my view that there was an unintentional misalignment between the wording of Chapter 6 and the link to</p>			

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			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.			
38. Each of Rules 17-1 to 17-5 refers to the occupation under section 12(2) in a slightly different way. Should the Council care?	Coast Hearing Panel's Preliminary Questions	Rules 17-1 to 17-5	I agree that it is good to have consistency across the plan where possible. However the wording in Rule 17-2 is considered appropriate for this activity.	Refer to recommended changes in Appendix 10	Refer to recommended changes in Appendix 10	
39. Is Rule Guide (a) on page 17-5 correct and, more importantly, do occupation activities that are not addressed by these rules default to Rule 17-39? Rule 17-39 makes no mention of section 12(2) of the RMA.	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rule Guide	As currently written this is not correct. However a recommended change in response to evidence under COA 37 addresses this matter.	Refer to recommended changes under COA 37 in the original Coast hearing report	Not applicable	Not applicable
40. There is reference to discharge of "water or contaminants" into the CMA in a number of rules (eg Rules 17-6(a)(iii), 17-7 to 17-9) but Rule 17-6(b)(ii) refers to "water or sediment", Rule 17-11(e) refers to "water, contaminants or sediment", and Rule 17-21(f)(ii) refers to "water, drilling fluids or	Coast Hearing Panel's Preliminary Questions	Chapter 17 - General	It is felt that the use of the term "Water or sediment" in rules 17-6(b)(ii) and 17-21(f)(ii) is appropriate as the rule are discussing the disturbance of 'natural materials' where sediment is the only type of discharge expected. For rules 17-6(a)(iii), 17-7(c), 17-8(d), 17-9(d), 17-10(d) and 17-12a(d) the rules are	Alter rule 17-11(e) to say: (e) discharge of water or contaminants or sediment pursuant to s 15(1) RMA.	Clarification (First Schedule cl 16(2))	COA 71

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
sediments” . Should the intended relationship between contaminants and sediment be clarified?			referring to the disturbance etc of a man made object – therefore it is expect that “things” that are discharged might be sediment along with other contaminates eg. Paint chips. For rule 17-11(e) the rule refers to ‘water, contaminants or sediment’. As sediment is a type of contaminant it would be acceptable to remove it which will also make it consistent with rules rules 17-6(a)(iii), 17-7(c), 17-8(d), 17-9(d), 17-10(d) and 17-12a(d).			
41. In Rule 17-6: a) “maintenance* or repair*” is used but the Glossary defines “maintenance and repair”.	Coast Hearing Panel's Preliminary Questions	Glossary	This wording should be consistent with the glossary.	Amend Rule 17-6 to read as follows: (a) Structures: The maintenance* or and repair* of any lawfully established structure located in, on, under or over the foreshore or seabed pursuant to s 12(1) RMA and any associated	Clarity (First Schdeule cl 16(2))	COA 84B
41. In Rule 17-6: b) Why do (a)(iv) and (b)(i) refer to s 14(2) RMA and why does (b)(i) not refer to s 14(1) RMA? (Rule 17-11(d) also refers to s 14(2))	Coast Hearing Panel's Preliminary Questions	Rule 17-6	In light of the previous discussions on water (see Coast Hearing Panels Preliminary Questions 3b, 37 and Appendix 6) and defining it within the CMA, I consider that s14(1) and 14(2) should both be referred to. That is, open coastal water is addressed by s14(2) but it does not cover water in the estuaries (which should be covered by s14(1)).	Therefore I recommend that both sections be referred to in the rules as per recommended changes under Coast Hearing Panels Preliminary Question 36. In addition I recommend a change to Rule 17-11 for consistency: Amend Rule 17-11 (d) to read as	Consistency of cross references to legislation. COA 37 (x519/162)	COA 37B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				follows: damming or diversion of water pursuant to s 14(1) or s 14(2) RMA		
41. In Rule 17-6: c) Why does (c) in the Conditions column refer to a discharge outside the CMA when Chapter 17 is only dealing with the CMA? In addition, if the discharge were to occur outside the CMA lawfully (under an existing resource consent for example) but did not comply with Rule 13-26 conditions, wouldn't that mean that the structure activity under Rule 17-6 would be changed from being a permitted activity?	Coast Hearing Panel's Preliminary Questions	Rule 17-6	In my opinion Condition (c) in Rule 17-6 is irrelevant as any such discharge is already covered by rules in Ch 13 of the POP and should not be repeated. I therefore recommend a change to COA 24 and that this condition be deleted.	Delete condition 17-6 (c) as follows: Any discharge or removed foreshore or seabed material or plants onto or into land outside of the CMA shall comply with the conditions of Rule 16-23 13-26.	COA 12 (340/75)	COA 12B (340/75)
42. In Rule 17-8: a) In the Activity column, the words "line, cable" (as well as pipeline and ropeway) are used but only "cables" is used in Rule 17-12 (terminology from the NZCPS, so that may need to remain). Does the terminology used, especially in Rule 17-8, raise any wording consistency issues with the rest of the POP?	Coast Hearing Panel's Preliminary Questions	Rule 17-8	The wording in this rule was aimed to provide a clear outline of activities that fitted into this permitted activity status. It also aligns with Rule 16-10 to enable a consistent management regime across the CMA boundary. In my opinion it is appropriate to retain this level of consistency between the two permitted activity rules. As noted, Rule 17-12 is a restricted coastal activity and the wording aligns with that used in the NZCPS and in my opinion it should remain unchanged.	No change required	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
42. In Rule 17-8: b) In the Conditions column, should "Schedule D" be changed to the relevant Schedule H reference, the reference to "waterbody" be removed, and the term "Site of Significance for Aquatic biodiversity" used (which seems to be the term used in Schedule H)?	Coast Hearing Panel's Preliminary Questions	Rule 17-9	In light of changes to Schedule D to incorporate water quality provisions into Schedule H, the reference to "Site of Significance Aquatic" is no longer relevant. In my opinion this should be deleted as a consequential change to COA 2 and 38.	Refer to recommended changes in Appendix 6	COA 38 (372/173)	COA 38B
43. In Rule 17-12(a): a) In terms of the use of "and" in the third line of the Activity column, is it intended that the rule cannot apply if the structure is only for one of the purposes?	Coast Hearing Panel's Preliminary Questions	Rule 17-12 (a)	The chair raised a number of queries in relation to the recommended new rule. This rule was drafted in response to discussions held with the submitters on the Port zone provisions. Following further pre-hearing meetings it was clear that this rule did not meet their concerns as raised in their submission. Therefore it is recommended that this rule is deleted	Delete rule 17-12(a) and replace with amended port rules as outlined in Appendix 13	COA 43 (258/4)	COA 43B
43. In Rule 17-12(a): b) The Rule column refers to "River/estuarine control structures" but is the wording in the Activity column so constrained?	Coast Hearing Panel's Preliminary Questions	Rule 17-12 (a)				
44. In Policy 17-6(e) (and see page 109 of the report), since cleanfill is a defined term in the Glossary which is not suitable to be used here, wouldn't it be better to use a different term, such as "clean material". Should "or" after water quality be "and" i.e. should the fill be required to fulfil both requirements rather than just one?	Coast Hearing Panel's Preliminary Questions	Policy 17-6(e)	In my opinion, avoiding the use of the term "clean fill" would assist in the ease of reading this clause in the policy and avoid the overlap with the glossary definition which does not assist in interpretation.	Amend policy 17-6 e) to read as follows: (f) ensuring that only cleanfill (being material that is uncontaminated by substances subjected to biological, chemical or physical breakdown which would degrade water quality or that and that is uncontaminated by plant or animal pest material which could result in propagation or proliferation within or beyond	COA 30 (327/179)	COA 30B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				the site) is used in any reclamation		
45. In Rule 17-15, what is intended to be covered by “on or across” when section 12(1)(a) restricts draining the foreshore or seabed?	Coast Hearing Panel’s Preliminary Questions	Rule 17-15	In my opinion the wording of this Rule is not clear and should better reflect s12(1)(a) of the RMA	Amend Rule 17-15 to read: Any drainage of, on or across the foreshore or seabed pursuant to s 12(1) RMA.	Clarification (First Schedule cl 16(2))	COA 72B
46. In Policy 17-7 (see also equivalent provisions in Policy 17-9): a) The wording in (b) does not seem to relate to the wording of Policies 6-3 to 6-5 and 6-8, which are referred to in Policy 9-5A. Policies 6-3, 6-4 and 6-8, respectively, refer to ensuring water quality standards are met, enhancing water quality, and point source discharges.	Coast Hearing Panel’s Preliminary Questions	Policy 17-7	I agree that the wording should be clarified to reflect the recommended changes to Chapter 9 and Schedules D and H. Refer also to answer under question 24(e). Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6	Refer to recommended changes in Appendix 6	
46. In Policy 17-7 (see also equivalent provisions in Policy 17-9): b) Reference is made to “water quality values” but Part B of Schedule H refers to “values” and “water quality standards” but does not seem to refer to “water quality values”. What is meant by “water quality values”?						
46. In Policy 17-7 (see also equivalent provisions in Policy 17-9): c) Why is there reference to “water quality values” in (b) but “any value” identified in any	Coast Hearing Panel’s Preliminary Questions	Policy 17-7	The intent is that water “values” and protection “values” are two separate sets of values. I agree that the wording could be amended to reflect this.	Amend Policy 17-7 (f) to read: avoiding any adverse effects on the relationship of Māori with taonga, historic heritage, or and avoid, remedy or mitigate any	COA 24 (372/175)	COA 24B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
protection zone (f)? Is the latter more stringent?				adverse effects on significant flora or fauna habitat any value identified within any protection zone, as outlined in Schedule H: Table H1.		
47. Rule 17-20 refers to section 12(1) but does that section restrict the activities referred to? What provision in the RMA is the source for this rule?	Coast Hearing Panel's Preliminary Questions	Rule 17-20	In my opinion the cross referencing should be amended for reasons of accuracy.	Amend Rule 17-20 to read: The removal of sand, shingle, shell, driftwood or dead seaweed pursuant to s 12(1) 12(2) RMA and any associated:	COA 37 (x519/162)	COA 37B
48. For Rule 17-21 (see also below): a) (a) in the Activity column and (e) in the Conditions column refer to "exploration or drilling" without any restriction on the purpose for drilling, but the MED submission suggested a limit on the purpose for the drilling. Is there any potential for unintended consequences from "or drilling" being permitted?	Coast Hearing Panel's Preliminary Questions	Rule 17-21	Refer to comments under Rob van Voorthuysen Question 17	Refer to comments under Rob van Voorthuysen Question 17	Not applicable	Not applicable
48. For Rule 17-21 (see also below): b) (a) in the Conditions column refers to clearing sediment from blocked river mouths, but which provision in the Activity column actually permits such an activity?	Coast Hearing Panel's Preliminary Questions	Rule 17-21	It is agreed that there is a mismatch in wording.	Amend Activity column of Rule 17-21(d) as follows; d) clearing sediment from blocked river mouths , outfall structures, intake structures and culverts	Clarification (First Schedule cl 16(2))	COA 73B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
48. For Rule 17-21 (see also below): c) Why is the term “drilling fluids” used when MED suggested different terms?	Coast Hearing Panel's Preliminary Questions	Rule 17-22	Refer to comments under Rob van Voorthuysen Question 17	Refer to comments under Rob van Voorthuysen Question 17	Not applicable	Not applicable
48. For Rule 17-21 (see also below): d) Activity (iv) was added as a result of a submission (Recommendation COA 36 page 126), but the conditions suggested by the submitter were not included. Were these conditions deemed unnecessary?	Coast Hearing Panel's Preliminary Questions	Rule 17-23				
49. There are a variety of issues and queries that relate to Rules 17-21 to 17-26 (or some of them, apart from Rule 17-22(a)): a) Do Rules 17-21, 17-22, 17-23 and 17-25 link appropriately with the precise wording of the restrictions in section 12(1)?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rules	I agree that the references to the appropriate sections in the RMA should be made in these rules.	Amend Rule 17- 21 as follows: Except as otherwise regulated by the rules in Section 17.3.2, any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s 12(1) <u>or s12(2)</u> RMA associated with the following activities: Amend Rule 22 as follows: Any disturbance, removal or	COA 37 (x519/162)	COA 37B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
<p>49. There are a variety of issues and queries that relate to Rules 17-21 to 17-26 (or some of them, apart from Rule 17-22(a)):</p> <p>b) Each of the rules refers to section 12(1) of the RMA as being the source of a restriction for removal. However, section 12(1) does not seem to deal with "removal". If section 12(2) is the source for Rules 17-24 and 17-26 should it replace the reference to section 12(1)? Is section 12(2) or 12(3) the source of the restriction on removal for the other rules and, legally, could section 12(3) be the source? If section 12(2) is the source for these other rules, has section 12(4) been considered?</p>	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rules		<p>deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) or s12(2) RMA for the purposes of beach nourishment, and any associated</p> <p>Amend Rule 23 as follows: Any disturbance or removal of the foreshore or seabed, pursuant to s 12(1) or s12(2) RMA and s 4 RM....</p> <p>Amend Rule 24 as follows: Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material within the CMA pursuant to s 12(1) or s12(2) RMA and which is not otherwise regulated by Rule 17-23 where:</p> <p>Amend Rule 25 as follows: Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) or s12(2) RMA ..</p> <p>Amend Rule 26 as follows: Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) or s12(2) RMA within a protection zone where:</p>		

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
50. In the Activity column of Rule 17-23, is the “Whanganui River maintenance dredging area shown in Schedule H” a reference to Figure H:10? If so, there are two dredging areas (with a third recommended to be added) and there is no description for any of them that matches the words in the rule.	Coast Hearing Panel's Preliminary Questions	Rule 17-23	I agree that the wording does not match.	<p>Amend Rule 17-23 as follows:</p> <p>Activity: Any disturbance or removal of the foreshore or seabed, pursuant to s 12(1) RMA and s 4 RM Marine Pollution Regulations, arising from maintenance dredging within the port zone or the Whanganui River maintenance dredging areas shown in Schedule H: Figure H:10 as dredging area 1 and dredging area 2, and any associated deposition of dredged material in the CMA pursuant to s 12(1) RMA and s4 RM Marine Pollution Regulations.</p> <p>Conditions/ standards/terms</p> <p>(a) The dredging shall be for the purpose of maintaining water depths and access to and within the port zone.</p> <p>(b) In any 12-month period, the quantity of material dredged or deposited within the CMA shall not exceed 240,000 m³.</p> <p>(c) The dredging shall occur within the dredging zones areas identified in Schedule H: Figure H:10.</p> <p>(d) The disposal of any dredged material shall occur within the dump-zones discharge areas identified in Schedule H: Figure H:10.</p>	COA 43 (258/4)	COA 43B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
51. The cross-referencing of the rules seems complicated. In Rule 17-24, should Rule 17-26 be inserted after the reference to Rule 17-23? In Rule 17-25, should reference to the rules in "Section 17-3" be to "Section 17.3.2" and should Rule 17-22(a) and Rule 17-24 be included?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - General	<p>The intent of these rules is as follows:</p> <p>Rule 23 – port zone and maintenance dredging of channel at quantities less than the RCA trigger AND avoids RCA status as it specifies location and conditions</p> <p>Rule 24 - port zone and general zone – at quantities greater than those specified in 23 or is outside the port zone (but not in a protection zone)</p> <p>Rule 25 – protection zone - at quantities less than the RCA trigger but not otherwise covered by other rules in section 17.3.2</p> <p>Rule 26 – protection zone - at quantities that trigger an RCA</p> <p>Therefore in my opinion, some of the confusion could be resolved by clarifying the intent in each of the Rule titles.</p> <p>With respect to cross-referencing:</p> <p>Rule 24 – needs to xref Rule 23 as 23 is a default RCA but it does not need to refer to Rule 26 as this is for protection zone (in my opinion no change required)</p> <p>Rule 25 – Rule 24 is outside the protection zone and therefore does not need to be cross referenced; however Rule 17-22(a) should be cross referenced (in my opinion add xref to Rule 22(a))</p>	<p>Amend titles in the Rule column of the following Rules:</p> <p>17-24 <u>Port and General Zones:</u> Large-scale disturbances, removal and deposition excluding protection zones</p> <p>17-25 <u>Protection zones:</u> Small- to medium-scale disturbances, removal and deposition in protection zones</p> <p>17-26 <u>Protection zones:</u> Large-scale disturbances, removal and deposition in protection zones</p> <p>Amend Rule 25 as follows: Any activity involving, in any 12-month period, the disturbance, removal or deposition of marine material pursuant to s 12(1) RMA within a protection zone, which is not otherwise covered by the rules in Section 17.3.2 17-3, Rule 17-20, Rule 17-21, Rule 17-22, <u>Rule 22(a)</u> or Rule 17-26</p>	Clarification (First Schedule cl 16(2))	COA 74B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			Re: reference to section 17-3 in Rule 25, I agree that referring to 17.3.2 is a more specific reference.			
52. The “bank, cliff, escarpment or foreshore” wording recommended for Rule 17-30 Conditions column (d) seems to introduce terms not used elsewhere in the chapter. Different provisions in the chapter refer to stability or erosion and already use different terminology (eg Policy 17-4 (e) “riverbanks and the foreshore”; Policy 17-6 (i) “beach, estuarine substrate or riverbank”; Policy 17-7 (e) “coastal erosion” and “coastal edges and banks”). Is it desirable to introduce additional terms?	Coast Hearing Panel's Preliminary Questions	Rule 17-30	<p>While the terminology appears inconsistent, in my opinion, it is appropriate for each situation to be treated in its context.</p> <p>With respect to structures (policy 17-4(e)) stability of riverbanks and foreshore is a key issue. With respect to reclamations and drainage (Policy 17-6) while beach could be replaced with foreshore, the more commonly used term is “beach drainage”. The term “estuarine substrate” covers both the area uncovered periodically by water as well as land covered by water all the time.</p> <p>Policy 17-7 (disturbances removal deposition), focuses specifically on coastal erosion, as this can be a significant effect of disturbances, removal etc. For consistency the terminology for “coastal edges and banks” could be re- worded to “foreshore and riverbanks”.</p> <p>The terminology in Rule 17-30 is also particular to the context of a stormwater discharge, and is cognisant of the fact that some parts of the region are cliffs that have potential to be affected by stormwater erosion. However</p>	<p>Amend Rule 17-30(d) as follows:</p> <p>The activity shall not cause erosion of any bank, Cliff, escarpment or foreshore area beyond the point of discharge, unless this is not practicably avoidable, in which case any erosion that occurs as a result of the discharge shall be remedied as soon as practicable.</p> <p>Amend Policy 17-7 (e) as follows:</p> <p>avoiding as far as practical any resultant effects on coastal erosion, or on risk from inundation, or on the stability of coastal edges and river banks or foreshore, or on flood control structures</p>	Clarification (First Schedule cl 16(2))	COA 75B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			cliffs are technically outside the CMA.			
53. What is intended by Rule 17-28? Is Condition (a) in Rule 17-28 potentially ambiguous?	Coast Hearing Panel's Preliminary Questions	Rule 17-28	It is intended that this rule aligns the activities referred to on either side of MHWS. I agree the rule could be more specifically worded.	<p>Amend Rule 17-28 as follows: 17-28 Drainage and diversions of water in the CMA</p> <p>Any activity which is authorised by Rules 15-9, 15-10 or 15-11 of this Plan and which results in any drainage or diversions of water into the coastal marine area.</p> <p>Any drainage or diversions of water into the coastal marine area which results from activities covered by Rules 15-9, 15-10 or 15-11 of this Plan.</p> <p>Permitted</p> <p>(a) The activity shall comply with all conditions of Rules 15-9, 15-10 and 15-11, as if those conditions apply to the coastal marine area.</p> <p>(b) The activity shall comply with the standard conditions in Table 17.1</p>	COA 12 (340/75)	COA 12B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
54. In Policy 17-10(c), does reference to “estuary, river or stream” (or the equivalent reference in Policy 17-11(c)) cause any potential interpretation issues in the POP? Why is stream referred to when the definition of river in the RMA includes a stream (and are there any streams in the CMA)?	Coast Hearing Panel's Preliminary Questions	Policy 17-10(c)	While the RMA defines river to include a stream, in my opinion both policies should retain reference to 'stream". The reason for this is that the term "stream" is used as a common and geographic title in the Figures in Schedule H (ie Kai Iwi Stream, Mowhanau Stream, Hokio Stream, and Waikawa Stream). I do not consider that this term causes confusion in the respective policies.	No change required	Not applicable	Not applicable
55. In Rule 17-29, the Rule column and (a) in the Activity column do not seem to be consistent. In contrast to most other rules, this rule does not state that it applies in the CMA (nor does Rule 17-32). Presumably that should be remedied?	Coast Hearing Panel's Preliminary Questions	Rule 17-29	I agree that these rules should refer to the CMA.	Amend Rule 17-29 as follows: Activity: Any discharge (excluding sewage) <u>into the CMA</u> pursuant to s 15 RMA: (a) of water into <u>water the CMA</u> Amend Rule 17-32 as follows: Activity: The discharge of dye and salt tracer material <u>into the CMA</u> , pursuant to s 15 RMA, excluding radioisotope tracers.	Clarification (First Schedule cl 16(2))	COA 77B
56. In Rule 17-30, why does (f) in the Conditions column refer to a district plan?	Coast Hearing Panel's Preliminary Questions	Rule 17-30	This matter has been addressed in the Supplementary evidence (Recommendation COA S68).	No change required	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
57. In the Conditions column for Rule 17-33: a) In (a), should the dates or some other means of identifying these documents be included?	Coast Hearing Panel's Preliminary Questions	Rule 17-33	Yes a specific version of each document should be included.	Reword Rule 17-33(a) as follows: (a) The target species shall be identified as a plant pest or animal pest in the Horizons Regional Pest Plant Management Strategy (May 2007) or the Horizons Regional Pest Animal Management Strategy (January 2002).	Clarification (First Schedule cl 16(2))	COA 78B
57. In the Conditions column for Rule 17-33: b) Is (ca) sufficiently certain for a permitted activity condition?	Coast Hearing Panel's Preliminary Questions	Rule 17-34	Refer to comments under Rob van Voorthuysen Question 26	Refer to recommended changes under Rob van Voorthuysen Question 26	Not applicable	Not applicable
57. In the Conditions column for Rule 17-33: c) Is the relationship between (d) (i) and (e) potentially confusing? Both relate to discharges to water which is allowed under (d) (i) if the agrichemical is approved for aquatic use, but (e) states that the "discharge shall not include disposal to water of any agrichemical"? Would including a definition of "disposal" help to clarify the relationship? (also relevant to Rule 17-34)?	Coast Hearing Panel's Preliminary Questions	Rule 17-35	The intent for the use of the word "disposal" in rules (17-33 and 34) was to avoid waste or surplus product being "dumped" into the CMA as an easy way to get rid of extra or waste products. I agree that there could be some confusion if this wording was not read in this manner.	Add to Rules 17-33 and 17-34 a footnote to the word "disposal" specifically for interpretation within each of these rules, as follows: <u>For the purpose of this rule, "disposal" means dumping of waste or surplus product.</u>		
58. In the Rule Guide (pages 17-27 and 17-28): a) in (a) should s12 be changed to s15?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rule Guide	I agree that the reference is made to the wrong section of the RMA.	Amend the Rule Guide following rule 17-36 (ie page 17-27) to read as follows	COA 37 (x519/162)	COA 37B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				(a) Discharges under s15 s12 RMA that are specifically covered by a rule above, or do not comply with the permitted or controlled rules and are not otherwise prohibited are discretionary under general Rule 17-39.		
58. In the Rule Guide (pages 17-27 and 17-28): b) Why are (c) and (d) included as they do not relate to the CMA?	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rule Guide	I agree that these provisions should not be included, given that this chapter is focused on the CMA.	Delete paragraphs c) and d) in the Rule Guide following rule 17-36 (ie page 17-27) as follows: e) Refer also to relevant rules on discharges in Chapter 13 of this Plan. d) Refer also to Rules 14.1 and 14.2 on agrichemical discharges.	COA 12 (340/75)	COA 12B
58. In the Rule Guide (pages 17-27 and 17-28): c) The summary in (e) does not seem to be accurate and is potentially misleading (eg see (e)(v)). Is the summary needed? If it is to remain, could it please get a legal audit for accuracy.	Coast Hearing Panel's Preliminary Questions	Chapter 17 - Rule Guide	The purpose of paragraph (e) in the Rule Guide is to alert consent staff and consent applicants in the future that these sections of the RMA and the regulations referred to should be considered for the types of activities listed in the subparagraphs (i) to (xii). In my opinion this rule guide should be retained.	No changes recommended	Not applicable	Not applicable
59. For section 7.8, please see the Legal Questions.	Coast Hearing Panel's Preliminary Questions	Legal questions	Refer to the Coast Hearing Panel's Preliminary Question 8.	Refer to the Coast Hearing Panel's Preliminary Question 8.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
60. In Rule 17-37, Conditions column (a) was changed to “exploration” as a result of a submission pointing out that “exploration” was the term used under the Activity column. However, the latter has been changed to “activity”. Should it remain as “exploration”? (COA 57 page 184)	Coast Hearing Panel's Preliminary Questions	Rule 17-37	Given that seismic activity can also cover natural events (which was not intended), I consider that it would be clearer to retain the wording “seismic exploration” and use this consistently in the rule.	Amend Rule 17-37 as follows: Activity: Any discharge of noise in the CMA, including any discharge of noise relating to the normal operation of boats, ships or offshore installations, or from seismic exploration activity .	COA 57 (182/98)	COA 57B
61. As Rule 17-39(a) only refers to section 12(1), is it really the default rule as identified in a number of the Rule Guides? Is there jurisdiction to add in any other relevant provisions? Why does it refer to “the Plan” (if that is intended to mean the whole POP) rather than “this chapter” when (b) refers to “this chapter”.	Coast Hearing Panel's Preliminary Questions	Rule 17-39(a)	The intent for this rule was to be the default rule for the CMA activities only not the whole plan. Supplementary evidence COA 37A proposed some further changes. However, in my opinion some further changes could tighten this up further.	Amend Rule 17-39 to read as follows: Any activity that either: (a) Is subject to s 12(1), or s 12(2), or s 14(1), or s14(2) or s 15 (1) or s 15 (2) , RMA and is not addressed by any other rule in this chapter Plan , or (aa) is subject to s12(2) RMA, or (b) 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.	COA 37 (x519/162)	COA 37B
62. On page H-2, under the heading Management Zones the three existing zones are well described but shouldn't there also be an explanation of the Water Management zones, if they are to be inserted (and the	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to recommended changes in Appendix 6	Refer to recommended changes in Appendix 6	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
relevant maps in the heading changed)?						
63. On Figures H:1 and H:2, should there be blue lines that cross the light line where the rivers that are part of the CMA are located?	Coast Hearing Panel's Preliminary Questions	Figure H1 and H2	This map is not intended to show that level of detail. The map has however been altered to remove the white line which may cause some confusion for people who understand that the CMA extends onto beach areas and up rivers.	Refer to recommended new maps in track changes document – Schedule H: Figure H1 and H2	Clarification (First Schedule cl 16(2))	COA 79B
64. In Figure H:3, are there errors in the NZMS and NZTM references for the Mowhanau Stream Boundary and the Mowhanau mouth?	Coast Hearing Panel's Preliminary Questions	Figure H3	The chair has correctly pointed out that there is an error in Figure H3. See new map in track changes document with the correct NZMS and NZTM references – Schedule H: Figure H3	All of the maps H3 – H9 have been reviewed - Refer to recommended new maps in the track changes document for Schedule H	Clarification (First Schedule cl 16(2))	COA 80B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
65. In Figure H:4, the CMA boundaries in the Whanganui River and in the Whangaeu appear to be greater than 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.” This also seems to be the situation with some of the other river boundaries. Is this because the “mouth” of the relevant rivers as agreed is upstream of what might in ordinary usage be considered to be the mouth? If so, should the location of the “mouth” rather than just the coordinates be included on the Figures? In Part B of Schedule H (page H-17), (i) refers to the “river mouths on the open coastline” to identify the dividing mark between the two zones in that Part but also refers to the river mouth coordinates and (ii) refers to the river mouth.	Coast Hearing Panel's Preliminary Questions	Figure H4	See new maps in track changes document – Schedule H All of these boundaries were agreed to between DOC, TA and the Regional council, as required under s2 RMA (mouth). They are the same ‘river mouths’ that are in the operative RCP. The “mouth” for the purpose of defining the CMA was often taken as being the head of the estuary or was based on a pragmatic geographic point. Refer to Appendix 6 for clarification of the use of “mouth” in respect of the water management policy areas.	See new maps in track changes document – Schedule H	Clarification (First Schedule cl 16(2))	COA 81B
66. Should the reference to the recommendation on page H-17 be to COA2 Page 29?	Coast Hearing Panel's Preliminary Questions	Schedule H	No the correct reference is COA 38.	No changes recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: a) In Schedule D (page D-1) mauri and contact recreation apply to "All natural waterbodies" whereas, for example, shellfish gathering applies in "Coastal waters (CMA)". In terms of the jurisdiction to include all of the matters referred to in Schedule H as being relevant in the coastal marine area, is the answer that "All natural waterbodies" is intended to be wider than "water body" as defined in the RMA? That would seem to be the case, from the context of the contents of Schedule D, despite its heading that says that it applies to "waterbodies in the Manawatu-Wanganui Region". (Presumably, the Schedule D terminology should be clarified)	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
<p>67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include:</p> <p>b) From the perspective of jurisdiction to include all of the new Schedule H matters as being relevant in the coastal marine area, how is Schedule H derived from the Schedule D matters that relate to the coastal marine area? Is there jurisdiction to include all of the matters proposed for Schedule H in light of Schedule D identifying the specific areas where the Schedule applies? By way of example, how has “Aesthetics” referred to on page D-1 (including the areas identified for where it applies; see also the Coastal Marine Area reference on page D-10) been able to be included in Table H.2 (page H-18) as applying to the coastal marine area? But Table H:3 then does not include a tick in the “Ae” column. How are those two Tables consistent?</p>	<p>Coast Hearing Panel's Preliminary Questions</p>	<p>Schedule H</p>	<p>Refer to discussion and recommended changes in Appendix 6.</p>	<p>Refer to recommended changes in Appendix 6.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: c) On page H-18, the contact recreation value is referred to as being in "All open coastal waters". Is that what is intended, in light of the meaning of "open coastal waters" in the RMA?	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: d) Table H.2 does not identify all of the values that are referred to in the Schedule.	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: e) In Table H3, the meaning and relevance of the Key for LSC Classes is not explained.	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: f) Note in Table H3 - Is it intended to continue to refer to Schedule D for details about Schedule H matters?	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: g) What is one to do with the information in Table H4 and what	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
does the information in the Life Supporting Capacity Classification column mean?						
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: h) Cross-references in Tables H8 and H10 seem incorrect and the wording in the brackets seems odd.	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: i) Tables H9 and H11 state that the "following water quality standards apply". How is that sanctioned in the objectives, policies and rules?	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
67. While Part B of Schedule H is to be dealt with by the water quality hearing, the provisions of Chapters 9, 17 and Schedule H need to be adequate for the meaning and applicability of the provisions to be clear. Some issues that seem to arise include: j) What is the reference to "Value" at the end of Schedule H?	Coast Hearing Panel's Preliminary Questions	Schedule H	Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
Commissioner van Voorthuysen questions from Day One of coast hearings						
1. General : Is Chapter 11 part of the Regional Coastal Plan (RCP) and where in the Proposed One Plan (POP) does it categorically state that?	Commissioner van Voorthuysen questions from Day One of coast hearings	General clarification	Chapter 11 is a part of the Coastal Plan and this has been clarified in recommended changes resulting from the Coast Hearing Panel's Preliminary Question 29.	Refer to recommended changes under Coast Hearing Panel's Preliminary Question 29	Not applicable	Not applicable
2. Page 26: Where in the document is the issue of renewable energy generation in the coastal environment or coastal marine area (cma) discussed?	Commissioner van Voorthuysen questions from Day One of coast hearings	General clarification	Renewable energy is included in Chapter 3 of the POP. Refer also to explanation of the CMA vs coastal environment discussion in Appendix 2. It is also covered under policy 9-4 as wave or tidal energy would by necessity have to be located in the CMA as an appropriate use. This is then reflected into Chapter 17 through Policies such as 17-2, 17-4, 17-7, which provide further guidance on appropriate location. As a rule type it would default to the general discretionary rule in the general zone and prohibited in the	No changes recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			protection zones. Refer to panel's preliminary question 12 for further discussion of prohibited rule status within Chapter 17 of the POP.			
3. Page 29: Should the wording in Policy 9-2(c) be amended to better align with the recommended new wording for the last part of Policy 9-4(c)?	Commissioner van Voorthuysen questions from Day One of coast hearings	Policy 9-2(c)	Yes it would be best to align the wording to ensure consistency within the chapter	Change Policy 9-2(c) as follows (c) A general zone for the purposes of managing activities in all areas outside the port zone and protection zones by ensuring that adverse effects in the general zone are avoided as far as practicable and, where they cannot be avoided, are remedied or mitigated. <u>Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.</u>	COA 15 (372/126)	COA 15B
4. Page 29: How are the numerical water quality standards in Schedules H9 and H11 implemented, particularly in terms of the RCP rules?	Commissioner van Voorthuysen questions from Day One of coast hearings	Schedule H	I agree that the linkages are not clear and stringer references are required. Refer to discussion and recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
5. Page 40: Chapter 4 of the POP uses the term "tikanga" and it may end up using the term "tikanga Maori". Would this change recommendation COA7?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	Refer to the Panels subsequent questions from day one of the coast hearing – question 4	Refer to the Panels subsequent questions from day one of the coast hearing – question 4	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
6. Page 43: It appears that the first part of Objective 9-2 (the words “The CMA ...region, ...” is actually a statement and not an objective, particularly in light of the apt description of an objective on page 49. The remainder of the objective then repeats Section 6(a) of the Act in a slightly jumbled up manner. What value does this provide to users of the POP and decision makers over and above what is already in the Act? Also, the second part of the objective focuses on protection and preservation and does not deal with the enabling part of Section 5 of the Act. Do the officers consider that the objective needs to be reconsidered?	Commissioner van Voorthuysen questions from Day One of coast hearings	Objection 9-2	The key aspects of this objective are: CMA as public space, recognition that the CMA can be used for social, economic, cultural outcomes and that the sensitive areas are protected from “inappropriate activities”. In my opinion the wording could be more clearly stated to reflect these key matters.	Amend Objective 9-2 to read as follows: The CMA is a publicly available area will be managed as a publicly available area—public asset that is fundamental to meets the social, economic and cultural well-being of the people of the region, and will be managed to ensure while ensuring that sensitive areas <u>and the natural character of the coastal environment</u> are protected from inappropriate use and development. and the natural character of the coastal environment is preserved.	COA 2 (372/128)	COA 2A
7. Page 46: Why has HRC decided not to define the coastal environment in the POP or RCP? It seems strange to leave this to the territorial authorities when HRC is primarily responsible for coastal management issues. Further, leaving the definition of the coastal environment to the territorial authorities with no guidance in the RPS is likely to result in an inconsistent approach. Is this an appropriate approach to take?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	Refer to recommended changes in Appendix 2 and the response to Chair's question 21. In my opinion, given the RMA requirement for District Councils to give effect to the NZCPS there is no reason to define the CE in the RPS, as they would be required to do this in order to give effect to it. The proposed policy in the 2008 NZCPS also would provide clear direction. Notwithstanding that this policy has not been finalised, I consider that this is more appropriately addressed at a local	Refer to recommended changes in Appendix 2 and the response to Coast Hearing Panel's Preliminary Question 21	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			level. An inconsistent approach to defining the CE is not in my opinion, a negative issue for this region, in light of the variation between the coastal issues in each District and the scale of pressures being anticipated over the next 10 years.			
8. Page 55: Section 6(b) of the Act uses the terms "outstanding landscape" and "natural features". Should Policy 9-4 also use these terms?	Commissioner van Voorthuysen questions from Day One of coast hearings	Policy 9-4	<p>S6(b) RMA states " ...<i>shall recognise and provide for the following matters of national importance: ... (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.</i>"</p> <p>In my opinion the policy does not need to refer specifically to this terminology. One way to recognise and provide for "outstanding" is through the use of protection zones. However not all the values listed in Schedule H (Table 1) are "outstanding". Therefore the policy is seeking to ensure these other values that do not meet the "outstanding" description are also protected as they are nevertheless important at a regional or local level. In addition Chapter 7 of the POP addresses s6(b) RMA matters for the landward areas of the coastal environment.</p>	No changes recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
9. Page 55: Why is the POP silent on the issue of coastal development such as ribbon urban expansion and the scale and location of coastal settlements? Do District Plans adequately deal with these issues now? Given the provisions in Chapter 5 that deal with CHEL (coastal highly erodible land) it seems that the RPS part of the POP should provide guidance on this matter?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	Refer to recommended changes in Appendix 2 Whether or not the current District plans deal adequately with subdivision and growth issues is not in my opinion the fundamental issue. For the next 10 year period, the District plans will need to give effect to the NZCPS (current or future version) which provides clear guidance on subdivision location and design issues. In my opinion, the second generation District Plans will be required to be more directive in these matters.	Refer to recommended changes in Appendix 2	Not applicable	Not applicable
10. Page 56: Why does Policy 9-4 (c) refer to the “coast” and not “coastal environment” or perhaps cma.	Commissioner van Voorthuysen questions from Day One of coast hearings	Polcy 9-4	Refer to recommended changes in Appendix 2	Refer to recommended changes in Appendix 2	Not applicable	Not applicable
11. Page 70: Would the recommended addition to Policy 9-5(a) be clearer if it said “ ... or to ensure a level of security appropriate for activities authorised by a resource consent”?	Commissioner van Voorthuysen questions from Day One of coast hearings	Policy 9-5	Refer to recommended changes in Appendix 7.	Refer to recommended changes in Appendix 7.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
<p>12. Page 91. Should the AER on habitat type be amended in the same manner as the AER on natural processes? Would the same change to the water quality AER not be appropriate since water quality outcomes generally apply after reasonable mixing?</p>	<p>Commissioner van Voorthuysen questions from Day One of coast hearings</p>	<p>Chapter 9 - AER</p>	<p>The AER on habitat type refers to “rare, threatened, or at-risk habitats”. Through protection zones, specifying the values in Schedule H (Table 1) and rule hierarchies it is intended that these habitats are protected. Any resource consent should not further degrade these habitats. Therefore in my opinion it is not necessary to add the same/ similar wording to the water quality AER.</p> <p>Amendments to the water quality AER are proposed under Appendix 6 (ie as a part of consistently shifting the water provisions from Schedule D to Schedule H).</p> <p>The policy intent is to ensure water quality in the CMA does not degrade further. The intent of the AER is to ensure that within the water policy areas water quality is managed to the levels specified in Schedule D/H). In this respect any discharge after reasonable mixing should still not degrade the water quality below the standards set. Therefore in my opinion it is not necessary to add the same/ similar wording to the water quality AER.</p>	<p>No changes recommended</p>	<p>Not applicable</p>	<p>Not applicable</p>

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
13. Page 95: The POP needs to very clearly state all of its component parts that form the RCP and are subject to Ministerial approval and might that not occur in tabular form?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	In my opinion, tabular form is one option for presenting this information. Refer to changes resulting from the Coast Hearing Panel's Preliminary Question 29.	Refer to recommended changes under Coast Hearing Panel's Preliminary Question 29	Not applicable	Not applicable
14. Page 95: Should the need to consult with MSA regarding structure consent applications should be written into the RCP to avoid a repeat of the situation of HRC staff forgetting to undertake that consultation?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	This matter is written into the Rule guide relating to the structure rules in section 17-3 of the POP. The comment on page 95 of the staff report was in relation to an additional policy.	No change recommended	Not applicable	Not applicable
15. Page 109: Should Policy 17-6(e) refer to "cleanfill material"?	Commissioner van Voorthuysen questions from Day One of coast hearings	Policy 17-6(e)	The use of this word was raised under the Coast Hearing Panel's Preliminary Question 44. Refer to changes resulting from this question.	Refer to recommended changes under Coast Hearing Panel's Preliminary Question 44	Not applicable	Not applicable
16. Page 109: Should Policies 17.7(f) and 17.6(g) have the same wording?	Commissioner van Voorthuysen questions from Day One of coast hearings	Policy 17.7(f)	It is agreed that for consistency reasons the wording should be aligned. Refer to the Panels subsequent questions from day one of the coast hearing – Question 4	Amend Policy 17-6(g) as follows: avoiding any adverse effects on the relationship of tikanga Māori with Taonga <u>or on</u> historic heritage, and avoid, remedy or mitigate <u>avoid, remedy or mitigate</u> any adverse effects on natural character—any value identified within any protection zone, as outlined in Schedule H: Table H1. Amend Policy 17-7(f) as follows: avoiding any adverse effects on the relationship of tikanga Māori with Taonga <u>or on</u> historic heritage, or <u>and avoid, remedy or mitigate any adverse effects on significant flora or fauna habitat</u>	COA 28 (372/176) and COA 15 COA 24 (372/175) COA 28 (372/176) and COA 15	COA 28B, COA 15B COA 24B COA 28B, COA 15B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				<u>any value identified</u> within any protection zone, <u>as outlined in Schedule H: Table H1.</u>		
17. Page 126: Isn't it much clearer to have a separate rule for offshore exploration as actually sought by the MED Crown Minerals submission? Why are not all of the rule conditions recommended by MED to be inserted into the rule?	Commissioner van Voorthuysen questions from Day One of coast hearings	Chapter 17 General	In my opinion a separate rule could be provided for. The reason for retaining the 1 km buffer is that the area of the CMA within 1km of land is highly valued and used by the public. In my view it is appropriate for the public to have an opportunity to consider such activities within this area, through the consent process.	<p>Amend rule 17-21 to read: Activity.... (a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring</p> <p>...and any associated: (i).. (ii) discharge of water, drilling fluids or sediments into the CMA... (ii)... (iv) discharge to air resulting from the flaring of hydrocarbons, for the purpose of undertaking health and safety procedures.</p> <p>Delete the two new sub-paragraphs to the conditions/standards/terms: d) the diameter of any bore drill hole shall be 1.5metres or less e) any exploration or drilling shall not involve the use of explosives</p> <p>Add a new rule after Rule 17-21 as follows:</p> <p>Rule 17- 21(a) Minor disturbances from Drilling</p>	COA 36 (243/3)	COA 36B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				<p>Activity Any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s12(1) RMA associated with exploration or drilling of the seabed occurring more than 1 km seaward from MHWS on the open coast and any associated:</p> <ul style="list-style-type: none"> (i) occupation of space in the CMA pursuant to s12(2) (ii) discharge of water into the CMA pursuant to s15(1) RMA (iii) discharge of drilling muds, cuttings, and inert drilling fluids into the CMA pursuant to s15(1) RMA (iv) discharge to air from combustion involving the flaring of hydrocarbons from petroleum exploration or wellhead production flows into the CMA pursuant to s15(1) RMA. <p>Classification Permitted</p> <p>Conditions/ Standards/Terms</p> <ul style="list-style-type: none"> a) The bore or drilling must be for the purposes of investigating water, oil, gas or seabed resources. b) The diameter of any bore or drill hole shall be 1.5 metres or less. c) The bore must be cased and 		

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
				sealed to prevent leakage from: i) ground water to coastal water and ii) coastal water to ground water. d) Any drilling shall not involve the use of explosives. e) any flare point shall occur more than 1 km seaward from MHWS on the open coast f) No non-petroleum well stream product shall be combusted.		
18. Page 139: Is historic heritage part of "life supporting capacity"? Would it be better to have historic heritage contained in a separate and new row in Table 17.1?	Commissioner van Voorthuysen questions from Day One of coast hearings	Table 17.1	I agree that "historic heritage" is not a subset of "life supporting capacity" and that a separate value line should be added in. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
19. Page 141: There is a major problem establishing the "lawfulness" of old coastal structures due to the loss of records. Other councils are going away from the approach of using the term "lawfully established". Would it be better to simply refer to "existing structures", perhaps qualified by some date such as plan notification?	Commissioner van Voorthuysen questions from Day One of coast hearings	General clarification	Refer to recommended changes in Appendix 12.	Refer to recommended changes in Appendix 12.	Not applicable	Not applicable
20. Page 143: It is very easy to "disturb" roosting or breeding birds. Should this be qualified to specific areas or perhaps to nesting birds?	Commissioner van Voorthuysen questions from Day One of coast hearings	General clarification	On face value it is acknowledged that it may be easy to disturb birds that are roosting or nesting. The purpose of the phrase is to recognise that: (i) roosting sites are generally chosen by birds and used	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			<p>consistently for a period of time – however these sites cannot be identified with any certainty for the next ten years as the birds choose new sites and alternative sites depending on species and environmental (eg climate and habitat) changes. As such I do not consider it appropriate or possible to identify such sites specifically within the RCP. Rather it is a key value within the protection areas (ie a generic area identified rather than specific sites).</p> <p>(ii) nesting and breeding are in my opinion, similar activities. Nesting is generally the activity of making the nest and then hatching subsequent eggs. While breeding in my view also includes territorial claims, nesting activities and subsequent rearing of fledglings.</p> <p>On this basis I consider it is appropriate to retain the current wording.</p>			

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
21. Page 145: Rules 17-5 and 17-14 are Prohibited Activities. Rules 17-18, 17-19, 17-25 and 17-26 are Non-Complying activities. Do the former rules comply with the recent case law on prohibited activities (TCDC district plan mining provisions) and would it be better if all of the Rules listed above were Non-Complying activities?	Commissioner van Voorthuysen questions from Day One of coast hearings	Chapter 17 - General	Refer to discussion and recommended changes resulting from the panel's preliminary questions 12 and 28.	Refer to recommended changes in Appendix 11.	Not applicable	Not applicable
22. Page 151: Why has the officer changed her mind on the categorisation of new reclamations as permitted in the Port Zone?	Commissioner van Voorthuysen questions from Day One of coast hearings	Chapter 17 - General	As a result of the pre-hearing meetings held with Port representatives and other parties (as reported to the panel separately), it became more apparent what specific activities were being sought to be permitted (in the context of the original submission). The reason for changing my opinion on the status of the reclamation was that it was for one specific area and location within the port zone. While a reclamation would have an impact, it is nevertheless recognised that the port zone is an industrial area, where such an activity would be appropriate.	No change recommended	Not applicable	Not applicable
23. Page 152: In Rule 17-9 what does matter of control (a) "efficient use of the CMA" actually mean and can that phrase be clarified?	Commissioner van Voorthuysen questions from Day One of coast hearings	Rule 17-9	This matter was not discussed as a part of the caucusing meetings held with the Port (refer to Appendix 13). However I consider that it does not add anything to the wording of condition (b) of this rule and therefore consider it should be	Amend Rule 17-9 as follows: Rule 17-9: Control is reserved over: a) efficient use of the CMA	COA 43 (258/4)	COA 43B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			deleted.			
24. Page 171: In Rule 17-27 is the specification of a 3mm aperture size (which derives from fresh water consents) too prescriptive for ocean intakes? Would the original wording provide a better mix of certainty and flexibility?	Commissioner van Voorthuysen questions from Day One of coast hearings	Rule 17-27	By stating the Intake mesh size it is generally easier to enforce compliance. The reason the mesh size is 3mm is to stop Whitebait entering through the mesh (which are found for at least one third of the year in inland coastal waters). In my opinion this is an appropriate condition for a permitted activity rule.	No change recommended	Not applicable	Not applicable
25. Page 175: Why is it recommended that Rule 17-30 refer to 2ha “residential” areas as the stormwater runoff from residential areas here the houses have tiled or painted roofs and contain no heavily trafficked roads (say those in excess of 10000 to 20000 vpd) is relatively benign (apart from litter)?	Commissioner van Voorthuysen questions from Day One of coast hearings	Rule 17-30	The wording of Rule 30 is consistent with that proposed in Chapter 15. The intent was that stormwater being discharged into rivers or into the CMA would be aligned. I consider that this question should be referred to staff preparing reports for the Water Hearing Panel and a consistent decision made accordingly.	Recommendation: Refer this question to the Water Hearing for a decision and seek a consequential change be recommended to Rule 30 in the Coastal chapter should changes be made to the equivalent rule in chapter 15.	Not applicable	Not applicable
26. Page 180: Are the new conditions recommended for Rules 17-33 and 17-34 measurable and enforceable? What value do they add to the existing conditions?	Commissioner van Voorthuysen questions from Day One of coast hearings	Rules 17-33 and 17-34	It is agreed that this would be a difficult term to enforce or measure. However, in my opinion, it has value by clarifying that the use must be carefully targeted and not widely or broadly applied. There is no other condition that constrains the spread of the use of the agrichemicals.	No change recommended	Not applicable	Not applicable
27. Page 184: In Rule 17-37 the term “seismic activity” could mean an earthquake. Would it	Commissioner van Voorthuysen	Rule 17-37	This was simply a mistake when the track changes document was produced. All references should	Refer to Coast Hearing Panel's Preliminary Question 60	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
be better to refer to “seismic exploration techniques or methods”?	questions from Day One of coast hearings		be to “seismic exploration”			
28. Page 197: Why can't the moles be included in the Port Zone?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	In discussions with the Port and other representatives though the pre-hearing meetings, it was clear that the issue relating to the moles was about repair and maintenance. As this is already provided for as a permitted rule, it was agreed that the moles did not need to be included in an extended port zone. Inclusions of the moles into a port zone would have involved a significant extension to the zone. In my opinion, this was not appropriate, as it would not have enabled other parties to comment on such an extended zone. In addition, extending the port zone in the CMA would have had impacts on associated land uses.	No change recommended	Not applicable	Not applicable
29. Page 9: With regard to the recommended new Objective 9-3 are there any areas in the cma in this region where the water quality is degraded and in need of enhancement? If so, how would one actually go about enhancing that water quality – namely how would the Objective be implemented?	Commissioner van Voorthuysen questions from Day One of coast hearings	Objective 9-3	The discussion and recommended changes in Appendix 6 provide a more specific outline of how this objective would be implemented. The water quality values and standards will assist in identifying where water quality is degraded and could be improved through management of discharges. The intent was to align this objective with the Water chapter, in recognition of the significant	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			influence that the river waters have on the CMA. Refer to recommended changes in Appendix 6.			
30. Page 10: Would the recommended addition to 9.7.2 read better if it said "Maintaining or enhancing water quality	Commissioner van Voorthuysen questions from Day One of coast hearings	section 9.7.2	Refer to recommended changes in Appendix 6. A further expansion of the explanation has been provided to better reflect the inclusion of a new objective and policy. In my opinion maintain and enhance is a useful addition to the wording, but I also consider that the comment about compatible management is also important.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
31. Page 13: Should Rule 17-39 also refer to Sections 14(2), 15(1) and 15(2) of the Act?	Commissioner van Voorthuysen questions from Day One of coast hearings	Rule 17-39	This has been clarified in recommended changes resulting from the panel's preliminary question 61.	Refer to Coast Hearing Panel's Preliminary Question 60	Not applicable	Not applicable
32. Page 15 and 16: Shouldn't the RCP have a historic heritage register or listing of sites contained within it now or at least as soon as possible?	Commissioner van Voorthuysen questions from Day One of coast hearings	general clarification	This matter was discussed at the time of developing the POP and it was decided that the information would be collected through the Coastal Information Method provided for in Chapter 9.	No changes recommended	Not applicable	Not applicable
33. Page 15: Would the recommended change to Table 17-1(j) read better if it said "In the event of the discovery or	Commissioner van Voorthuysen questions from	table 17.1	I agree that this wording would simplify the clause.	Amend Table 17-1(j) to read In the event of the discovery or disturbance of an archaeological	COA 66	COA 66B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
disturbance of an archaeological site, waahi tapu or koiwi remains while ..."	Day One of coast hearings			site, or 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.		
34. Schedule H: What is the relationship between the numerical water quality standards in Schedules H9 and H11 and the water quality parts of Table 17.1? Which takes precedent?	Commissioner van Voorthuysen questions from Day One of coast hearings	Schedule H	Table 17-1 applies to permitted and controlled activities. In the event that the activity cannot meet the conditions in the Table then it would fall under the discretionary activity rule. In considering a consent under that rule the decision-making criteria now refer to the Water quality standards. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
35. Table 17.1: It appears that parts of Table 17.1, which are drafted in absolute terms, would nullify the Permitted Activity and Controlled Activity rules where the Table is cited. How should this problem be overcome?	Commissioner van Voorthuysen questions from Day One of coast hearings	Table 17.1	This was not the intent of the Table. To address this matter the specific provisions of Table 17-1 that relate to each rule have been specified in the rule. In my opinion it is appropriate for them to be written as absolutes as they relate to permitted and controlled activities. Refer to recommended changes in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
Panels subsequent questions from Day one of coast hearings						

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
1. p171 para 4.51.2 – why does this relate to discharges and not takes	Councillor Lynne Bailey	Officers report	<p>Table H2 identifies that “life-supporting capacity” is one of the values associated with the ecosystem. The management objective stated for meeting this value is that “the waterbody supports healthy aquatic life/ ecosystems”.</p> <p>Sections 14(1) and (2) RMA state restrictions for “take, use, dam, divert” water including open coastal water. Section 15 (1) RMA states restrictions on discharges.</p> <p>In my opinion any person taking and using water from the CMA would not affect “healthy aquatic life or ecosystems” provided the rate of the take did not inadvertently “capture” organisms. If the water taken and used is unaltered when it is discharged there would be no effect on the water. However if it is used and becomes contaminated in that process then discharged back to the CMA, then the life supporting capacity may be affected. On this basis, in my opinion, life supporting capacity does not need to be applied as a condition for any activity involving take and use, but is more appropriately added to discharge rules.</p>	No change required.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
2. re: use of terms waahi tapu and koiwi – doesn't an object include being found within a site.	Commissioner Che Wilson	general clarification	Having read the explanation in of terms in the "End of Hearing Statement of Helen Marr for the Te Ao Maori Hearing", I agree that koiwi would be located within a site.	Amend Rule 17-30(f) as follows: The discharge shall not be to any archaeological site, waahi tapu or koiwi remains as identified in any 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.	COA 68A	COA 68B
				Amend Table 17-1(i) as follows: The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any 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	COA 67A	COA 67B
3. do coast care groups include iwi	Commissioner Che Wilson	chapter 9 - methods	In my opinion coast care groups would include iwi. It is noted that the Coast Care Method does not specify this. However there does not appear to be a submission that would enable iwi to be specifically included.	No change required.	Not applicable	Not applicable
4. what's the difference between using "Maori cultural values" and "tikanga"	Commissioner Che Wilson	general clarification	An overview of Glossary and Definitions used in Chapter 4 Te Ao Maori was provided in the "End of Hearing Statement of Helen Marr for the Te Ao Maori hearing".	Amend second sentence of Issue 9-2 to read: However, the coast is valued and enjoyed by people primarily for its natural character, open space,	COA 7 (180/52)	COA 7B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			<p>The RMA defines in s2 Tikanga Maori as “Maori customary values and practices”.</p> <p>In light of both of these, I consider that there should be a consistent use of terms through between Chapter 4 and the coastal chapters 9 and 17.</p>	<p>amenity, <u>tikanga</u> and recreation values and Maori cultural and traditional values.</p> <p>Amend policy 17-4(e) as follows:</p> <p>the avoidance, as far as practical, of any adverse effects on natural character and landscape, <u>tikanga</u> Māori cultural values, historic heritage values, indigenous flora and fauna and the stability of riverbanks and the foreshore</p> <p>Amend policy 17-6(g) as follows:</p> <p>avoiding any adverse effects on <u>tikanga</u> Māori cultural values or on historic heritage, and mitigating any adverse effects on natural character</p> <p>Amend policy 17-10(d) as follows:</p> <p><u>tikanga</u> Māori cultural values, amenity values, recreational values and public health and safety, and ensuring any adverse effects are avoided as far as practicable</p>		
5. Policy 9-5 – are the amended words consistent with the approach taken within the rest of the POP?	Commissioner Che Wilson	Policy 9-5	As further hearings may also make changes to public access issues, I recommend that this matter should form part of a consistency review after all the Hearings have been undertaken.	Refer to recommended changes as a result of Commissioner van Voorthuysen question 11	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			In the meantime I recommend the following changes to ensure a more consistent approach. Refer to recommended changes as a result of Commissioner van Voorthuysen question 11			
6. para 4 of response to evidence – concern at implication that coast is less important than other 4 key areas	Councillor Annette Main	Officers report	The RMA recognises the importance of coastal matters through a range of provisions. I was seeking to reflect Chapter 1.3 of the POP and did not intend to imply that the coast was an unimportant resource.	No change required.	Not applicable	Not applicable
7. Table 17-1(h) - clarify "vegetated" by what	Councillor Annette Main	Table 17-1(h)	River banks and channel banks pass through a range of vegetation types and are subject to variable river flows. The vulnerabilities of the location (soil type, stability and water flows) influence what species are best to plant. In some instances indigenous species are too slow growing to stabilise a bank. In my opinion there is no need to further define the term "re-vegetated" in this Table.	No change required	Not applicable	Not applicable
8. Table 17-1(e) re: materials placed inside the CMA – should these refer only to "natural materials" being used?	Councillor Annette Main	table 17-1(e)	In my opinion, materials used in the CMA may also need to be man-made. For example, a bridge would require steel and concrete components, pipelines and cableways consist generally of man-made products. The impacts on amenity, natural character or landscape are addressed in Policies 17-4 and 17-5. I consider	No change required	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			that these policies would also address visual effects.			
9. Rule 17-2 – leaves out structures to accompany such events	Councillor Annette Main	Rule 17-2	Structures are referred to specifically under rules 17-6 and 17-14 whereas rules 17-1 to 17-5 refer only to occupation which includes structures but may also include spatial restrictions not involving a structure eg. Aquaculture management area Refer to Coast Hearing Panel's Preliminary Question 33	Refer to Coast Hearing Panel's Preliminary Question 33	Not applicable	Not applicable
10. Rule 17-6(a) "water column" – what is this?	Councillor Annette Main	Rule 17-6(a)	Any structure has a "footprint" on the foreshore or seabed as well as "occupying" space within the water component of the CMA. This area occupied between the seabed and the surface of the water is generally referred to as the water column.	No change required	Not applicable	Not applicable
11. Rule 17-20 – should there be a quantity included? (ie to control person taking and on-selling as a product)	Councillor Annette Main	Rule 17-20	In my opinion there is no need to include a specific limit on quantity. The proposed conditions (a) and (b) limit the quantity that can be removed, based on the expected environmental effects resulting from this activity. No submissions were made on this Rule.	No change required	Not applicable	Not applicable
12. Rule 17-21 – clarify what is "minor"	Councillor Annette Main	Rule 17-21	In my opinion there is no need to include a specific quantity to define "minor". The phrase "minor disturbances" is used as a descriptor to cover the specific	No change required	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			activities listed in the activity column. I consider that each of these activities would have a minor impact on the foreshore or seabed.			
13. Rule 17-21 – should there be a limit on the “amount” of dead stock that can be buried?	Councillor Annette Main	Rules 17-21	In my opinion the limit on the “quantity” is covered by reference to “found in the CMA”. That is, the stock or fauna (eg whales) may have drifted onto the foreshore and the best option from a practical point of view is to bury it on site. The rule is not intended to cover the deliberate transport of stock to the coast in order for it to then be buried. It would not be possible to set a realistic limit as the occurrence and frequency of such burials to date, has not been monitored.	No change required	Not applicable	Not applicable
14. Rule 17-22 - define term beach nourishment – should this specify volumes and frequency?	Councillor Annette Main	Rule 17-22	While the term “beach nourishment” is being more commonly used, it is acknowledged that a glossary term would have been helpful. However as there is no submission on this or any similar point I do not consider that there is scope to make a change.	No change recommended	Not applicable	Not applicable
15. Rules 17-25 & 17-26 – should these rules specify quantities and areas	Councillor Annette Main	Rules 17-25 and 17-26	The area specified for these rules applies to the Protection zones as shown in Schedule H. Rule 17-26 is a restricted coastal activity and the wording and quantity is specified in the NZCPS. Rule 17-25 covers all activities below the	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			thresholds specified in Rule 17-26 excluding those that are already permitted by other rules in the POP. in my opinion these rules do not need to further specify areas of quantities.			
16. Rule 17-29 – does this include “grey water” from ships	Councillor Annette Main	Rule 17-29	In my opinion this Rule would cover “grey water” as it would be covered by activity (a) and/or (b) and would meet condition (a).	No change recommended	Not applicable	Not applicable
17. Rule 17-31 – “reasonable mixing” – what does this mean in a marine environment?	Councillor Annette Main	Rule 17-31	<p>Reasonable mixing is not defined in s2 of the RMA but is used in s107 in relation to discharge permits. The POP definition of reasonable mixing is specifically defined in terms of rivers and streams (surface waters).</p> <p>The NZPCS uses the term “mixing zone” and defines this as the area within which ‘reasonable mixing’ of contaminants from discharges occurs in receiving waters and within which the relevant water quality standards do not apply”.</p> <p>A case-by-case decision on “reasonableness” would depend on location, currents, wave action, and tidal influences in particular. In my view, it would not be possible to state one set of criteria to define “reasonable mixing” for the CMA. However to address the gap in the definition it is recommended that a further</p>	<p>Amend glossary definition of reasonable mixing by adding to the end:</p> <p>Reasonable mixing in relation to the discharge of contaminants into coastal water, means a distance for reasonable mixing determined as appropriate for a consent application.</p>	COA 38	COA 38B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			definition be added into the glossary. In addition, in my view it is not a suitable phrase to include in a permitted activity rule as there is no certainty.			
18. Rule 17-31 – should this occur in a protection zone?	Councillor Annette Main	Rule 17-31	The values of significance in the protection zones are identified in Schedule H (Table H1). In my opinion the environmental effects resulting from rule 17-31 would not adversely affect these values and as such would not need to be addressed as a different rule status (from the other zones). No submission was received that would provide for this Rule to be limited to the Port and General zones.	No change recommended	Not applicable	Not applicable
19. Rules 17-33 & 17-34 – should food gathering areas and contact recreation areas be included?	Councillor Annette Main	Rule 17-33 and 17-34	Re: rule 17-33: in my opinion it would not be possible to define “food gathering” or “contact recreation” areas in sufficient detail in order for them to be included into this permitted activity rule. Under condition a) the target species must be identified in the pest management strategy. If the species have been identified, I assume that it may also be impacting on food gathering and/or contact recreation areas. In this situation these uses of the CMA may be the primary reasons why the “pests” need to be controlled.	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			Re: Rule 17-34 – while this is a controlled activity, the discussion of the location of the pest species in relation to food gathering and recreation areas would also apply.			
20. Rule 17-37 – what about cruise ships/ noisy parties/ restaurants – should they be permitted activities?	Councillor Annette Main	Rule 17-37	In my opinion, noise in the CMA does not occur without an associated activity. Boating activities could generate noise complaints, however in my view s16 RMA (Duty to avoid unreasonable noise) would be more useful for enforcement than a rule in this plan. Fixed restaurants in the CMA would be a discretionary activity and are not covered by this permitted rule. (Refer also to the following Questions 21 and Coast Hearing Panel's Preliminary Question 8)	No change recommended	Not applicable	Not applicable
21. Should there be noise standards for the port zone? eg should the same standards applied in District Plans be used?	Councillor Annette Main	general clarification	In my opinion it is not necessary to specify noise standards for the port zone. The noise generated at a port is primarily from landward activities such as loading/unloading. Provisions under the Maritime Transport Act control engine testing and the use of sirens etc. (Refer also to the previous Questions 20 and Coast Hearing Panel's Preliminary Question 8)	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
22. Rule 17-38 – does this rule allow planting of species already present?	Councillor Annette Main	Rule 17-38	This rule does not cover planting of species in the CMA where they already exist. The rule covering such plantings would be the default rule 17-39.	No change recommended	Not applicable	Not applicable
23. Objective 9-2 – what are “sensitive areas” and why are they sensitive?	Councillor Annette Main	Objective 9-2	In respect of “sensitive “ areas, the protection areas are clearly sensitive and the values of significance are specified in Table H1. However there may be other sensitive areas that may not need the level of protection accorded to the protection zones, but never the less should be considered by decision makers.	No change recommended	Not applicable	Not applicable
24. Policy 9-4(a) “functional need” – is this necessary and does it need to be defined?	Councillor Annette Main	Policy 9-4(a)	<p>“Functional need” draws on the NZCPS Principle 1 that states: “...Functionally certain activities can only be located on the coast or in the CMA.” The “proposed” NZCPS under Policy 16(c) states: “... recognise that activities that do not, by nature, require location in the CMA, generally should not be located there.”</p> <p>In my opinion both these statements inform the intent behind the words “functional need”. That is, the “need” is focused on the “functioning” of the activity not on any associated social, economic or cultural needs. In my view the term does not require a definition.</p>	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			No submission was made on this part of Policy 9-4.			
25. Re the Supplementary report: para 4 – to what extent had staff looked at future trends?	Councillor Jill White	Officers supplementary report	Through the review of the operative coastal plan and through the development of the POP, consideration was given to future trends and changes that could impact on the CMA. In addition, the NZCPS review involved background work on future trends and issues occurring or anticipated across different regions. This work was also considered in the development of the POP.	No change recommended	Not applicable	Not applicable
26. How much leadership should HRC give in relation to coastal “environment” issues?	Councillor Jill White	general clarification	Refer to recommended changes in Appendix 2 In my opinion the recommended changes to the chapters indicate the appropriate level of leadership that should be provided. Refer also to comments provided in response to Commissioner van Voorthuysen question 9	No change recommended	Not applicable	Not applicable
27. Has the chapter given sufficiency recognition to Cumulative effects especially in relation to discharges (submitted on by iwi and others) - any further comments on this?	Councillor Jill White	general clarification	Section 3 RMA defines “effects” to include (among other matters) d) any cumulative effect which arises over time or in combination with other effects.... In my opinion, whenever adverse effects are referred to in the POP, it includes the concept of	Amend Policy 17- 10 by adding a new clause (ea) as follows: <u>(ea) whether the discharge contributes to cumulative adverse effects within the CMA.</u> Amend Policy 17-11 by adding a new clause (ea) as follows: <u>(ea) whether the discharge</u>	COA 2 (424/3)	COA 2B

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			cumulative effects. Notwithstanding this, policies 17-2 (occupation) and 17-4 (new structures) make specific mention of cumulative effects to ensure they are specifically considered. I consider that it would be appropriate to include a reference to cumulative effects in Chapter 17 policies relating to discharges, in response to Submitter 424/3 under COA 2. Discharges are a key activity in the CMA which could result in cumulative degradation.	<u>contributes to cumulative adverse effects within the CMA.</u>		
28. Clarify use of terminology coast/ coastal marine area/ coastal environment	Councillor Jill White	general clarification	Refer to discussion in Appendix 2	Refer to recommended changes in Appendix 2	Not applicable	Not applicable
29. Re: p6 – human sewage – where has this been addressed in the plan?	Councillor Jill White	general clarification	On page 9 of the supplementary report the officer outlines that she is in agreement with Mr Watts regarding the recognition of discharges of human sewerage into the CMA. As a result Policy 9-5A is recommended (see page 10) which states that "policy...6-11 shall be read as applying to the CMA". Further to this Sewage has been specifically addressed in Policy 17-11 and Rule 17-35. The default Rule 17-39 would otherwise apply.	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
30. p7(evidence) – COA 60 – is the right cross reference used and what does this change mean?	Councillor Jill White	Officers report	Cr White has correctly pointed out that “COA 60” is the incorrect reference and it should be “COA 61”	No change recommended	Not applicable	Not applicable
31. p12 para 55 and para 62 – is numbering correct? (g/f and b/aa)?	Councillor Jill White	Officers report	Cr White has correctly pointed out that the numbering is incorrect in the officers supplementary report. However these errors have been corrected in the “pink” version of the track changes.	No change recommended	Not applicable	Not applicable
32. p13 – para 58 & 59 – where are the changes?	Councillor Jill White	Officers report	<p>The changes outlined in paragraph 58 have been correctly reflected in the ‘pink’ version of the track changes.</p> <p>The changes outlined in paragraph 59 were still ongoing at the time of printing of the supplementary report. Please see appendix 13 for changes as a result of expert caucusing.</p>	No change recommended	Not applicable	Not applicable
33. para 9-1 – the chapter has 2 strands – should this be 3 given the water quality standards?	Councillor Jill White		In my opinion, the chapter only has two strands. I agree that the water quality provisions had not been well embedded into the chapter and this has been clarified through a range of changes.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
34. para 9-5 – Objective 9-2 – use consistent terminology – CMA vs coastal environment	Councillor Jill White	Objective 9-2	Refer to discussion in Appendix 2	Refer to recommended changes in Appendix 2.	Not applicable	Not applicable
35. Policy: 9-2(a) “extension” - should this refer to water quality?	Councillor Jill White	Policy 9-2(a)	In my opinion, water quality should be addressed in a stand alone manner. In considering the use of the term “zone”, I considered that it was being used for two different	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
			functions. I have therefore recommended a change in wording which should clarify this matter. Refer to recommended changes in Appendix 6.			
36. Policy 9-4(c) - reconsider the wording at the end of the policy – should the last para be deleted?	Councillor Jill White	Policy 9-2(c)	In my opinion the wording conveys an important message and should be retained. However alternative wording for this has been provided in response to Commissioner van Voorthuysen question 3	Refer to recommended changes as a result of Commissioner van Voorthuysen question 3	Not applicable	Not applicable
37. Table 17-1(i) compared to (i) – should the word “site” be added to (i)?	Councillor Jill White	Table 17-1	Yes the word “site” should be added after ‘waahi tapu’ in (i) to ensure consistency with (j)	Add the word “site” after ‘waahi tapu’ in table 17-1 (i)	Clarification (First Schedule cl 16(2))	COA 82B
38. para 17-1 – amend cross reference to Schedule “D”	Councillor Jill White	Paragraph 17-1	Refer to discussion in Appendix 6.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
39. does Table 17-1 dominate over the WQ standards in Schedule H?	Commissioner van Voorthuysen	Table 17-1	Refer to recommended changes as a result of Commissioner van Voorthuysen question 35 and discussion in appendix 6	Refer to recommended changes as a result of Commissioner van Voorthuysen question 35 and recommended changes in Appendix 6	Not applicable	Not applicable
40. how do WQ standards apply to rules?	Commissioner van Voorthuysen	general clarification	I agree that the water quality standards were not well linked into the chapter. Recommended changes have made a link into the relevant policies in Chapter 17.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
41. Is the term “water body” appropriate in Schedule H?	Commissioner van Voorthuysen	general clarification	In my opinion it is not appropriate. Refer to discussion under paragraphs 21 – 25 of the Introductory Statement and Supplementary Recommendations of Robin Britton for the Coast Hearing.	Refer to recommended changes in Appendix 6.	Not applicable	Not applicable
42. Table H2 – shellfish gathering/ harvesting – should	Commissioner van	Schedule H	On advice of the water scientist, it was considered to be appropriate	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
this category apply to the whole CMA?	Voorthuysen		to the whole CMA. While shellfish may only locate in the near shore or low water depth areas, it nevertheless sets an appropriate water quality standard to “maintain or enhance” the quality for all waters.			
43. what is the process for defining SOS-C?	Commissioner van Voorthuysen	Schedule H	Iwi need to inform us where the sites are – until such time we can not locate them.	No change	Not applicable	Not applicable
44. What is Table H4 telling us? how does it link to the rules? would adding explanatory notes help the reader? if it is underpinning information – should it be deleted in total and added into the s32 report?	Commissioner van Voorthuysen	Schedule H	These questions will be referred to the staff preparing for the Water hearing, for their consideration. Any explanatory material or removal of it into the s32 report would need to be applied consistently between the chapters.	Refer to water hearing for consideration	Not applicable	Not applicable
45. p160 – re: prohibited activities – how do those reasons fit with 11-1(h) on p11-11?	Commissioner Joan Allin	Prohibited Rules	Refer to answers given in response to the Coast Hearing Panel's Preliminary Question 28 and Commissioner van Voorthuysen question 21	Refer to Appendix 11	Not applicable	Not applicable
46. are the prohibited rules in the coast chapter categorised in accordance with this policy?	Commissioner Joan Allin					
47. P190: re: definition – which hearings panel should be making a decision on this?	Commissioner Joan Allin	Officers report	Staff acknowledge that this submission point should have been summarised into the land chapter. A cross referencing recommendation will be prepared to ensure it is considered by the appropriate Hearing Panel.	Recommend to the Land Chapter Hearing Panel to consider:	Not applicable	Not applicable
48. page H-24 pink version – Table H7A – why is this highlighted in blue?	Commissioner Joan Allin	track changes document	This Table was inadvertently omitted when the transfer between Schedule D and Schedule H was initially recommended.	No change recommended	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
49. para 49 – (a) check the use of the wording “on the open coast” vs use of “MHWS” (ie legal interpretation of CMA and MHWS)	Commissioner Joan Allin	general clarification	Refer to the Chairs question 10.	No change recommended	Not applicable	Not applicable
50. para 24 Table H2 – this doesn’t match D1 – clarify whether any new information was created?	Commissioner Joan Allin	Table H2	The intent had been to carry across the information and any changes would be considered in particular by the Water Hearing Panel. Some minor adjustments were made for clarity and appropriateness for coastal waters.	No change recommended	Not applicable	Not applicable
51. Table 17-1 re: drilling fluids – does life supporting capacity apply to the entire CMA? If so, many of the permitted rules allow for consequential discharges but (b) states “no contaminants” does this nullify all permitted rules?	Commissioner Joan Allin	Table 17-1	<p>Commissioner Allin has correctly pointed out that table 17-1 and some of the rules are in conflict.</p> <p>Table 17-1 which applies to all of the CMA specifically states no discharge of contaminants other than sediment or contaminants inherent to the water or bed whereas some rules allow for discharge of contaminants with no restrictions on the ‘type’ other than being associated with the activity eg. Rule 17-8.</p> <p>Refer also to answers given in response to the Coast Hearing Panel’s Preliminary Questions 30, 31 and 32</p>	<p>It is recommended that table 17-1(b) is amended as follows:</p> <p>(b) There shall be no discharge of contaminants, other than sediment and other contaminants inherent to the water or bed, into the coastal marine area <u>except where the discharge is allowed by a rule in this chapter.</u></p>	COA 38 (372/173)	COA 38B
52. Are the statements in Table 17-1 too absolute – do they lead to nullifying all the permitted rules?	Commissioner Joan Allin	Table 17-1	Refer to the response given to Commissioner van Voorthuysen question 36	Refer to recommended changes in Appendix 6	Not applicable	Not applicable

Matter	Raised by	Topic	Comment	Recommendation	Jurisdiction/ scope?	Recommendation number
53. Rule 17-2 – would this allow someone to take over the whole river? should the rule have some constraints built into it?	Commissioner Joan Allin	Rule 17-2	In theory the whole river could be “closed” for an event. However the activity column of the rule places limits on the timeframe and the reasons for the event. Any such event would also be subject to the HRC Navigation Safety Bylaws or Part 91 Maritime Transport Act. In my opinion no further constraints for this activity are required.	No change recommended	Not applicable	Not applicable

Appendix 1

In response to ‘Coast Hearing Panel’s Preliminary Question 1’. There seem to be gaps in recommendations on pages 23, 24, 136, 137, and 167. Should page 61 (464/6) be “Accept in part”, because presumably the power of veto is not accepted?

Officers answer:

Recommendations for the following submission points were accidentally left out of the officer’s report for the coast hearing:

COA 2 – Coastal General (Page 23/24)

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	172	<p>Include provisions within the plan to give effect to policies 5.1.1 and 5.1.4 of the NZCPS as follows (or to like effect):</p> <p>Objective:</p> <p>To maintain and enhance the quality of coastal water by avoiding, remedying or mitigating the adverse effects of contaminants discharged to the coastal marine area.</p> <p>Policy:</p> <p>Discharges of contaminants or water to the coastal environment shall provide for the management objectives and values set out in Tables D1 and D2 and improvements in water quality in the coastal environment will be promoted in those coastal waters which do not adequately provide for the values set out in Tables D1 and D2 and the relevant standards applying to them.'</p> <p>Include appropriate rules and other methods in the plan to give effect to the above objective and policy.</p>	<u>Accept in part</u>
TE RUNANGA O RAUKAWA INC	424	3	Objectives, Policies and Methods	<u>Accept in part</u>

Submitter	Number	Point	Decision Sought	Recommendation
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			We seek decisions from Horizons when considering submissions on these objectives, policies and methods outlined in Chapter 9 (coast) that are consistent with reducing the impact of the accumulative nature of discharges and the serious impact on the coastline and waterways because of the movement of coastal currents on the coastal areas within the Ngati Raukawa tribal boundaries from Rangitikei River to the Kukutauaki Stream south of Te Horo.	
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These submission points should have been accepted in part as reflected in section 4.2.3 of the officers report.

COA 38 – Chapter 17 Table 17.1 Standard conditions for permitted and controlled activities in the coastal marine area (Page 136/137)

Submitter	Number	Point	Decision Sought	Recommendation
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MINISTER OF CONSERVATION	372	173	For certainty state, in Table 17-1 Value description, a reference to the CMA in Tables D1 and D2, or otherwise clarify that Table 17.1 life supporting capacity includes the values applied to the CMA, including the lower reaches of rivers in the CMA, as shown in Tables D1 and D2.	<u>Accept in part</u>
			Revise the values applied to lower reaches of rivers which are in the CMA, as shown on Schedule H, and the values applied to the CMA, with a view to rationalisation and removal of ambiguity.	
	X 511	519	TRUST POWER LIMITED – Oppose	<u>Accept in part</u>

These submission points should have been accepted in part as reflected in section 4.38.3 of the officers report.

COA 50 – Chapter 17 Rule 17-24 Large-scale disturbances, removal and deposition excluding protection zones, Rule 17-25 Small to medium-scale disturbances, removal and deposition in protection zones, Rule 17-26 Large-scale disturbances, removal and deposition in protection zones (page 167)

Submitter	Number	Point	Decision Sought	Recommendation
MERIDIAN ENERGY LIMITED	363	190	Meridian opposes Rules 17-25 and 17-26 and requests the following amendments or similar: Re-classify Rule 17-25 and 17-26 as discretionary activities within the protection zones. Any consequential amendments necessary to give effect to this submission	<u>Reject</u>

This submission point should have been rejected as reflected in section 4.50.3 of the officers report.

COA 14 – Chapter 9 Policy 9-3 Aquaculture zones (Page 61)

Submitter	Number	Point	Decision Sought	Recommendation
AOHANGA INCORPORATION	464	6	Te Hika a Papauma would need to be consulted and would reserve the 'power of veto' to any such plans in their coastal area.	Accept <u>Accept in part</u>

The Chair has correctly pointed out that council would not allow the power of veto to given to a group. The council does however accept that consultation should take place before an aquaculture zone is allowed as noted in section 4.14.2 of the officer's report.

Other mistakes noted by officer:

It was also noted by the officer that submission 372/197 was not answered and should be corrected as follows:

COA 50 – Chapter 17 Rule 17-24 Large-scale disturbances, removal and deposition excluding protection zones, Rule 17-25 Small to medium-scale disturbances, removal and deposition in protection zones, Rule 17-26 Large-scale disturbances, removal and deposition in protection zones

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	193	Delete the word 'marine' from the description of the activity in these rules.	<u>Accept</u>

The following submission was also noted to have been entered incorrectly and should be changed as follows:

COA 18 – Chapter 9 Method Coastal Management Forum

Submitter	Number	Point	Decision Sought	Recommendation
	X 511	377 8	TRUST POWER LIMITED – Support	Reject

The following submissions have been entered twice under the following heading:

COA 50 – Chapter 17 Rule 17-24 Large-scale disturbances, removal and deposition excluding protection zones, Rule 17-25 Small to medium-scale disturbances, removal and deposition in protection zones, Rule 17-26 Large-scale disturbances, removal and deposition in protection zones

Submitter	Number	Point	Decision Sought	Recommendation
	X 492	337	MINISTER OF CONSERVATION - Oppose	Accept
	X 492	338	MINISTER OF CONSERVATION - Oppose	Accept

It should be noted by the panel that X492/337 is in relation to 363/189 and X492/338 is in relation to 363/190.

Appendix 2: Scope of Coastal Chapters of the POP: Coastal marine area/coastal environment

A number of submitters and the Hearing Panel through the questions it raised, sought clarification of the scope of the coast chapters 9 and 17: in particular the coastal marine area (CMA) as opposed to the coastal environment (CE).

This paper sets out:

- definitions relating to the coast
- to discuss the intent of the respective chapters
- recommended changes to the respective chapters to clarify this intent.

2.1 Definitions:

s2 RMA definitions that underpin the following discussion:

Coastal Marine Area (CMA)

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 shall be whichever is the lesser of---

(i) 1 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 5

Mouth

Mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the 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

- (e) *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 shall not be changed in accordance with Schedule 1 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

“**Coastal Environment**” is not defined in the RMA, nor in the 1994 NZCPS. A definition had been included into the draft of the 1994 NZCPS but was removed by the Board of Inquiry process. The 2008 proposed NZCPS includes as policy 1, guidance on what should be included:

Policy 1 The coastal environment

In promoting the sustainable management of the coastal environment, policy statements and plans shall recognise that the coastal environment includes, at least:

- (a) the coastal marine area;*
- (b) land and waters where coastal qualities or influences are a significant part or element;*
- © land and waters affected by active coastal processes;*
- (d) areas at risk from coastal hazards;*
- (e) coastal vegetation and habitat; and*
- (f) landscapes and features that contribute to the natural character, visual qualities or amenity values of that environment.*

The 1994 NZCPS used the terminology CE to include the CMA plus a landward area which is defined on a local basis (generally using the criteria from the original draft of the 1994 NZCPS which was not dissimilar to the above proposed policy). In my view the 1994 NZCPS provided guidance to the Councils on defining the CE for land use activities including subdivision.

Within the Horizons region, most of the development pressures being experienced at the coast are related to subdivision. During consultation the Districts were clear that they wished to retain control over this part of the CE. It was also discussed during the consultation phase that the land use or subdivision pressures are not significant nor are they affecting all Districts.

Wording in many of the policies of the existing and proposed NZCPS state "policy statements and plans shall..." The NZCPS must also be given effect to by the RPS, the Regional Plan, the Regional Coastal Plan and the District Plan. (Refer RMA ss 62(3), 67(3), 75(3).) In my opinion, that means that each of these documents contribute to implementing the NZCPS.

2.2 Intent of Chapter 9: RPS

2.2.1 Intent

The focus of chapter 9 was intended to be clearly on the CMA. However it also intended to recognise that there was a need for integrated management across the line of MHWS. It was not intended to provide policy guidance on how this management of the landward CE was to occur. In the context of the POP, policy guidance on matters of HRC functions and responsibilities were to be addressed in other chapters of the POP. For example, management of dunes is addressed in the land chapter.

Through the consultation phase on this chapter, District Councils and HRC decided that the focus should be on the CMA and not on trying to provide policy guidance to District Councils on land use matters. Some of the reasons for this included:

- recognition that the NZCPS was under review (note the proposed document was not released until February 2008 whereas the POP was proposed in May 2007).
- recognition that the Districts were equally bound to give effect to the NZCPS and that this provided a raft of land use policy guidance.
- recognition that coastal issues were not identified as being one of the big four areas of focus for HRC in the coming 10 years
- District staff advised that growth projections from Districts did not anticipate an increase in coastal settlements in the next 10 years

Chapter 9 included an advocacy method which is clearly aimed at integration between the CMA and the CE. In my opinion this method provides a clear leadership opportunity for HRC to become involved in issues that cross the boundary of MHWS and that within the POP as a whole there is a range of policy directions that would support that advocacy role.

2.2.2 Extension of Intent

In considering whether the scope of this chapter should be extended to more specifically address the landward CE, the following aspects have been considered:

- **open and transparent process:** Schedule 1 RMA sets out the process for preparing a policy statement or plan. In my opinion, the relief sought in submissions may be included into the POP in a re-worded manner provided the intent of the relief sought is retained, however any such re-wording cannot go so far as to include new matters.

In my opinion, the inclusion of additional policy guidance to provide a comprehensive approach to managing the CE is not appropriate in terms of meeting an open and transparent process. I believe that all submitters should have the opportunity to comment on such changes (which in my view would require introducing new information into the chapter).

- **NZCPS:** the proposed NZCPS is currently subject to Board of Inquiry hearings and is expected to be reported back in early 2009.

Of particular note is proposed policy 13 which would require HRC and District councils to amend their planning documents to give effect to the NZCPS no later than 5 years after the date of gazettal. As it currently stands the proposed NZCPS has a significantly high level of expectation for Councils to gather area specific information and develop subsequent policy guidance. In the event of the proposed NZCPS being gazetted in a similar scope and format, this would lead to a significant workload in coast issues for the future. It is therefore expected that the Coast chapters may need to be reviewed to give effect to the NZCPS within a shorter timeframe than would otherwise have been expected.

In my opinion, if the Panel determines that the Coast chapters are so deficient that further work is required, then it would be more appropriate to delay such work until the proposed NZCPS has been finalised.

- **District Council submissions:** The District Councils that submitted on the Coast chapters of the POP included: Horowhenua (hazards issues); Whanganui (port issues) and Manawatu (seeking clarification that chapter related to CMA).

In my opinion, while there is support to clarify aspects of Chapter 9 and some rules, there was no consistent approach from District Councils to seek additional policy guidance on the coastal environment. I believe this reflects the consultation undertaken during the plan preparation.

- **Other Key Submissions:** Other submitters commenting on the CMA vs CE issues included: energy industry submitters (landscape, natural

character and infrastructure location), conservation board (water quality impacts from land uses) and Iwi groups (consistent management between the CMA and CE)

In my opinion, there were no substantive requests for additional policy guidance on subdivision and land use issues.

- **POP philosophy** – The underlying philosophy of the POP was to provide for integrated management without the need for repetition between chapters.

2.2.3 Overall Recommendation on Scope of Chapter 9

In light of the above discussion in my opinion Chapter 9 should be focused specifically on the CMA as was intended. However it should also make it clear what other chapters of the POP relate to the CMA and/ or the landward CE.

2.2.4 Overview of Recommended Changes to Chapter 9:

When considering this chapter in light of the CMA/ CE discussion above and the questions raised by the Hearing Panel, changes that have been recommended to this Chapter include:

- clarification of wording to reinforce the intended focus on the CMA
- improved cross referencing to the specific policies of equal relevance to the CMA
- clarification that matters affecting the landward component of the CE are addressed in other POP chapters.

2.3 Intent of Chapter 17: RCP

This chapter is focused specifically on the CMA.

As the RCP is approved by the Minister of Conservation it is preferable that the RCP is as self-contained as possible while also contributing to the integrated nature of the POP. Therefore the approach I have taken in this chapter is to cross link to important policies in other chapters of the POP that would also apply in the CMA. In this way, there is limited overlap or repetition within the RCP. For example, water quality issues in particular were moved into the RCP chapter to better clarify this approach, while natural character and biodiversity chapters were written to be inclusive of the coastal environment.

Chapter 17 was also developed in a way to ensure integration and consistent approaches to activities where appropriate. For example stormwater – technically HRC considered that the environmental effects of such discharges into rivers were the same as into the CMA.

2.3.1 Overview of Recommended Changes to Chapter 17:

When considering this chapter in light of the CMA/ CE discussion above and the questions raised by the Hearing Panel, changes that have been recommended to this Chapter include:

- inclusion of water quality values and standards
- improved cross referencing to other appropriate policies to improve integration (particularly natural character and biodiversity)
- deletion of cross referencing to other rules of the POP and replacement with the specific conditions applicable
- deletion of references to District plans in some rules

2.4 Specific Recommendations

The following recommended changes are made to implement the above recommended approaches:

Amend section 9.1.1 as follows: (All changes - COA 12B, 340/75)

This chapter addresses the coastal marine area (CMA) alone. The CMA is defined in the Resource Management Act 1991 (RMA) as the area from mean high water spring (MHWS) ~~out~~ seaward to 12 nautical miles, and includes the foreshore and seabed, the water column, the air space above the CMA and estuarine areas, beaches and salt marshes. The boundaries of the CMA where it crosses rivers are shown (and defined) in Schedule H: Part A. ~~Although the CMA has a defined jurisdictional boundary, there is a need to ensure integrated management with activities occurring in coastal areas landward of the CMA (that is, the wider coastal environment) as they strongly influence the coastal resources.~~

The CMA is managed by the Regional Council in conjunction with the Minister of Conservation, who is responsible for preparing the New Zealand Coastal Policy Statement (NZCPS). The NZCPS sets the national framework for managing the coastal environment resources, including what types of activities in the CMA are “restricted coastal activities”. Restricted coastal activities are generally activities that are expected to have a significant impact on the coast. The Minister makes final decisions on restricted coastal activity consents. Regional policy statements, regional plans and district plans must give effect to the New Zealand Coastal Policy Statement.

The coastal environment comprises the CMA and an area landward of MHWS, where coastal qualities or influences predominate. The landward component of the coastal environment is managed by both the Regional Council and Territorial Authorities. Territorial Authorities control land-use activities inland from MHWS the mean high water spring line, through their district plans. The Regional Council manages activities landward of MHWS its landward responsibilities in the coastal environment through ~~the~~ other chapters of this Plan.

Although the line of MHWS separates the statutory functions of regional and district councils it is necessary to ensure integrated management in the coastal environment.

This chapter has two strands:

- (a) It contains objectives, policies and methods for managing activities that occur in the Region’s CMA and (including structures, disturbances to the seabed and discharges of contaminants).

- (b) It ~~identifies the need for~~ ~~seeks to ensure that there is an~~ integrated management framework across the landward boundary of the coastal ~~environment~~ ~~marine area~~.

Other chapters in this Plan also contribute to the management of the landward coastal environment, in particular:

- ~~Chapter 3 – Infrastructure, Energy and Waste (which provides for consistent management of related activities in the coastal marine area)~~
- ~~Chapter 4 – Te Ao Māori~~
- ~~Chapter 5 – Land (which includes land-use controls on dune country and vegetation clearance)~~
- ~~Chapter 6 – Water (which focus on improving water quality in rivers and streams, having a direct impact on water quality in the coastal marine area)~~
- ~~Chapter 7 – Living Heritage (which addresses indigenous biological diversity and landscapes)~~
- ~~Chapter 8 – Air (which manages air quality through controls on discharges)~~
- ~~Chapter 10 – Natural Hazards (which addresses the effects of natural hazards along the line of mean high water spring).~~

Amend first paragraph of 9.1.2 as follows: (All changes - [Clarification \(First Schedule cl 16\(2\)\)](#))

The Manawatu-Wanganui Region's ~~east~~ [CMA](#) includes parts of both the west coast and east coast of the North Island (Figure 9.1) and approximately 3,000 km² of surface coastal water.

Amend parts of Section 9.1.3 as follows: (All changes - [Clarification \(First Schedule cl 16\(2\)\)](#))

The ~~eastlines~~ [area](#) of the Manawatu-Wanganui Region [landward of MHWS](#) ~~does~~ not face the same level of coastal development pressures experienced in most other regions of New Zealand.

- There are new demands and technology, such as aquaculture and “energy farms”, ~~that~~ [are](#) seeking to locate in the CMA.

Although these issues exist, the approach taken in this chapter is simple and enabling, given the low level of pressures and demand for activities within the ~~coastal marine area~~ [CMA](#). The key objective in managing the CMA is to ensure that the natural character and ecosystem processes ~~of the east~~ are retained while still allowing activities and development to progress. This chapter also recognises that most activities and pressures on the ~~eastline~~ [CMA](#) result from landward uses and development, ~~and linkages are therefore made to other chapters of this Plan~~. Part II of this Plan (which includes all regional rules) seeks to ensure that activities are regulated in a consistent manner across the boundary of [MHWS](#) ~~the CMA~~ as much as possible.

Consequential amendments: (All changes - [Clarification \(First Schedule cl 16\(2\)\)](#))

To ensure consistent use and format: **Replace** all other references (in Chapter 9 and Chapter 17 and Schedule H) of ~~mean high water springs~~ or ~~mean high water spring~~ with [MHWS](#)

To ensure consistent use and format: **Replace** all other references (in Chapter 9 and Chapter 17 and Schedule H) to ~~coastal marine area~~ with CMA.

Amend Issue 9-1 as follows:

Issue 9-1: ~~Integration between the coastal marine area and the wider~~ Integrated management of the [COA 12B, 340/75] **coastal environment**

~~Integration of different agencies' management frameworks across the line of mean high water spring is critical for the sustainable management of the coast and the protection of natural character. There is a need to~~ Integrated management recognises [COA 12B, 340/75] that activities landward of ~~mean high water spring~~ MHWS [(First Schedule cl 16(2))] impact on the quality of the coastal marine area. There are also some activities that should be managed in the same manner irrespective of their location within or outside of the coastal marine area.

Amend Issue 9-2 as follows:

Issue 9-2: Appropriate protection, use and development in the CMA

Some activities rely on coastal resources to operate and need to be located in the CMA – for example, a port. However, the ~~coast~~ CMA [(First Schedule cl 16(2))] is valued and enjoyed by people primarily for its natural character, open space, amenity and recreation values and Maori cultural and traditional values [Recommendation COA 7 Page 40]. In managing activities it is important to ensure that these qualities of the coast are retained and that the integrity of natural coastal processes (such as waves, currents, sand movements) are provided for.

Amend Objective 9-1 as follows:

Objective 9-1: ~~Integration between the coastal marine area and the wider~~ Integrated management of the [COA 12B, 340/75] **coastal environment**

Integrated management of the coastal ~~resources~~ environment [COA 12B, 340/75] will be achieved in a manner that:

- (a) provides a consistent and efficient integrated management framework ~~across the line of mean high water spring~~ [COA 12B, 340/75]
- (b) recognises and manages the impact of land uses and freshwater-based activities (including discharges) on the CMA coastal environment. [(First Schedule cl 16(2))]

Amend Objective 9-2 as follows:

Objective 9-2: Appropriate protection, use and development in the coastal marine area

- (c) The CMA ~~is a publicly available area will be managed as a public asset~~ [Recommendation COA 10 Page 49] 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 [Recommendation COA 10 Page 49] that sensitive areas are protected from inappropriate use and development. and the natural character of the coastal environment CMA [(First Schedule cl 16(2))] is preserved. [Supplementary Recommendation COA 2A Page 11]

Amend title under section 9-4-1 as follows:

~~Integration between the coastal marine area and the wider~~ Integrated management of the [COA 12B, 340/74] ~~coastal environment~~

Amend Policy 9-1 as follows:

Policy 9-1: ~~Integration between the coastal marine area and the wider~~ Integrated management of the [COA 12B, 340/74] ~~coastal environment~~

Integrated management of coastal ~~environment resources across the line of mean high water spring~~ will be ~~sought~~ achieved [COA 12B, 340/74] through:

- (a) ~~provisions in this Chapter and the provisions of the Regional Coastal Plan~~ [COA 12B, 340/74]
- (b) provisions in ~~this chapter and~~ [COA 12B, 340/74] ~~other chapters of~~ this Plan to ~~address~~ sustainably manage in particular, water quality, erodible land (including dune lands), ~~management of~~ natural hazards, ~~management of~~ indigenous biological diversity ~~and significant features, landscapes and natural character, and management of~~ [Recommendation COA 12 Page 56] air discharges and hazardous substances*
- (c) provisions in district plans to define the landward limits of the coastal environment and to ~~ensure that any~~ sustainably manage land-use activities ~~preserve the natural character and protect landscape values of the coastal environment, avoid degradation of coastal water quality, avoid the location of subdivisions or development in any existing or potential hazard risk area, protect coastal dunes and significant coastal fauna indigenous biological diversity and avoid sprawling subdivision along the coastal edge~~ [COA 12B, 340/74]
- (d) joint initiatives where resource management issues arise and are not addressed within the existing management frameworks of the respective regional and district plans.

Amend Policy 9-2(a) and (b) as follows

- (a) A port zone for the purposes of enabling the efficient and practical operation of Wanganui Port and associated industries, boating facilities, and operational activities, as shown in Schedule H: Part B, by providing for activities which:
- (b) Protection zones for the purposes of protecting the ecological values and other important values within each protection zone, as shown in Schedule H,; Part B recognising the sensitivity of these areas to development while allowing activities which:

Amend Policy 9-4(c)(ii) as follows:

~~features elements and processes~~ [Recommendation COA 15 Page 62] that contribute to the natural character and open space characteristics of the ~~coast~~ CMA [(First Schedule cl 16(2))]

Amend Section 9.5 Methods as follows:

Managing activities in the CMA largely involves a regulatory approach. Part II of this Plan contains regional rules relating to the activities described in this chapter. The key non-regulatory methods which the Regional Council will pursue are outlined below. ~~It should be noted that some methods from other chapters of this Plan will also apply to managing the landward portions of the coastal environment~~ [COA 12B, 340/74]

Amend Section 9.7.1 as follows:

~~**Integration between the coastal marine area and the wider Integrated management of the**~~ [COA 12B, 340/75] **coastal environment**

Objective 9-1, Policy 9-1 and the associated methods recognise the need for joint and integrated management to facilitate better management across the jurisdictional line of ~~MHWS mean high water spring~~ [(First Schedule cl 16(2))]. The coastal ~~environment~~ [COA 12B, 340/75] is a complex area to manage and not all issues can be addressed by any one agency.

The ~~coast CMA~~ [(First Schedule cl 16(2))] is a dynamic environment and the landward ~~margins extent of the coastal environment is~~ ~~are~~ [COA 12B, 340/75] intimately linked with natural processes such as waves, sediment and weather. Activities ~~on the~~ [COA 12B, 340/75] landward ~~margins of MHWS~~ [COA 12B, 340/75] significantly impact on the quality of the CMA through, for example, land-use activities, public access and recreational activities, and economic or social uses of an area. ~~Therefore there are strong links to the management directions in other~~ ~~Other~~ [COA 12B, 340/75] chapters of this Plan ~~and provisions in District Plans, which~~ [COA 12B, 340/75] will assist in managing the consequential effects of landward activities in the ~~CMA coastal marine area~~. [(First Schedule cl 16(2))]

Amend section 9.7.2 as follows

Appropriate use and development in the coastal marine area

Objective 9-2, Policies 9-2, 9-3, 9-4, 9-5, 9-6 ~~5A~~ and the associated methods set out a framework for protecting aspects of the CMA while enabling people to use and enjoy the area. In accordance with the RMA, management of the CMA is predominately a regulatory approach. The RMA and the New Zealand Coastal Policy Statement also identify a range of matters which are of national importance and require protection from inappropriate use and development. The primary tool used to achieve this is zoning. Three zones have been created: protection, port and general zones. Although many of the rules are common to all areas, Policies 9-4, 9-5 and 9-6 ~~5A~~ in particular will be used in any consent decision-making process. Some rules are also specific to a zone.

Appendix 3

Recommended Changes in response to the ‘Coast Panel’s Preliminary Questions 8 (a), (b) and (c)’:

Amend Policy 17-12 as follows:

When making decisions on resource consent applications and setting consent conditions for activities involving noise or ~~other~~ [(First Schedule cl 16(2))] discharges into air in the CMA, the Regional Council will have particular regard to:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the relevant objectives and policies of ~~Chapter 4, Chapter 8 and Chapter 17~~ objective 8-1 and policy 8-1 [Recommendation COA 35 Page 121 and COA 64 page 198].
- (c) adopting the best practical option to ensure that emissions of noise do not exceed a reasonable level for all other activities, including minimising effects on coastal birds and amenity values for people.

Amend Rule 17-37 as follows:

<p>17-37 Noise discharges <u>emissions</u></p>	<p>Any discharge of noise in the CMA <u>pursuant to s12(3) RMA, including any discharge of noise</u> [COA 37B 182/98] relating to the normal operation of boats, ships or offshore installations, or from seismic exploration <u>activity</u>. [Recommendation COA 57 Page 184]</p>	<p>Permitted</p>	<p>(a) Any seismic activity <u>exploration</u> [Recommendation COA 57 Page 184] shall be located at least 1 km away from any protection zone as shown in Schedule H.</p> <p>(b) <u>Any seismic exploration or associated activity shall be undertaken in accordance with the most recent version of the</u> [COA 57B 372/205] <u>Department of Conservation's Guidelines for minimising acoustic disturbance to marine mammals from seismic survey operations.</u> [Recommendation COA 57 Page 184] <u>(February 2006)</u> [COA 57B 372/205]</p>	
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Rule Guide:

- (a) Noise emissions in the CMA that do not comply with the conditions of the permitted activity rule above or that are not specifically permitted by the rule above or by existing use provisions in s20A RMA [(First Schedule cl 16(2))] are a discretionary activity under Rule 17-39.
- (b) ~~Other~~ discharges into air in the CMA ~~that are not expressly regulated by the rules in Chapter 14~~ [COA 12B 340/75] are a discretionary activity under Rule 17-39
- (c) Reference should also be made to the RM (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.
- ~~(d) Refer also to Rules 14-1 and 14-2.~~ [COA 12B 340/75]

Appendix 4

In response to the Coast Hearing Panel's Preliminary Question 11

11. Part B of Schedule H (page H-17) will be dealt with as part of the water quality hearing, but one of the Water Management Zones is "open coastal waters". Is the description of open coastal waters at (i) on page H-17 consistent with the definition of that term in the RMA?

General comments from the officer

Section 2 of the RMA definitions:

"open coastal water" means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments.

"coastal water" means seawater within the outer limits of the territorial sea and includes – (a) seawater with a substantial fresh water component; and (b) seawater in estuaries, fiords, inlets, harbours or embayments.

Estuary is not defined in the RMA but is commonly defined as the wide lower tidal part of a river (Chambers 20th Century dictionary).

The intention is that there are two water management policy areas – one that reflects the waters from MHWS on the open coast (ie. Not within any river estuary) out to the 12 nautical miles. The second reflects those waters that are inside river estuaries and the commonly defined river mouth (ie. Not as depicted for the purpose of defining the cross river boundary)

In the event that there could be arguments relating to the term "remote" or to the location of the "mouth" of any of the rivers the management areas could be renamed "open coast" and "river estuary".

Recommendations

It is recommended that references to 'water management policy areas'

- 1) Open coast; and
- 2) River estuaries

Be added into recommended changes detailed in Appendix 6

Appendix 5

In response to 'Coast Hearing Preliminary Question 18':

18. Objective 9-2: On COA page 47 submissions 353/35 and 358/69 appear to be seeking the same thing, but one is rejected, while the other is accepted in part. What is the reason?

COA S10

Amend recommendations as follows:

358/69	Accept in part <u>Reject</u>
x492/ 161	Accept in part
x522/ 283	Accept in part Reject

Amend paragraph 4.10.3 recommendation COA 10 to read:

- a) ~~Accept in part~~ Reject the need to define sensitive areas, ~~by referring to the policies.~~
- b) Reject the request to define sensitive areas by reference only to Schedule H.
- c) Accept the support provided for this objective
- d) Accept in part that the term public does not provide clear intent

Appendix 6

Water Management in the CMA

A number of submitters and the hearing Panel through the questions it raised sought clarification of the management of coastal waters. This paper outlines:

- the current gap in the management regimes
- recommended directions
- recommended changes to chapters 9 and 17 and Schedules D and H

Refer also to appendix 4 of this document.

6.1 Definitions

S2 RMA definitions that underpin the following discussion:

“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:

(c) does not include water in any form while in any pipe, tank, or cistern.

“water body” means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

“open coastal water” means coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments”.

“coastal water” means seawater within the outer limits of the territorial sea and includes – (a) seawater with a substantial fresh water component; and (b) seawater in estuaries, fiords, inlets, harbours or embayments.

Thus it is clear that the terminology used in the CMA should not refer to “water body”.

6.1.1 Current gap in managing coastal waters

In the drafting stages of the POP it had been intended that all water in the region would be managed in the water chapter. While Schedule D incorporated references to coastal waters, the objectives and policies of Chapter 6 did not. In addition, Chapter 9 did not refer to water in any detail, while Chapter 17 made cross references to Chapter 6. The result is that there is confusion as to how water in the CMA should be managed and a gap in the management regime for coastal waters.

In addition, as the Minister of Conservation makes the final approval of the regional Coastal plan, in my opinion there is a distinct advantage to incorporating the water provisions into the Regional Coastal Plan (primarily Chapter 17 and Schedule H).

6.1.2 Recommended directions

To address the above gap it is recommended that:

- Chapter 9 specifically addresses water in objectives/ policies
- Chapter 17 ensures references to Chapter 6 are checked for relevancy and further cross references are made if necessary to Chapter 9
- the CMA currently covered by Schedule D is moved and incorporated into Schedule H.
- appropriate cross referencing of Schedule D/ Schedule H provisions are made into Chapter 17
- cross referencing to Table 17-1 is clarified for accuracy and consistency

It is noted that from a procedural perspective, the Hearing Panel decisions relating to the above recommended changes to Schedule D would also need to be considered as a part of the Water Hearing.

6.2 Recommended Changes

6.2.1 Chapter 9

- a) New Issue under section 9.2 as follows: [\[All changes COA 38B 372/173\]](#)

[Issue 9-3: Water Quality](#)

[Water quality affects the life-supporting capacity of the CMA as well as people's enjoyment and recreational activities. The water entering the CMA from rivers and streams has a significant impact on the quality of water in the CMA.](#)

- b) Amend recommended new objective as follows:

[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: Part C \[\\[Clarification Cl 16\\(2\\)\\]\]\(#\) 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 \[water management \\[\\\[COA 38B 372/173\\\]\\]\\(#\\)\]\(#\) 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 \[water management \\[\\\[COA 38B 372/173\\\]\\]\\(#\\)\]\(#\) values of the coastal marine area.](#)

- c) New section [9.4.3 Water Quality \[\\[COA 38B 372/173\\]\]\(#\)](#)
- d) Re-locate recommended new Policy 9-5A under this section and re-number the Policy accordingly.
- e) Amend Policy 9-5A as follows: [\[All changes - COA 38B 372/173\]](#)

[For the purposes of ~~managing~~ maintaining or enhancing water quality the CMA has been divided into two ~~zones~~-areas: a seawater management zone and 13 estuarine water management sub-zones as ~~shown~~ described in \[Schedule H: Part C\]\(#\). The use of the waters in the CMA shall be managed in a manner which](#)

a) recognises and provides for the values identified in the seawater management zone and to each of the water management sub-zones Schedule H: Part C, and
 b) applies the water quality standards set out in Schedule H: Part C. Policies 6-3 to 6-5, and 6-8 and 6-11 shall be read as if any reference to water is a reference to waters in applying to the CMA.

f) Amend section 9.6 AER as follows: All changes - COA 38B 372/173]

Anticipated Environmental Result	Link to Policy	Indicator	Data Source
By 2017, water quality in open coastal marine areas class A water management zones is suitable for the specified values at all times. Water quality in class B water management zones river/estuarine areas either becomes suitable for assigned values by the target date specified or is no worse than it was prior to this Plan becoming operative.	Coastal Policy: 9-1-9-5A Administration Policies: 2-1, 2-2, 2-3 and 2-5 Land Policies: 5-1, 5-2, 5-3, 5-4 and 5-5 Water Policies: 6-1, 6-17, 6-18, 6-19, 6-20, 6-21, 6-22, 6-23, 6-24 and 6-26 Living Heritage Policies: 7-1, 7-2, 7-3, 7-4, 7-5 and 7-8	<ul style="list-style-type: none"> Measured water quality compared to water management zone quality standards in the coastal marine area, especially measures for "safe swimming," "safe food gathering" and "aquatic ecosystem health" Incidents where water quality in the coastal marine area is confirmed as unfit for use 	<ul style="list-style-type: none"> Horizons' state of environment water quality monitoring programme Horizons' incidents database

g) Add a new section 9.7.3 as follows:

9.7.3 Water Quality [All changes - COA 38B 372/173]

Objective 9-3, Policy 9-5A and the associated methods (information and advocacy) set out a framework for maintaining and enhancing waters in the CMA. Water quality is an integral part of the management of the CMA, and it is considered that it should be managed consistently in a way that is compatible with the approach taken in Chapter 6. Two water management areas have been established to recognise the difference in water quality between estuarine areas and open coastal waters. Water quality standards have been set for each area (in Schedule H: Part C) and will be applied through consents and rules in Chapter 17.

6.2.2 Chapter 17 - Policies

a) Amend Policy 17-7 (b) as follows: [All changes – consequential to OVR 64B]

~~avoiding, remedying or mitigating any adverse effects on the water quality values identified in Schedule H. the applicable water management policy area and the relevant water quality values and standards for that area as set out in Schedule H.~~

b) Amend Policy 17-9 (ba) as follows: [All changes - COA 38B 372/173]

~~avoiding, remedying or mitigating any adverse effects on the water quality values identified in Schedule H. the applicable water management policy~~

area and the relevant water quality values and standards for that area as set out in Schedule H.

- c) **Add** a new clause b) to Policy 17-10 (discharges) as follows: [All changes - COA 38B 372/173]

b) the applicable water management policy area and the relevant water quality values and standards for that area as set out in Schedule H.

- d) **Add** a new clause b) to Policy 17-11 (sewage) as follows: [All changes - COA 38B 372/173]

b) the applicable water management policy area and the relevant water quality values and standards for that area as set out in Schedule H.

- e) **Amend** existing Policy 17-11 clause b) as follows: [All changes - COA 38B 372/173]

the relevant objectives and policies of ~~Chapter 4, Chapter 6 and any relevant policies in Chapter 15, and in particular Policies 6-1 to 6-5 and the water management zones set out in Schedule D and policy 6-11.~~

6.2.3 Chapter 17 – Table 17-1

Amend Table 17.1 as follows:

Standard General [Clarification CI 16(2)] Conditions for Permitted and Controlled Activities in the CMA

The table below sets out ~~standard-general [Clarification CI 16(2)]~~ **standard general [Clarification CI 16(2)]** conditions for permitted and controlled activities in the CMA. These ~~standard general [Clarification CI 16(2)]~~ **standard general [Clarification CI 16(2)]** conditions are ~~referred to specified [Clarification CI 16(2)]~~ in a number of the permitted and controlled activity rules in this chapter. The table sets out ~~standard-general [Clarification CI 16(2)]~~ **standard general [Clarification CI 16(2)]** conditions under different values. To identify the locations of water ~~management zones policy areas [COA 38B, 372/173]~~ **management zones policy areas [COA 38B, 372/173]** to which these values apply, and therefore whether they are relevant to a particular activity, refer to Schedule ~~D H. [Clarification CI 16(2)]~~ **D H. [Clarification CI 16(2)]**

Table 17.1 ~~Standard General [Clarification CI 16(2)]~~ **Standard General [Clarification CI 16(2)] conditions for permitted and controlled activities in the coastal marine area (CMA)**

Value	Condition
Life-Supporting Capacity (applies to all sites with a value of Life-Supporting Capacity as shown in Schedule D H)	<ul style="list-style-type: none"> (a) The activity shall not adversely reduce the ability of the river/estuarine waters body to convey flood flows or floating debris. [COA 38B, 372/173] (b) There shall be no discharge of contaminants, other than sediment and other contaminants inherent to the water or bed, into the coastal marine area. (c) Any discharge of sediment directly caused by the activity shall not be undertaken for more than 5 days, or for more than 12 hours on any one of those 5 days. (d) Any discharge of sediment under condition (c) shall not, after reasonable mixing*, cause any conspicuous change in the colour of water in the receiving waters-body, or any change in horizontal visibility of greater than 30%, more than 24 hours after completion of the activity. [COA 38B, 372/173] (e) Any materials used shall be necessary for the activity and shall not be toxic* to marine ecosystems. (f) Any materials no longer required as part of the activity, including any temporary structures, shall not be stored in or on any foreshore area and shall be removed from the CMA upon completion of the activity. (g) Refueling of machinery (other than boats) shall not take place in any area where spills may enter coastal-water.the CMA. [Clarification CI 16(2)] (h) Upon completion of any channel bank works, the banks shall be reinstated to a natural contour and revegetated.
Historic heritage [Clarification CI	(i) The activity shall not disturb any historic heritage site , archaeological site, waahi tapu or koiwi remains as identified: in any Regional Council

Value	Condition
16(2)	<p>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</p> <p>(j) 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.</p>
Native Fishery (applies to all sites with a value of Native Fishery as shown in Schedule D H)	<p>(k) The use of mobile machinery in or on the foreshore in a manner that disturbs the foreshore and/or a whitebait fishery shall not take place in river/estuarine waters areas [COA 38B, 372/173] between 1 October and 30 November, unless the use of the machinery is solely for the purpose of repairing or maintaining railways, bridge or electricity infrastructure.</p>
Amenity (applies to all sites with a value of Amenity as shown in Schedule D H)	<p>(l) Existing public access to or along the foreshore shall not be rendered unsafe by the activity.</p> <p>(m) Existing public access to or along the foreshore may be rendered unavailable where this is necessary for public safety or for the purpose of undertaking the activity, provided the public access is re-opened as soon as practicable.</p> <p>(n) Activities shall not result in suspended sediment being conspicuous at public bathing beaches, as shown in Schedule D H, during weekends and public holidays between 1 December and 28 February.</p>

6.2.4 Chapter 17 - Rules

Amend Rule 17-6 condition b) as follows: [All changes – COA 38B 372/173]

b) ~~The activity shall comply with the standard conditions listed in Table 17.1.~~ The activity shall comply with the standard general conditions listed in Table 17.1, with the exception of Table 17-1(h).

Amend Rule 17-8 condition a) as follows: [All changes – COA 38B 372/173]

a) No whitebait stand or maimai shall be located within the port zone ~~or within a waterbody valued as a Site of Significance – Aquatic as shown in Schedule D~~

Amend Rule 17-11 condition b) as follows: [All changes – COA 38B 372/173]

(b) The activity shall comply with ~~the conditions~~ a), c) – g), i) and j) as listed in Table 17.1

Amend Rule 17-21 condition b) and c) as follows: [All changes – COA 38B 372/173]

(b) Any burial of dead stock and marine fauna found in the CMA shall not disturb any plant communities in a protection zone and shall comply with conditions f), g) i), j), and l) – n) as listed in table 17-1

~~(c) The activity shall comply with the conditions listed in Table 17.1~~

(ca) the installation of permanent anchors shall comply with conditions a) – g) and i)-n) as listed in table 17-1

(cb) clearing sediment from outfall structures, intake structures and culverts shall comply with conditions a) – g) and i)-n) as listed in table 17-1

cc) any public recreational activities or beach grooming shall comply with conditions e) – g), i) and j) as listed in table 17-1

Amend Rule 17-22(a) condition c) as follows: [All changes – COA 38B 372/173]

The activity shall comply with the conditions b), e) – g), and i) – k) as listed in Table 17-1

Amend Rule 17-22 condition b) and c) as follows: [All changes – COA 38B 372/173]

The activity shall comply with ~~the conditions e) – g), and i) – n)~~ as listed in Table 17-1

Amend Rule 17-30 condition g) as follows: [All changes – COA 38B 372/173]

e) For discharges of stormwater into the CMA the discharge shall not cause, after reasonable mixing*, any of the following effects in the receiving ~~waterbody~~ waters....

~~g) The activity shall comply with the standard conditions in Table 17-1~~

Amend Rule 17-31 condition d) as follows: [All changes – COA 38B 372/173]

~~d) The activity shall comply with the standard conditions in Table 17.1~~

Amend Rule 17-31 control/ discretion/ non-notification, item d) as follows: [All changes – COA 38B 372/173]

d) measures required to comply with the water quality standards for the relevant water management ~~zone~~ policy area

6.2.5 Schedule D and Chapter 6

Recommendation to the Water Hearing Panel to make a consequential change and remove all references to ‘waters in the CMA’.

6.2.6 Schedule H

Amend introduction to Schedule H as follows: [All changes – COA 38B 372/173]

~~This schedule includes the following maps. A description of the maps and boundaries is provided below.~~

~~This schedule includes:~~

~~Part A: Maps H1 – H13. A description of the maps and boundaries is provided below.~~

~~Part B: Water management values and water quality standards (Tables H2 – H11)~~

This schedule comprises:

Part A: Figures H1 – H2: a regional overview of the CMA and Figures H3 – H9 depicting local detail of the cross river boundaries of the CMA

Part B: Figures H10 – H13 and Table H1 : A description and figures showing the Port, Protection and General Zones.

Part C: Water Management Policy Areas and water quality standards: Tables H2 – H11.

Amend sections 1 & 2. as follows: [All changes – COA 38B 372/173]

Insert title as follows:

Part A: CMA and Cross River Boundaries

Insert an introductory sentence as follows:

This section outlines the CMA generally and the Cross River Boundaries in detail.

Coastal Marine Area Maps H1 – H2

The CMA Figures H1 – H2 These maps depict the extent of the CMA within the boundaries of the Manawatu-Wanganui Regional Council. The CMA extends from the line of ~~Mean High Water Springs (MHWS)~~ MHWS seaward to the 12 nm limit of the territorial sea. The rules in Chapter ~~20~~ 17 apply to the CMA.

● **Coastal Marine Area Cross River Boundaries Maps H3 – H9**

The Cross River Boundaries: Figures H3 – H9 These maps depict where the CMA boundary lies ~~when it crosses a~~ for identified rivers or streams (ie., the line of MHWS follows the river/ stream bank inland to the boundary crossing). ~~The boundary for any stream or river which is not shown in these maps is deemed to be a line continuous to the line of MHWS on either side of the stream/river mouth.~~

The rules in Chapter ~~20~~ 17 apply to the CMA.

Note: in the event that the River banks or coastline change course over the lifespan of this Plan the boundary remains as being the line of MHWS.

(Note: s2 RMA definition: “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~~ MHWS, except that where that line crosses a river, the landward boundary at that point shall 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.)

Insert a list of figures as follows:

Delete column 1 of Table in its entirety

List of Figures and Table:

Insert titles to the columns as follows and move to below the first sentence of 'Part A':

	<u>Area Covered</u>	<u>Figure Number</u>	<u>Description of Area</u>
1.	Coastal Marine Area CMA - General	H1 H2	The west coast CMA, beaches and rivers of the Manawatu-Wanganui Region The east coast CMA and rivers of the Manawatu-Wanganui Region
2.	Coastal Marine Area CMA Cross River Boundaries	H3 H4 H5 H6 H7 H8 H9	Kai Iwi and Mowhanau Streams Whanganui River and Whangaehu River Turakina River and Rangitikei River Manawatu River and Hokio Stream Ohau Stream and Waikawa Stream Akitio River and Owahanga River Wainui River
3.	Management Zones	H10 H11 H12 H13	Port Zone Protection Zones: ● Whanganui River and Whangaehu River ● Turakina River and Rangitikei River ● Manawatu River and Cape Turnagain

Amend section 3 as follows: [All changes – COA 38B 372/173]

Relocate this section to being just in front of the zone maps

Insert title as follows:

Part B: Management Zones

Insert a new introductory comment as follows:

This Plan includes 3 4 different management zones: Port Zone, Protection Zones and General Zone and Water Management zones..

This section outlines the 3 management zones (as referred to in the rules in Chapter 17): comprising the Port Zone, Protection Zones and a General Zone.

Amend the clarification note as follows:

For clarification:

- ~~the General Zone in for~~ the Whanganui River the General Zone includes that part of the CMA comprising a band of 100 m ~~width~~ from the line of MHWS of the northern bank of the River, as well as a band of 100m ~~and~~ from the edge of the Port Zone as shown in ~~Map~~ Figure H10.

Delete all references to maps and replace with Figure

Insert a list of figures as follows:

Delete column 1 of Table in its entirety and move to below the first sentence of Part B

List of Figures and Table:

	<u>Area Covered</u>	<u>Figure/Table Number</u>	<u>Description</u>
3.	<u>Management Zones</u>	<u>H10A</u> <u>H11</u> <u>H12</u> <u>H13</u>	<u>Port Zone</u> <u>Whanganui River and Whangaehu River Protection Zones</u> <u>Turakina River and Rangitikei River Protection Zones</u> <u>Manawatu River and Cape Turnagain Protection Zones</u>
	<u>Protection Zones</u>	<u>Table H1</u>	<u>Values that apply to the Protection Zones</u>

Amend Table H1 as follows: [All changes – COA 38B 372/173]

Add a title as follows:

Table H1: Protection Zones: Values of Significance/Importance

Add headings to columns as follows:

Column 1: Protection Zone and Figure References

Column 2: Significant Values/ Features

Add Figure references to Column 1 as follows: [All changes – COA 38B 372/173]

Whanganui River	Protection Zone: Figure H 11
Whangaehu River	Protection Zone: Figure H 11
Turakina River	Protection Zone: Figure H 12
Rangitikei River	Protection Zone: Figure H 12
Manawatu River	Protection Zone: Figure H 13
Cape Turnagain	Protection Zone: Figure H 13

Insert Part B: Water management (now Part C) as follows: [All changes – COA 38B 372/173]

Part C: Water Management ¹

Water Management Zones and Sub-zones, Values and Water Quality Standards

1. For water quality management purposes the CMA is divided into:
 - (a) One Seawater Management Zone comprising primarily open coastal waters;
 - (b) Several Water Management Estuarine Sub-zones associated with specified estuary waters. The term sub-zone is used because the estuary waters are part of a larger Water Management Zone for that river or stream (see schedule D).

The respective zones are specifically defined below.

2. For the purpose of delineating the boundaries between the Seawater Management Zone and the Water Management Estuarine Sub-zones the following term is used: River/Coast Interface Boundary.
3. The river/coast interface boundary for the purposes of schedule H means a notional landward boundary of the seawater management zone. The river/coast interface boundary is the line created by joining the lines of MHWS at the open coast either side of the interface between the river or stream and the open coast.

¹ (All changes to Schedule H: Part C) End of hearing report. Appendix 6 pp 106 - 132

4. The Seawater Management Zone comprises all of the CMA seawards from MHWS (on the open coast) and from the River/Coast Interface Boundary to the 12 nautical mile boundary.
5. The water management estuarine sub-zones are associated with the water management zones detailed in Schedule D. The water management estuarine sub-zones comprise that part of the CMA in a river or stream extending from the River/Coast Interface boundary to the Cross River Boundary depicted in figures H3-H9.

List of Tables relating to the Water Management Zones and Sub-zones:

Table Number	Description
Table H2	List of values, management objectives and where they apply
Table H3	List of values by Water Management Estuarine Sub-zones in the CMA
Table H4	Life Supporting Capacity Values in the CMA
Table H5	Sites of Significance in the CMA – Aquatic Values
Table H6	Sites of Significance in the CMA – Riparian Values
Table H7	Native Fish Spawning Values in the CMA
Table H8	Amenity Values in the CMA
Table H9	Native Fishery Values in the CMA
Table H10	Water Management Estuary Sub-zones in the CMA: Water Quality Definitions
Table H11	Water Management Estuary Sub-zones in the CMA: Water Quality Standards
Table H12	Seawater Management Zone in the CMA: Water Quality Definitions
Table H13	Seawater Management Zone in the CMA: Water Quality Standards

6.3 Values that apply to Water Management Sub-Zones in the CMA

Table H.2: List of values, management objectives, and where they apply

Value group	Individual Values		Management Objective	Where it applies
Ecosystem Values	LSC	Life-Supporting capacity	The CMA supports healthy aquatic life / ecosystems	All of the CMA
	SOS-A	Sites of Significance - Aquatic	Sites of significance for native aquatic biodiversity within the CMA are maintained or improved	Specified sites / reaches – see table H5
	SOS-R	Sites of Significance - Riparian	Sites of significance for native riparian biodiversity within the CMA are maintained or improved	Specified sites / reaches – see table H6
	NFS	Native Fish Spawning	The CMA sustains healthy native fish spawning and fry development	Specified sites / reaches – See table H7
Recreational and Cultural Values	CR	Contact recreation	The CMA is suitable for contact recreation	All of the CMA
	Am	Amenity	The amenity values of the CMA are maintained or improved	All waters within the Seawater Management Zone and Specified sites / reaches of Estuarine Sub-zones – refer tables
	NF	Native Fishery	The CMA sustains populations of native fish that can be harvested in a sustainable manner	Specified sites / reaches – See table H8
	MAU	Mauri	The Mauri of the CMA is maintained or improved	All of the CMA
	SG	Shellfish Gathering	The CMA is suitable for shellfish harvesting	All waters within the Seawater Management Zone
	SOS-C	Sites of Significance - Cultural	Sites of significance for cultural values are maintained	To be defined
Social/Economic Values	CAP	Capacity to Assimilate Pollution	The capacity of a waterbody to assimilate pollution is not exceeded	All waters within the Seawater Management Zone
	FC	Flood Control	The integrity of existing flood and river bank erosion protection structures within the CMA is not compromised	Existing flood / erosion control schemes

Table H3: List of Values by Water Management Sub-Zones in the CMA

Legend:

Table Headings: **WQS:** Water Quality Standard; **LSC:** Life Supporting Capacity; **M:** Marine; **CR:** Contact Recreation; **SG:** Shellfish Gathering; **Mau:** Mauri; **SOS-A:** Sites of Significance for Aquatic Biodiversity; **SoS-R:** Sites of Significance for Riparian biodiversity; **SoS-A:** Sites of Significance for Aquatic biodiversity; **Am:** Amenity; **NFS:** Native Fish Spawning; **NF:** Native Fishery; **SoS-C:** Sites of Significance for Cultural value; **CAP:** Capacity to Assimilate Pollution

Key for LSC Classes: **HM:** Hill Mixed, **LM:** Lowland Mixed, **LS:** Lowland Sand, **HSS:** Hill country soft sedimentary

Water Management Zone	Sub Zone	Description	Zone Wide Values				Site/ Reach Specific Values						
			LSC	CR	SG	Mau	SOS A	SoS R	NFS	AM	NF	SoS C	CAP
Seawater Management Zone	N/A	All waters seaward from the MHWS to the 12 nautical mile boundary	M	ü	ü	ü				ü			ü
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure H6 to the river/coast interface boundary*.	LM	ü		ü		ü	ü		ü		
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	From the cross river boundary at the seaward edge of the boat ramp on the true left bank of the river (S23:009 001) as shown in Figure H5 to the river/coast interface boundary*.	LM	ü		ü		ü	ü		ü		
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	From the cross river boundary at the seaward edge of Cobham Street Bridge (R22: 848 380) as shown in Figure H4 to the river/coast interface boundary*.	LM	ü		ü		ü	ü	ü	ü		
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	From the cross river boundary just after the river straightens towards the sea (S23: 903 287) as shown in Figure H4 to the river/coast interface boundary*.	HSS	ü		ü		ü	ü		ü		
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	From the cross river boundary at the continuation of the fenceline (S23: 921 254) as shown in Figure H5 to the river/coast interface boundary*.	HSS	ü		ü		ü	ü		ü		
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	From the cross river boundary just before the river bends to the left (S25: 929 595) as shown in Figure H7 to the river/coast interface boundary*.	HM	ü		ü		ü	ü		ü		
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	From the cross river boundary at the seaward edge of the bridge that crosses the stream (S25: 949 657) as shown in Figure H6 to the river/coast interface boundary*.	LS	ü		ü			ü	ü	ü		

Water Management Zone	Sub Zone	Description	Zone Wide Values				Site/ Reach Specific Values						
			LSC	CR	SG	Mau	SOS A	SoS R	NFS	AM	NF	SoS C	CAP
Owahanga (Owha_1)	Owahanga Estuary (Owha_1CMA)	From the cross river boundary at the point at which an unnamed stream enters the river (U25: 922 531) as shown in Figure H8 to the river/coast interface boundary*.	HSS	ü		ü							
East Coast (East_1)	Wainui Estuary (East_1CMA)	From the cross river boundary at the seaward edge of the bridge that crosses the river (V24: 115 735) as shown in Figure H9 to the river/coast interface boundary*.	HSS	ü		ü		ü					
Akitio (Akit_1)	Akitio Estuary (Akit_1CMA)	From the cross river boundary at the seaward edge of the bridge that crosses the river (U25: 996 618) as shown in Figure H8 to the river/coast interface boundary*.	HSS	ü		ü			ü		ü		
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	From the cross river boundary at the seaward edge of the Archers Bridge (footbridge) that crosses the stream (R22: 722 450) as shown in Figure H3 to the river/coast interface boundary*.	HSS	ü		ü			ü	ü	ü		
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (R22: 726 448) as shown in Figure H3 to the river/coast interface boundary*.	LM	ü		ü			ü	ü	ü		
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (S25: 915 554) as shown in Figure H7 to the river/coast interface boundary*.	HM	ü		ü	ü	ü		ü			

Table H4: Life Supporting Capacity Values in the CMA

Water Management Zone	Sub-Zone	Life Supporting Capacity Classification
Seawater Management Zone	N/A	M
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	LM
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	LM
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	LM
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	HSS
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	HSS
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	HM
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	LS
Owahanga (Owha_1)	Owahanga Estuary (Owha_1CMA)	HSS
East Coast (East_1)	Wainui Estuary (East_1CMA)	HSS
Akitio (Akit_1)	Akitio Estuary (Akit_1CMA)	HSS
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	HSS
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	LM
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	HM

Table H5: Sites of Significance In the CMA – Aquatic Values

Water Management Zone	Sub-Zone	River/Stream Name	Species	Reference
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	Waikawa Stream	Shortjaw kokopu and redfin bully	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (S25: 915 554) as shown in Figure H7 to the river/coast interface boundary*.

Table H6: Sites of Significance In the CMA – Riparian Values

Water Management Zone	Sub-Zone	River	Reference	Riparian Habitat Value
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	Manawatu River	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure H6 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	Rangitikei River	From the cross river boundary at the seaward edge of Cobham Street Bridge (R22: 848 380) as shown in Figure H4 to the river/coast interface boundary*.	Gravel and Sand (Dotterel)
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	Whanganui River	From the cross river boundary just after the river straightens towards the sea (S23: 903 287) as shown in Figure H4 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	Whangaehu River	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure H6 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	Turakina River	From the cross river boundary at the seaward edge of the boat ramp on the true left bank of the river (S23:009 001) as shown in Figure H5 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	Ohau River	From the cross river boundary just before the river bends to the left (S25: 929 595) as shown in Figure H7 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
East Coast (East_1)	Wainui Estuary (East_1CMA)	Wainui Stream	From the cross river boundary at the seaward edge of the bridge that crosses the river (V24: 115 735) as shown in Figure H9 to the river/coast interface boundary*.	Gravel and Sand (Dotterel) Mud / Silt habitat and estuarine roosts (Waders)
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	Waikawa Stream	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (S25: 915 554) as shown in Figure H7 to the river/coast interface boundary*.	Mud / Silt habitat and estuarine roosts (Waders)

Table H7: Native Fish Spawning Values in the CMA

Water Management Zone	Sub-Zone	River / Stream Name	Reference
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	Manawatu River	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure to the river/coast interface boundary*.
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	Rangitikei River	From the cross river boundary at the seaward edge of Cobham Street Bridge (R22: 848 380) as shown in Figure H4 to the river/coast interface boundary*.
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	Whanganui River	From the cross river boundary just after the river straightens towards the sea (S23: 903 287) as shown in Figure H4 to the river/coast interface boundary*.
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	Whangaehu River	From the cross river boundary just before the river bends to the left (S25: 929 595) as shown in Figure H7 to the river/coast interface boundary*.
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	Turakina River	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure H6 to the river/coast interface boundary*.
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	Ohau River	From the cross river boundary at the seaward edge of the boat ramp on the true left bank of the river (S23:009 001) as shown in Figure H5 to the river/coast interface boundary*.
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	Hokio Stream	From the cross river boundary at the seaward edge of the bridge that crosses the stream (S25: 949 657) as shown in Figure H6 to the river/coast interface boundary*.
Akitio (Akit_1)	Akitio Estuary (Akit_1CMA)	Akitio River	From the cross river boundary at the seaward edge of the bridge that crosses the river (U25: 996 618) as shown in Figure H8 to the river/coast interface boundary*.
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	Kai Iwi Stream	From the cross river boundary at the seaward edge of the Archers Bridge (footbridge) that crosses the stream (R22: 722 450) as shown in Figure H3 to the river/coast interface boundary*.
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	Mowhanau Stream	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (R22: 726 448) as shown in Figure H3 to the river/coast interface boundary*.

Table H8: Amenity Values in the CMA

Water Management Zone	Sub-Zone	Site	Description
Seawater Management Zone	N/A	N/A	All waters in the Seawater Management Zone
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	Whanganui River	From the cross river boundary at the seaward edge of Cobham Street Bridge (R22: 848 380) as shown in Figure H4 to the river/coast interface boundary*.
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	Hokio Stream	From the cross river boundary at the seaward edge of the bridge that crosses the stream (S25: 949 657) as shown in Figure H6 to the river/coast interface boundary*.
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	Kai Iwi Stream	From the cross river boundary at the seaward edge of the Archers Bridge (footbridge) that crosses the stream (R22: 722 450) as shown in Figure H3 to the river/coast interface boundary*.
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	Mowhanau Stream	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (R22: 726 448) as shown in Figure H3 to the river/coast interface boundary*.
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	Waikawa Stream	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (S25: 915 554) as shown in Figure H7 to the river/coast interface boundary*.

Table H9: Native Fishery Values in the CMA

Water Management Zone	Sub-Zone	River / Stream Name	Reference
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	Manawatu River	From the cross river boundary on the seaward edge of the Foxton Loop (S24: 009 766) as shown in Figure H6 to the river/coast interface boundary*.
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	Rangitikei River	From the cross river boundary at the seaward edge of the boat ramp on the true left bank of the river (S23:009 001) as shown in Figure H5 to the river/coast interface boundary*.
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	Whanganui River	From the cross river boundary at the seaward edge of Cobham Street Bridge (R22: 848 380) as shown in Figure H4 to the river/coast interface boundary*.
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	Whangaehu River	From the cross river boundary just after the river straightens towards the sea (S23: 903 287) as shown in Figure H4 to the river/coast interface boundary*.
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	Turakina River	From the cross river boundary at the continuation of the fenceline (S23: 921 254) as shown in Figure H5 to the river/coast interface boundary*.
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	Ohau River	From the cross river boundary just before the river bends to the left (S25: 929 595) as shown in Figure H7 to the river/coast interface boundary*.
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	Hokio Stream	From the cross river boundary at the seaward edge of the bridge that crosses the stream (S25: 949 657) as shown in Figure H6 to the river/coast interface boundary*.
Akitio (Akit_1)	Akitio Estuary (Akit_1CMA)	Akitio River	From the cross river boundary at the seaward edge of the bridge that crosses the river (U25: 996 618) as

			shown in Figure H8 to the river/coast interface boundary*.
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	Kai Iwi Stream	From the cross river boundary at the seaward edge of the Archers Bridge (footbridge) that crosses the stream (R22: 722 450) as shown in Figure H3 to the river/coast interface boundary*.
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	Mowhanau Stream	From the cross river boundary at the seaward edge of the footbridge that crosses the stream (R22: 726 448) as shown in Figure H3 to the river/coast interface boundary*.

6.4 Water Quality Standards

Table H 10: Water Management Estuary Sub-Zones in the CMA: Water Quality Definitions

The water quality standards for the Water Management Estuary Sub-Zones in the CMA, as defined in **Table H11** shall be read as follows (The numerical values in are indicated by [...])

Column		Standard spelt out
Header	Sub-header	
pH	Range	The pH of the water shall be within the range [...] to [...]
	Δ	The pH of the water shall not be changed by more than [...]
Temp (°C)	<	The temperature of the water shall not exceed [...] degrees Celsius.
	Δ	The temperature of the water shall not be changed by more than [...]degrees Celsius.
DO (%SAT)	<	The concentration of dissolved oxygen shall exceed [...] % of saturation
BOD ₅ (g/m ³)	<	The soluble carbonaceous five-days biological oxygen demand shall not exceed [...] grams per cubic metre.
POM (g/m ³)	<	The concentration of particulate organic matter shall not exceed [...] grams per cubic metre.
Periphyton	Chl a (mg/m ²)	The algal biomass in the river/ estuarine area shall not exceed [...] milligrams of chlorophyll a per square metre.
	% cover	The maximum cover of visible foreshore or seabed by periphyton (as filamentous algae more than 2 centimetres long) shall not exceed [...]%
DRP (mg/m ³)	<	The annual average concentration of dissolved reactive phosphorus when the river flow is at or below three times the median flow shall not exceed [...] milligrams per cubic meter, unless natural levels already exceed this standard.
SIN (mg/m ³)	<	The annual average concentration of soluble inorganic nitrogen when the river flow is at or below three times the median flow shall not exceed [...] milligrams per cubic meter.
QMCI		The quantitative macroinvertebrate index shall exceed [...], unless natural physical conditions are beyond the scope of application of the QMCI.
Ammonia (mg/m ³)	<	The concentration of ammonia nitrogen shall not exceed [...] milligrams per cubic meter.
Toxicants	<	For toxicants not otherwise defined in these standards, the concentration of toxicants in the water shall not exceed the trigger values for coastal waters defined in the 2000 ANZECC guidelines Table 3.4.1 with the level of protection of [...] % of species.
Turbidity (NTU)	< ½ m	The turbidity of the water when the river flow is at or below half median flow shall not exceed [...] Nephelometric Turbidity Units (NTU)
	<m	The turbidity of the water when the river flow is at or below median flow shall not exceed [...] Nephelometric Turbidity Units (NTU)

	<3 x m	The turbidity of the water when the river flow is at or below three times median flow shall not exceed [...] Nephelometric Turbidity Units (NTU)
	%Δ	The turbidity of the water shall not be changed by more than [...] %. This standard shall apply only when physical conditions existing at the site prevent adequate water clarity (back Disc) measurement.
Clarity (m)	%Δ	The clarity of the water measured as being the horizontal sighting range of a 200 mm black disc shall not be changed by more than [...] %

Note: Soluble Inorganic Nitrogen (SIN) concentration is measured as the sum of nitrate nitrogen, nitrite nitrogen and ammonia nitrogen

Note 2: Some water quality parameters are potentially influenced by tidal fluctuations. Samples shall be taken as near as possible to the peak of an outgoing tide cycle to minimise the influence of marine waters on the results.

Table H 11: Water Management Estuary Sub-Zones in the CMA: Water Quality Standards

The following water quality standards apply to the Water Management Sub-zones in the CMA.

Water Management Zone	Estuarine Sub-zone	pH		Temp (°C)		DO (%SAT)	BOD ₅ (g/m ³)	Periphyton		DRP (mg/m ³)	SIN (mg/m ³)	QMCE ² Error! Bookmark not defined.	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)	
		Range	Δ	<	Δ	>	<	Chl a (mg/m ²)	% cover	<	<	<	<		<1/2 m	< m	< 3 xm	%Δ	%Δ	
Coastal Manawatu (Mana_13)	Manawatu Estuary (Mana_13CMA)	7 to 8.5	0.5	24	3	70	2	200	30	15	444	5	400	95	2.5		15	30	30	
Coastal Rangitikei (Rang_4)	Rangitikei Estuary (Rang_4CMA)	7 to 8.5	0.5	24	3	70	2	200	30	15	167	5	400	95	2.5		15	30	30	
Lower Whanganui (Whai_7)	Whanganui Estuary (Whai_7CMA)	7 to 8.5	0.5	24	3	60	2	200	30	15	167	5	400	95		20		30	30	
Coastal Whangaehu (Whau_4)	Whangaehu Estuary (Whau_4CMA)	7 to 8.5 ²	0.5	22	3	70	2	200	30	15	167	5	400	95		20 ³		30	30	
Turakina (Tura_1)	Turakina Estuary (Tura_1CMA)	7 to 8.5	0.5	22	3	70	2	200	30	15	167	5	400	95		20		30	30	
Ohau (Ohau_1)	Ohau Estuary (Ohau_1CMA)	7 to 8.5	0.5	22	3	70	2	120	30	10	110	5	400	95	2.5		15	30	30	

² Except where natural conditions, resulting from volcanic or lahar activity on Mt Ruapehu cause exceedence of the standard.

³ Except where natural conditions, resulting from volcanic or lahar activity on Mt Ruapehu cause exceedence of the standard

Water Management Zone	Estuarine Sub-zone	pH		Temp (°C)		DO (%SAT)	BOD ₅ (g/m ³)	Periphyton		DRP (mg/m ³)	SIN (mg/m ³)	OMC Error! Bookmark not defined.	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)
		Range	Δ	<	Δ	>	<	Chl a (mg/m ²)	% cover	<	<	<	<		<1/2 m	< m	< 3 xm	%Δ	%Δ
Lake Horowhenua (Hoki_1)	Hokio Estuary (Hoki_1CMA)	7 to 8.5	0.5	24	3	60	2	200	30	15	167	5	400	95			15	30	30
Owahanga (Owha_1)	Owahanga Estuary (Owha_1CMA)	7 to 8.5	0.5	22	3	70	2	200	30	15	167	5	400	95		20		30	30
East Coast (East_1)	Wainui Estuary (East_1CMA)	7 to 8.5	0.5	22	3	70	2	200	30	15	167	5	400	95		20		30	30
Akitio (Akit_1)	Akitio Estuary (Akit_1CMA)	7 to 8.5	0.5	22	3	70	2	200	30	15	167	5	400	95		20		30	30
Kai Iwi (West_2)	Kai Iwi Estuary (West_2CMA)	7 to 8.5	0.5	22	3	70	2	200	30	15	167	5	400	95		20		30	30
Mowhanau (West_3)	Mowhanau Estuary (West_3CMA)	7 to 8.5	0.5	24	3	60	2	200	30	15	167	5	400	95			15	30	30
Waikawa (West_9)	Waikawa Estuary (West_9CMA)	7 to 8.5	0.5	22	3	70	2	120	30	10	167	5	400	95			15	30	30

Table H 12: Seawater Management Zone in the CMA: Water Quality Definitions

The water quality standards for the Seawater Management Zone in the CMA, as defined in **Table H13** shall be read as follows (The numerical values in are indicated by [...])

Column		Standard spelled out
header	sub-header	
pH	Range	The pH of the water shall be within the range [...] to [...]
	Δ	The pH of the water shall not be changed by more than
	Δ	The temperature of the water shall not be changed by more than [...] degrees Celsius.
DO (%SAT)	<	The concentration of dissolved oxygen shall exceed [...] % of saturation within 2 metres of the surface
Periphyton	Chl <i>a</i> (mg/m ³)	The average annual algal biomass shall not exceed [...] milligrams of chlorophyll <i>a</i> per square metre.
TP (mg/m ³)	<	The average annual concentration of total phosphorus shall not exceed [...] milligrams per cubic meter.
TN (mg/m ³)	<	The average annual concentration of total nitrogen shall not exceed [...] milligrams per cubic meter.
Ammonia (mg/m ³)	<	The concentration of ammonia nitrogen reactive phosphorus shall not exceed [...] milligrams per cubic meter.
Toxicants	<	For toxicants not otherwise defined in these standards, the concentration of toxicants in the water shall not exceed the trigger values defined in the 2000 ANZECC guidelines Table 3.4.1 with the level of protection of [...] % of species.
Turbidity (NTU)	% Δ	The turbidity of the water shall not be changed by more than [...] % . This standard shall apply only when physical conditions existing at the site prevent adequate water clarity (Secchi Disc) measurement.
Clarity (m)	% Δ	The clarity of the water shall not be changed by more than [...] % measured by Secchi Disc

Notes:

- The pH change standard applies only within the bounds of the pH range standard
- The temperature change standard applies only within the bounds of the temperature standard.
- Soluble Inorganic Nitrogen (SIN) concentration is measured as the sum of nitrate nitrogen, nitrite nitrogen and ammonia nitrogen

Table H 13: Seawater Management Zone in the CMA: Water Quality Standards

The following water quality standards apply to the Seawater Management Zone.

Management Zone	Sub zone	pH		Temp (°C)		DO (%SAT)	BOD ₅ (g/m ³)	POM (g/m ³)	Periphyton		TP (mg/m ³)	TN (mg/m ³)	OMC _I	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)
		Range	Δ	<	Δ	>	<	<	Chl <i>a</i> (mg/m ³)	% cover	<	<		<		<	<1/2 m	< m	< 3 xm	%Δ
Seawater Management Zone	N/A	8 to 8.3	0.1		1	90	2			1		10	60	60	99				20	20

Additional water quality standards for the Seawater Management Zone

1. The concentration of *Enterococci* shall not exceed 140 per 100 millilitres. This standard applies during the period 1st November to 30th April inclusive; and
2. The concentration of *Enterococci* shall not exceed 280 per 100 millilitres. This standard applies during the period 1st May to 31st October inclusive.
3. The median concentration of faecal coliforms shall not exceed 14 per 100 millilitres and the 90th percentile shall not exceed 43 per 100 millilitres. This standard applies year round.
4. The concentration of toxins due to cyanobacteria (blue-green algae) shall not exceed 20 milligrams per cubic metre. This standard applies year round.

Appendix 7 - COA 40B

Chairs question 25. There seems to be a mismatch between the grounds in Policy 9-5 and Rule 17-2 for restricting public access (eg. Rule 17-2 refers to commercial and privacy reasons but Policy 9-5 does not).

Policy/Rule	Analysis	Recommendation
<p>Policy 9-5: Public access</p> <p>(a) Activities in the CMA shall be established and operated in a manner which readily provides for public access, and public access may be restricted only where necessary for safety, cultural or conservation purposes, <u>or to ensure a level of security consistent with a resource consent.</u></p> <p>(b) Public access <u>in the CMA</u> for recreational purposes shall recognise the need to protect bird habitat areas, estuarine plant communities and dune stability.</p>	<p>This policy sets out the councils desire to allow for public access to the CMA – except when “restrictions are required for safety, cultural or conservation purposes, or to ensure a level of security consistent with a resource consent.</p> <p>However as the chair correctly points out it is inconsistent with rule 17-2.</p>	<p>In order to gain consistency between Policy 9-5 and Rule 17-2 the following change is recommended</p> <p>Policy 9-5: Public access (Amend Policy 9-5 (a) to read: Activities in the CMA shall be established and operated in a manner which readily provides for public access, and public access may be restricted only where necessary for safety, cultural or conservation purposes, <u>or to ensure a level of security appropriate for activities authorised by consistent with a resource consent.</u></p>
<p>Rule 17-2 Temporary occupation</p> <p>Activity: The temporary and exclusive occupation of an area of foreshore or a space of coastal water pursuant to s 12(2) RMA for the purposes of a special event, and any associated surface water activity. For the purposes of this rule:</p> <p>(a) “temporary” means not more than 3 days</p> <p>(b) a “special event” means an event organized by a person or group of people where, for or commercial, <u>privacy</u> or safety reasons, controls need to be placed on public access.</p> <p>Classification: Permitted</p> <p>Conditions/ standards/ terms:</p> <p>(a) Where public access is restricted, a public notice shall be lodged in the local newspaper at least 7 days before the event and signage shall be erected on site, both of which advertise the reasons for, extent and timing of the restrictions.</p> <p><u>(b) The temporary and exclusive occupation shall not disturb any roosting or breeding birds within any protection zone identified in Schedule H.</u></p>	<p>This rule sets out the allowance of temporary occupation for a special event and is guided by Policy 9-5.</p>	<p>To ensure the Policy and rule are consistent change Rule 17-2(b) to state</p> <p>b) a “special event” means an event organized by a person or group of people where, for <u>cultural, conservation or commercial, privacy or safety reasons purposes</u>, controls need to be placed on public access.</p>

Appendix 8 – Questions 30, 31 and 32

COA S38 - Table 17-1

The Coast Hearing Panel's Preliminary Questions asked (questions 30, 31 and 32) about the value column in Table 17-1 and about links between the table and the rules.

The values listed in the first column of Table 17-1 apply to those areas of the CMA as shown in Schedule H: Part C.

In assessing whether all standards and conditions from table 17-1 apply in each case that they are referred to under the rules, it is clear that not all conditions are applicable in all instances:

for Rules 6, 7, 9, 21, 22, all the standard conditions apply
for Rule 8 a), e), g), i), j), l), m) apply
for Rule 11 h), l), m) should be excluded
for Rules 30), 31) a), b), d), i), j), n), apply

In considering condition k) the Chair asked 3 specific questions (question 31):

- a) Why is there reference only to "railways, bridge or electricity infrastructure" and not just "infrastructure"? Regionally significant infrastructure is defined in policy 3-1 of the POP and in my opinion it would be appropriate to cross reference this. Other infrastructure which does not have regional or national significance could be repaired/maintained erected etc outside the critical period for the whitebait fishery.
- b) Should "and/or" be "or"? In my opinion the reference should remain as and/or. The fish cross the foreshore to lay eggs (generally in vegetated edges that may be above the line of MHWS) before the whitebait then cross back to the sea – disturbance to these "breeding" areas and any consequent sediment disturbance in the water can impact on the fishery.
- c) Is the term "estuarine areas" sufficiently specific as a condition for a permitted activity? In my opinion the wording should reflect the water zones as recommended for revision under COA 38

Therefore in response to the questions raised the wording in condition k) is recommended for further amendments.

In considering condition n) the Chair asked (question 32)

- a) Where are "public bathing beaches" shown in Schedule D or H?
 - b) Is "conspicuous" sufficiently certain as a condition for a permitted activity
- a) & b) The public bathing beaches are not shown in either Schedule. As the water quality standards in Schedule D (very last section of D) apply to marine waters all year around and include references to turbidity and clarity, in my opinion condition n) should cross reference these requirements.

Recommended Changes

Amend introductory wording to table 17-1 as per recommended changes in Appendix 6.

The table below sets out standard conditions for permitted and controlled activities in the CMA. These standard conditions are referred to in a number of the permitted and controlled activity rules in this chapter. ~~The table sets out standard conditions under different values. To identify the locations of water management zones to which these values apply, and therefore whether they are relevant to a particular activity, refer to Schedule D.~~

Delete the “value” column from Table 17-1

Amend references to Table 17-1 under the Rules as follows:

for Rules 7 and 9

The activity shall comply with all the standard conditions listed in Table 17.1.

for Rule 8:

The activity shall comply with ~~the~~ conditions a), e), g), i), j), l), and m) as listed in Table 17.1.

for Rule 11:

The activity shall comply with all the standard conditions listed in Table 17.1, with the exception of conditions h), l) and m).

for Rules 30) and 31) you have deleted both of these in appendix 6

The activity shall comply with standard conditions a), b), d), i), j), and n), as listed in Table 17.1.

Amend Condition k) in Table 17-1 to read as follows:

(k) The use of mobile machinery in or on the foreshore in a manner that disturbs the foreshore and/or a whitebait fishery shall not take place in estuarine areas in river/estuarine waters areas Activity Management Sub Zones (as shown in Schedule H: Part B) or Water Management Estuarine Sub Zone (as shown in Schedule H: Part C) between 1 October and 30 November, unless the use of the machinery is solely for the purpose of repairing or maintaining railways, bridge or electricity infrastructure of regional significance as outlined in Policy 3-1 of the One Plan.

Amend condition n) as follows:

n) Activities shall not result in suspended sediment being conspicuous at public bathing beaches, as shown in Schedule D, during weekends and public holidays between 1 December and 28 February which would exceed any turbidity or clarity water quality standards as set out in Tables H9 or H11.

Appendix 9

Coast Hearing Panel’s Preliminary Question 35. In Policy 17-2(b) (and other similar references in the chapter), does “this Plan” mean the regional coastal plan or the whole POP?

Comments

The chair correctly points out that policy 17-2(b) is unclear where it states “this Plan”. The intention of the statement is that it is referring to the “Regional Coastal Plan” part of the Proposed One Plan as opposed to the Proposed One Plan in its entirety.

There are a number of references within chapter 17 which refer to “this Plan” – some of which are correct eg. The reader should refer to other chapters of the Proposed One Plan and some which are misleading for the reasons stated above.

Where the reference is misleading recommendations have been made below to make changes.

Recommended changes (COA 24B – 372/167)

Amend Policy 17-2(b) as follows

- (b) enabling occupation where it is a fundamental requirement of an activity covered by another rule in this [Plan chapter](#)

Amend rule guide (a) on page 17-5 as follows:

- (a) Any occupation of the CMA that is not specifically regulated by any of the rules in this [Plan chapter](#) or that does not comply with one or more conditions, standards or terms of a permitted or controlled activity rule, but which is not expressly classified as a discretionary, non-complying or prohibited activity is a **discretionary activity** under Rule 17-39.

Amend rule guide (b) on page 17-12 as follows:

- (b) Structures under s 12 RMA that are not specifically covered by a rule in this [Plan chapter](#) are a **discretionary activity** under Rule 17-39.

Amend rule guide (a) on page 17-19 as follows:

- (a) Deposits, disturbances and removal in the CMA that are not specifically covered by a rule in this [Plan chapter](#) are a **discretionary activity** under Rule 17-39.

Amend rule guide (b) on page 17-22 as follows:

- (b) Any damming or diversion of water in the CMA that is not specifically regulated by any other rule in this [Plan chapter](#) is a **discretionary activity** under Rule 17-39.

Amend rule 17-35 as follows:

17-35	Pursuant to s1 New Zealand Coastal Policy Statement:	Discretionary
Sewage and s 107(2) RMA discharges	(a) any discharge of human sewage which has not passed through soil or wetland, and which is not otherwise provided for by the Resource Management (Marine Pollution) Regulations 1998 and Amendment Regulations 2002, or (b) any discharge for which the discharger wishes to rely on exceptional circumstances to justify the granting of consent under s 107(2)(a) RMA, and which is not otherwise prohibited by Rule 17-36 of this Plan chapter	and restricted coastal activity

Amend rule 17-39 as follows:

17-39	Any activity that either:	Discretionary
Activities that are not covered by any other rule, or which do not comply with permitted and controlled activity rules	(c) Is subject to s 12(1) RMA and is not addressed by any other rule in this Plan chapter , or (aa) is subject to s12(2) RMA, or (d) 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.	

Appendix 10 – Question 38, Coast Hearing Panel’s Preliminary Questions

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-1 Occupation by existing structures	The occupation of space in the CMA pursuant to s 12(2) RMA by <u>any existing, a lawfully established</u> [Recommendations COA 39, Page 141] structure and any associated damming or diversion of coastal water pursuant to s 14(1) RMA.	Permitted		
17-2 Temporary occupation	The temporary and exclusive occupation of an area of foreshore or a space of coastal water <u>surface water in the CMA</u> [Clarification CI 16(2)] pursuant to s 12(2) RMA for the purposes of a special event, and any associated surface water activity. For the purposes of this rule: (a) “temporary” means not more than 3 days (b) a “special event” means an event organised by a person or group of people where, for commercial, <u>privacy</u> [Recommendation COA 40, Page 143] or safety reasons, controls need to be placed on public access.	Permitted	(a) Where public access is restricted, a public notice shall be lodged in the local newspaper at least 7 days before the event and signage shall be erected on site, both of which advertise the reasons for, extent and timing of the restrictions. (b) <u>The temporary and exclusive occupation shall not disturb any roosting or breeding birds within any protection zone identified in Schedule H.</u> [Recommendation COA 40, Page 143]	
17-3 Occupation of space by aquaculture	The occupation of space within [Clarification CI 16(2)] the CMA pursuant to s 12(2) RMA by any aquaculture activity which is not otherwise restricted by Rule 17-4 or prohibited by Rule 17-5.	Controlled	(a) The aquaculture activity shall occur within an operative aquaculture management area established in accordance with Policy 17-1.	Control is reserved over: (a) effects on navigation safety (b) effects on public access (c) effects on natural character (d) efficient use of the CMA (e) duration of consent (f) review of consent conditions (g) compliance monitoring.

Rule	Activity	Classification	Conditions/Standards/Terms	Control/Discretion Non-Notification
17-4 Exclusive occupation	Any activity involving occupation of <u>space in [Clarification CI 16(2)]</u> the CMA pursuant to s12(2) RMA which: (a) would exclude or effectively exclude public access from an area over 10 ha (except where such exclusion is required in commercial port areas for reasons of public safety or security) (b) would effectively exclude the public from more than 316 m along the length of the foreshore (c) would involve occupation or use of an area greater than 50 ha of the CMA and such occupation or use would restrict public access to or through such an area.	Discretionary and restricted coastal activity		
17-5 Occupation of space in protection zones	The occupation of space <u>in the CMA protection zones as shown in Schedule H</u> pursuant to s 12(2) RMA <u>within a protection zone, as shown in Schedule H [COA 25B, 182/95]</u> , by any aquaculture activity, energy generation structure, port structure, or marina.	Prohibited		

Appendix 11: Prohibited Activity Status

This appendix addresses questions relating to “prohibited activities”, in particular Chair’s questions 12 and 28, Commissioner Van Voorthuysen’s question 21 and the panel’s questions 45 and 46.

The following table indicates the operative and proposed rules that are classified as non-complying or prohibited. The rule numbers and related zones are in brackets.

	Non-complying	Prohibited
Operative RCP	<ul style="list-style-type: none"> • Sewage default to 4.1 (4.2) (all zones) • RCA s107(2)(a) (5) (all zones) • Diversions (19) (all zones) • Disturbance (20) (protection zones) • maintenance dredging over 50,000 m3 (24.2) (port zone) • Other disturbance over 50,000 not maintenance dredging (25.2) (general zone) • Deposits (26) (protection zones) • Default rule for various activities 	<ul style="list-style-type: none"> • Boat sewage (7) (protection and port zones) • Contaminant to land (13) (general zone) • Specified structures (34) (protection zones) (ie. diversion structure, wharf, marina, boat shed or marine farming structure) • Reclamations (49) (protection zones) • Vehicles (53 & 54) (protection and general zones) • Disposal of hazardous substances(56) (all zones)
POP	<ul style="list-style-type: none"> • Reclamations (18 & 19) (protections zones) • Disturbance and deposits (25 & 26) (protection zones) 	<ul style="list-style-type: none"> • Occupation large area (5) (protection zones) • specified structures (14) (protection zones) (ie. storage or containment of petroleum products or contaminants, structures which will impound or effectively contain 4 ha or more of the cma, a wharf, marina, boat shed, aquaculture structure or energy generation structure). • PA petroleum, impound, wharf, marina, aquaculture, energy (14) (protection zones) • Dumping of hazardous substances (36) (all zones)

The RMA clearly provides for prohibited and non-complying activity status rules. In my view it is appropriate to classify some activities as prohibited. In the context of the POP, apart from one rule (hazardous substances) all the prohibited rules in Chapter 17 relate to the protection zones.

The protection zones are (as indicated by their title) focused on ensuring the areas are protected from activities that would impact significantly on the area. These areas were established through the processes relating to the operative plan and were repeated into the POP as it was considered that the values that were in these zones had not lessened over time. The importance of the values in the Manawatu River estuary have been further recognised by their recently approved status as a RAMSAR wetland of international importance.

While it is acknowledged that Policy 11-1(h) of the POP provides a high test, in my opinion it is compatible with protecting the values within the protection zones through the use of the prohibited activities. Policy 9-2(b)(iv) is also relevant.

The protection zones recognise the international, national and regional importance of estuaries ie. they are important for their habitat, fish and bird spawning/ breeding/ nesting areas, sedimentation capture and erosion control systems, inter-linkages between estuaries for migrating species etc. In my opinion these values are significant and warrant a high degree of protection.

Re: Coromandel Watchdog of Hauraki Inc v Ministry of Economic Development (CA 285/05; [2007] NZCA 47). In my view while this case raises the issue of the use of prohibited activity status, the situations are different in that the protection zones do not cover the extensive land areas referred to in the TCDC plan nor is the rule status intending to defer activities in favour of a plan change. In addition, the effects of the activities specified in the prohibited activity rules of the POP have been considered or are unknown. In my view they are appropriate to be classified as prohibited within these zones in light of the nature of the protection zones and in recognition of a precautionary approach.

Re: energy generation plant: A recent report from the Energy Efficient and Conservation Authority (Sinclair Knight Mertz, 2006), reported on the renewable energy potential for the Region. Wheel wave energy was considered to have potential (ie. open coast waters) the likelihood of tidal generation were not considered to be well suited (estuaries and river mouths). This reinforces my opinion that the potential for energy generation plant being located within the protection zones is very low.

Therefore I consider that the prohibited activity rule status of the rules specified in the Table above are appropriate and should be retained.

Appendix 12

Commissioner van Voorthuysen question 19. Page 141: There is a major problem establishing the “lawfulness” of old coastal structures due to the loss of records. Other councils are going away from the approach of using the term “lawfully established”. Would it be better to simply refer to “existing structures”, perhaps qualified by some date such as plan notification?

Comments

It is thought that there are three potential solutions for how existing structures could be described in rule 17-1. These are described below:

Lawfully established structures

The use of the term lawfully established structures tends to be quite common and can be found in Wellington Regional Council RCP (Rule 6), Environment Waikato RCP (Rule 6), Environment Canterbury RCP (Rule 8.1 [uses the term ‘Authorised structure’]), Auckland Regional Council (Rule 12.5.1).

The use of this term puts the onus on the structures owner to prove that it is a lawful structure before work can take place. The downside to the use of this term however can be that older “consent” documents often will be missing and if the structure is very old when there may be little or no documentation associated with it.

Structures that are referenced in a plan appendix

Another approach is to reference all structures in an appendix of the plan. This approach is used by Hawkes Bay Regional Council (Rule 6.4.5) and Horizons Regional Council existing RCP (Rule 31).

This approach will work well if all structures within the CMA are captured however there is the risk that some could be missed and an update of the structures inventory in the existing RCP could take some time and work. This approach also creates a gap in respect of new structures, that is, structures approved after the plan is notified. Structures that are missed from the appendix would require a plan change to insert them.

Structures that are existing on a certain date e.g. The date the plan becomes operative

The last option is to place a date in the plan and state that all structures existing before this date and new lawful structures after the date may be maintained as a permitted activity. This options provides certainty to decision makers and resource users but has the potential to make unlawful structures lawful. While this creates the risk of “permitting” some structures that should best be removed, it is not considered to be an issue of any significance within the Horizons coast (based on the operative RCP “permitting” the existing schedule).

Therefore in my opinion, the preference is to retain the wording “lawfully established” and emphasise “existing” structures.

Amend Rule 17-1 as follows: [COA 39B]

The occupation of space in the CMA pursuant to s 12(2) RMA by ~~any existing~~ , a any lawfully established existing structure and any associated damming or diversion of coastal water pursuant to s 14(1) RMA.

Appendix 13 – Port Zone Rules

Separate reports on the caucusing meetings held with River City Port, Wanganui City Council and the Department of Conservation, were forwarded to the Hearing Panel. This pre-hearing caucusing resulted in a number of changes being agreed between the parties for recommendation to the Hearing Panel. As these matters were not agreed in time for inclusion into the staff’s Supplementary Evidence report, this appendix records the agreed matters. This Appendix should be read in conjunction with the report to the Hearings Committee “Summary of Positions” by Richard Thompson (tabled) and Supplementary Evidence of Ben Farrell 15/9/08 (tabled).

The following table provides an overview of the rules and reasons for the amendments as discussed and agreed at the caucusing meetings, and the associated COA recommendation numbers. Details of the rules changes are shown below the table.

Rule No.	Rule Title	Classification	Response	COA reference
17-5 & 7-14	Occupation of space in protection zones and structures in protection zones	prohibited prohibited	The wording of rule 17-5 does not match rule 17-14. I consider that it should be aligned. This would provide a clearer definition of port related activities that I consider should not occur in the protection zone.	COA 43
17-6	Maintenance and repair structures– lawfully established	permitted	Condition c) refers to rule 13-26 – and by association 13-24 & 13-25 –I recommend that this should be deleted as it is irrelevant to this rule.	COA 43
17-9 & 17-9a	Structures in port zone & Wharf extension in the port zone	controlled permitted	Minor wording changes are recommended in rule 17-9 for clarification and consistency in wording. Rule 17-9a is a proposed new rule which provides for minor extensions to the existing wharf.	COA 43
17-16 & 17-16a	Small reclamations & Small reclamation within the Port Zone	Discretionary Restricted discretionary	I recommend a cross reference amendment to Rule 17-16 to clarify the link to recommended new rule 16a. The recommended new rule 17-16a specifically for the port zone, would enable future expansion of port servicing land, and recognises this zone as an industrial area. However as any reclamation in this area could have significant impacts on the	COA 37E

Rule No.	Rule Title	Classification	Response	COA reference
new rule 17-12a	River/ estuarine control structures	Restricted discretionary	environment I consider that the restricted discretionary status is appropriate. This recommended new rule (as shown in the yellow version) did not address the ports concerns. I recommend that it is deleted.	COA 43

Rule 17-9

The term "removal" was deleted as this is already covered in rule 17-7. In addition, condition a) was considered to be ultra vires; while b) provides a more specific date (ie the date the POP was proposed).

17-9 Structures in the port zone	The erection, reconstruction, placement, <u>or</u> alteration, or removal of any boat ramp, <u>wharf</u> , jetty, pontoon, or boat mooring structure located within the port zone as shown in Schedule H pursuant to s 12(1) RMA and any associated: (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA.	Controlled	(a) <u>The activity shall have the prior written agreement of the port company.</u> (b) Any activity related to the marina shall not extend beyond the existing area currently occupied <u>as at 30th May 2007.</u> (c) The activity shall comply with the conditions listed in Table 17.1.	Control is reserved over: (a) efficient use of the CMA (b) effects on water quality (c) extent of disturbance to the foreshore or seabed (d) the material to be used for the structure (e) duration of consent (f) review of consent conditions (g) compliance monitoring
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New rule 17-9a)

- (a) A new rule relating to the extension of the existing wharf was agreed. In my opinion, the scale of this extension is relatively minor given the existing length of the wharf and condition g) enables Horizons to undertake monitoring to ensure the conditions are met. Note: condition a) of this rule as agreed to was "The activity shall comply with the conditions listed in Table 17.1.". However in light of other recommendations seeking that the references to table 17 be specified (COA 38), I have amended these accordingly.

<p><u>17-9a)</u> <u>Wharf extension in the port zone</u></p>	<p><u>The erection, reconstruction, placement, alteration, or extension of any wharf structure located within the port zone as shown in Schedule H, pursuant to s 12(1) RMA and any associated:</u></p> <p>(a) <u>occupation of the foreshore or seabed, pursuant to s 12(2) RMA</u></p> <p>(b) <u>disturbance of the foreshore or seabed pursuant to s 12(1) RMA</u></p> <p>(c) <u>deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA</u></p> <p>(d) <u>discharge of water or contaminants into the CMA pursuant to s 15(1) RMA</u></p> <p>(e) <u>damming or diversion of coastal water pursuant to s 14(1) RMA.</u></p>	<p><u>Permitted</u></p>	<p>(a) <u>The activity shall comply with the general conditions listed in Table 17.1, with the exception of Table 17-1(h) and (k).</u></p> <p>(b) <u>Any extension in length to the wharf shall not be greater than 10% of the existing length of 570m.</u></p> <p>(c) <u>There shall be no extension in width to the existing wharf.</u></p> <p>(d) <u>The width of any extension to the existing wharf shall be the same or a lesser width from MHWS as the existing wharf</u></p> <p>(e) <u>the design and materials used shall be similar in nature and scale of effects to those used for the existing wharf structure</u></p> <p>(f) <u>the Regional Council shall be notified two weeks prior to commencement of any work on the wharf structures.</u></p>	
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Reclamation: Recommended New Rule 17-16a

<p><u>17-16(a)</u> <u>Small reclamation within the Port Zone</u></p>	<p><u>Reclamation of the foreshore or seabed pursuant to s 12(1) RMA, within reclamation area 1 as shown on Map H10, and any associated</u></p> <p>(a) <u>(occupation of space in the CMA pursuant to s12(2) RMA</u></p> <p>(b) <u>structure pursuant to s12(1)</u></p> <p>(c) <u>disturbance of the foreshore or seabed pursuant to s12(1) RMA</u></p> <p>(d) <u>discharge of water or contaminants into the CMA pursuant to s15(1) RMA</u></p>	<p><u>Restricted Discretionary</u></p>	<p>(a) <u>Either:</u></p> <p>(i) <u>the reclamation shall be less than 1 ha, or</u></p> <p>(ii) <u>the reclamation shall extend less than 100 m in all directions.</u></p> <p>(b) <u>In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations</u></p>	<p><u>Discretion is restricted to:</u></p> <p>(a) <u>the functional necessity for the reclamation</u></p> <p>(b) <u>the material used as fill for the reclamation</u></p> <p>(c) <u>the visual amenity of the structure</u></p> <p>(d) <u>any hydro-dynamic impacts on the neighbouring shore line, including wildlife habitats</u></p> <p>(e) <u>the timing of the activity</u></p>
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			<u>must not exceed the size dimensions specified in (a) (i) or (ii) above.</u>	(f) <u>the design parameters of the structure to address the effects of sea level rise and storm surge</u> (g) <u>review of consent conditions</u>
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Reclamation: Rule 17-16 – Consequential Change

17-16 Small reclamations except in protection Zones	The reclamation of any area of the foreshore or seabed pursuant to s 12(1) RMA, except as otherwise covered by Rule 17-16(a) and excluding those areas identified as protection zones in Schedule H.	Discretionary	(a) Either: (i) the reclamation shall be less than 1 ha, or (ii) the reclamation shall extend less than 100 m in all directions. (b) In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the dimensions specified in condition (a).	
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Occupation of Space: Rule 17-5

The wording of rule 17-5 did not match rule 17-14. I consider that it should be aligned. This would provide a clearer definition of port related activities that I consider should not occur in the protection zone.

17-5 Occupation of space in protection zones	The occupation of space pursuant to s 12(2) RMA within a protection zone, as shown in Schedule H, by any aquaculture activity, energy generation structure, port structure, or marina. <u>wharf, marina, boat shed, aquaculture structure or energy generation structure</u>	Prohibited		
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Appendix 14 – Legal Memorandum from John Maassen

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MEMORANDUM

TO: Hearing Panel
FROM: John Maassen
DATE: 13 January 2009
RE: Coastal Related Provision of POP

Introduction

1. This memorandum has two purposes:
 - (a) to confirm that I have audited the revision of the coastal related provisions of POP and am satisfied with the final wording. I note that I was not present at the hearing and therefore have not had the benefit of listening to submissions;
 - (b) to address generally (i.e. not on a point by point basis) some of the questions of a legal nature posed by the Hearing Panel. This is because some of the concerns underlying the questions of the Hearing Panel are addressed by the revised coastal related provisions.
2. The coastal related provisions of the POP comprise:
 - (a) chapter 9 which is in part 1, the RPS;
 - (b) chapter 17 containing the rules and assessment policies;
 - (c) schedule H;
 - (d) any related provisions such as the glossary where applicable.
3. Chapter 17 and schedule H form a discrete planning instrument called a regional coastal plan². In accordance with Andrea Bell's general approach as outlined in her evidence for the resumed land hearing, schedule H is only referred to in chapter 17, not chapter 9.

² Chapter 17 identifies what is included with a regional coastal plan and it includes the threatened species list in table FJ, the glossary and the significant landscapes in schedule H1-H3.

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Interpretation of Plans

4. The Hearing Panel raised a general question regarding interpretation of plans. In particular, the significance of advice notes and guidance notes. The Interpretation Act 1999 at section 5 states:

"5 Ascertaining meaning of legislation

- (1) The meaning of an enactment must be ascertained from its text and in the light of its purpose.
 - (2) The matters that may be considered in ascertaining the meaning of an enactment include the indications provided in the enactment.
 - (3) Examples of those indications are preambles, the analysis, a table of contents, headings to Parts and sections, marginal notes, diagrams, graphics, examples and explanatory material, and the organisation and format of the enactment."
5. Section 5 enables reliance upon a range of materials within an enactment to be considered in ascertaining the meaning of enactment. An enactment includes a regulation. A regional or district plan is not a regulation within the meaning of the Interpretation Act 1999 even though those planning instruments have the force and effect of regulation (see RMA part 4 and 5). Nevertheless, section 5 is a concise statement of purposive interpretation and is the approach adopted by Courts when interpreting district and regional plans⁴.
6. Examples, advice notes, guidance notes and explanatory material within a regional or district plan will therefore be consulted if relevant to a question of interpretation.
7. A question has arisen as to the extent of the Coastal Marine Area. The CMA is defined in section 2 RMA. It reads:

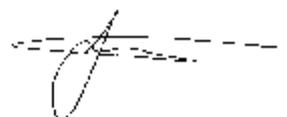
"Coastal marine area means [the foreshore, seabed, and coastal water, and the air space above the water]

- (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 shall 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 5:"
8. Foreshore is also defined in section 2. Foreshore is defined as:

⁴ See for example *Powell v. Dunedin City Council* [2005] NZRMA 174 and *Beach Road Preservation Society v. Whangarei District Council* [2001] NZRMA 176

"**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."

9. Coastal water is defined as follows:
- "Coastal water means seawater within the outer limits of the territorial sea and includes—
- (a) Seawater with a substantial fresh water component; and
- (b) Seawater in estuaries, floods, inlets, harbours, or embayments."
10. It is considered that the land, water and air column that is part of or associated with a river and stream is part of the CMA if:
- (a) it is inside the landward CMA boundary as provided in the definition of Coastal Marine Area;
- (b) does not go beyond the foreshore as measured in section 2 RMA (i.e. based on mean spring tide).
11. A question was raised regarding rule 17-30. I am satisfied that performance condition (c) does not offend any legal principle. The threshold is land zoned industrial commercial or residential not exceeding 2 hectares. This may change but the threshold is nevertheless valid and verifiable. The fact that an activity's status may cease to be permitted because it no longer meets a performance condition is not problematic. The potential effects of the activity change according to the characteristics of the catchment. Therefore, a change in classification is justified.
12. The amendments arise out of and are related to submissions on the overall plan covering enforceability, compliance with the RMA and to recognise the discrete nature of the regional coastal plan. Most changes do not affect the substance and effect of the coastal related provisions. I therefore do not consider any further hearing is necessary.
13. The numerical standards for water quality will be subject to and informed by decisions of the Hearing Panel on water quality.



John Maassen

TWM-010715-74-254-V1:JAJ

