

**IN THE MATTER OF** the Resource Management Act 1991 ('The Act')

**AND**

**IN THE MATTER OF** hearings on submissions concerning coastal marine area provisions of the proposed One Plan notified by the Manawatu-Wanganui Regional Council ('The Council').

## **STATEMENT OF EVIDENCE OF JULIAN WATTS**

### **INTRODUCTION**

#### **Qualifications and Experience**

1. My full name is Julian Derick Watts. I appear in connection with the submission and further submissions on the Proposed One Plan by the Minister of Conservation ('the Minister').
2. I am employed by the Department of Conservation as a Resource Management Planner in the Wanganui Conservancy Office. I hold an MA in Town and Regional Planning from the University of Sheffield (UK) and corporate membership of the Royal Town Planning Institute (UK). I have approximately twenty years' experience in the field of environmental planning in the United Kingdom and New Zealand, the majority of it specialising in the planning and protection of significant natural areas and landscapes.
3. I am currently responsible for providing advice to the Conservancy on issues under the Resource Management Act, 1991. During the past two years this has included co-

ordination of the Department's involvement in the Proposed One Plan. The Horizons Region includes parts of five Lower North Island Conservancies, with the largest part lying within the Wanganui Conservancy.

4. I have read the Code of Conduct for Expert Witnesses (Section 5 of the Environment Court Consolidated Practice Note 2006). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **SCOPE OF EVIDENCE**

5. My evidence will, from a planning perspective, cover the following matters in turn in as far as they relate to matters raised in the Minister's submissions:

- The main issues of concern in the Proposed One Plan (POP or 'the proposed plan') which I would wish to draw to the attention of the Panel, and suggested means of resolving them. In general my evidence supports the evaluations and recommendations in Ms. Britton's report. However this section deals with the main matters on which I consider that my opinions differ from those expressed in Ms Britton's report, or relative to contentious issues.
- Other matters. These relate to matters of detail on which I do not agree in full with Ms Britton's recommendations, and on which I have suggested other amendments or matters for consideration by the Panel.
- Matters of agreement. These are matters on which I am in agreement with Ms. Britton's evaluation and recommendations and which I wish to draw to the attention of the panel in a summary table, rather than repeating Ms Britton's analyses.

6. In my evidence I will refer (selectively) to the national legislative and policy framework which I consider particularly relevant to the matters to be determined at the Coast Hearing, in particular the relevant provisions of the Resource Management Act 1991

(‘the Act’), the New Zealand Coastal Policy Statement (1994) (‘the NZCPS), and Proposed New Zealand Coastal Policy Statement (2008). However rather than quoting the relevant provisions at length verbatim, I will simply refer to them where they are of particular relevance in my evidence.

## **MAIN ISSUES**

### **Overall evaluation of Ms Britton’s report**

7. In general I agree with Ms Britton’s approach in terms of both her recommended amendments to the structure of the Proposed One Plan and her evaluation of the submissions on substantive matters. In my view her general approach is consistent with the decision sought in the Minister’s submission and the provisions of the Act, the NZPS and the Proposed NZCPS.
8. Taken as a whole the recommended amendments proposed in Ms. Britton’s report will make it clearer which plan provisions apply to the coastal marine area and which apply to water bodies and land in other parts of the coastal environment. This will in turn provide clarity on which parts of the plan are subject to the approval of the Minister of Conservation under Clause 19 of the First Schedule of the Act. However in my opinion there are still a number of gaps or other shortcomings which should be addressed by the panel if this part of the One Plan is to give appropriate effect to or otherwise be consistent with the provisions of Act and the NZCPS. I will focus on these matters in my evidence.

### **COA2 Natural Character**

9. The Minister’s submission sought the addition of a new objective and policy in Chapter 9 to provide for the preservation of the natural character of the coastal environment, in order to give appropriate effect to Section 6(a) of the Act and Policy 3.2.1 of the NZCPS.
10. Whilst I agree with Ms Britton’s evaluation (p.27) that Policy 9-4 goes some way towards providing for these matters, under Sections 62 (1)(c) and 67(1)(b) of the Act a regional policy statement and regional plans must state the objectives to be achieved by the policy statement or plan. Otherwise it is not clear what the policy is seeking to

achieve, and there is no frame of reference within the plan against the policy can be interpreted and applied. This in my opinion is a particular issue where the policy relates to a matter of national importance and is open to a range of interpretations, which I consider to be the case for Policy 9-4 (as discussed in my evidence below).

11. In her report (p.27 ) Ms Britton indicates that she considers that matters relating to natural character of the coastal environment are adequately addressed through Chapter 7 of the Proposed Plan. However, although Objective 7-2 (b) does, as noted in Ms Britton's report, refer to the natural character of the coastal environment, the text of the POP (paragraph 6 of section 7.1.3) clearly states that

*“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”.*

12. Furthermore the policies in Chapter 9 and Chapter 17 make no reference to the policies or objectives in Chapter 7 in terms of giving effect or having particular regard to them. The link to the provisions of Chapter 7 is therefore implicit at best, and arguably of secondary importance in decision-making compared with the policies and objectives which are specifically cross-referenced in the coastal chapters.
13. If it is considered that a completely new objective to provide for preservation of the natural character of the CMA would be inappropriate, then I would suggest that the most efficient and effective remedy would be to incorporate reference to natural character into Objective 9-2, the second part of which already relates to protection of 'sensitive areas'.

14. I would recommend therefore that (incorporating the other amendments recommended by Ms Britton) that Objective 9-2 be further amended to read:

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

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

#### **COA Water Quality - general**

15. The Minister’s submission (372/172) sought the addition of an objective and policy for maintenance and enhancement of water quality in the coastal marine area. In her report Ms Britton has recommended that a new policy is appropriate but has not recommended the inclusion of an objective. My understanding from her report is that she considers this matter to be adequately provided for through the objectives in Chapter 6 and, perhaps, through the addition of a sentence in the explanatory text indicating that water quality in the CMA “should be managed consistently with the approach taken in Chapter 6”.
16. However Chapter 6 makes no reference to issues relating to water quality of the coastal marine area. Objective 6-1 relates only to water bodies, the definition of which, under Section 2 of the RMA specifically excludes the CMA. Objective 6-2 refers to surface water quality in rivers and lakes, and groundwater quality, but not to water quality in the coastal environment or coastal marine area.
17. Whilst I agree with the need for general consistency, and with Ms Britton’s general approach to other matters relating to water quality in the RMA (see paragraphs 21 and 65 below) I do not consider that the plan provisions as proposed or as recommended in Ms Britton’s report go far enough to achieve this. They also fall short of meeting the requirements of Sections 62 (1)(c) and 67(1)(b) of the Act by not including the relevant objective in the RPS or Coastal Plan.

18. In my opinion therefore an objective, worded consistently with Objective 6-1 should be included in Chapter 9, as follows:

“Objective 9-3:

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

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

**Human sewage discharges**

19. In addition to the above, I also note that Policy 6-11 in Chapter 6, which relates to human sewage discharges, does not refer to such discharges in relation to the coastal marine area. Whilst Rule 17-35 deals with such activities, there are no objectives or policies relating specifically to this matter in Chapter 9 or Chapter 17.
20. I would therefore consider it appropriate to include a new policy which applies similar wording to Policy 6-11 to the CMA, including sub-clause (b) with a date of 2020 or earlier, if there are any existing direct discharges of treated human sewage into the coastal marine area.

**New Policy 9-5A - Cross referencing to Chapter 6**

21. I agree with Ms Britton’s general approach and framing of a new policy for coastal water quality (p.29 of her report). However I do have some concerns regarding the wording of the final sentence of this new policy and whether this clearly achieves the intended purpose. This as I understand it is to ensure that the intent of Policies 6-3 to 6-5, and 6-8 also applies to the water quality standards in Schedule H (as amended), whilst at the same time avoiding undue repetition of the Chapter 6 policies themselves.

22. I would suggest that this may be better achieved by also adding a specific reference to Schedule H in the relevant policies in Chapter 6 where relevant and also including a short explanation in both Chapters 6 and 9 which reflects the intent of the policies and the cross-referencing between them.

#### **COA 15 – Policy 9-4 Appropriate Use and Development**

23. I note that this policy was subject to a range of submissions, including two points of submission by the Minister. Ms Britton’s report recommends that one of these [372/126 (b)] be accepted and I agree with the evaluation and recommendation on p.67, para 4.15.3 (c).

24. The Minister’s submission also sought [372/126 (b)] that the phrase ‘as far as practical’ in sub-clause (c) be deleted and replaced with ‘avoid, remedy or mitigate’. This was on the basis that the use of the phrase “as far a practical” in this context raises uncertainty over whether the purpose of the Act will be achieved and proper effect given to the NZCPS in relation to the matters covered in this part of the policy.

25. Ms Britton’s report does not evaluate this submission point but recommends on page 65 of her report that it be rejected.

26. The Minister’s submission reflects a concern that a wide range of activities with potential adverse effects are likely to be able to pass the ‘test’ of appropriateness under sub-clauses (a) and (b) of Policy 9-4. In my view they would simply need to demonstrate under (a) that they were a ‘marine’ or foreshore-based activity or could not reasonably be expected to take place on land instead, regardless of their effects. To meet the requirements of sub-clause (b) the activity would simply need to demonstrate either that the activity was facilitating the restoration or rehabilitation of natural features to the extent that it is practical for it to do so within the nature and scope of the activity, financial constraints, available technology etc. Again this would be regardless of scale or nature of effects.

27. Ms Britton’s report intimates (p. 66, penultimate paragraph) that sub-clause (a) is a clear criterion for appropriateness and this gives partial effect to NZCPS Policy 3.2.1 . I assume that sub-clause (b) relates to Policy 1.1.5 of the NZCPS which indicates that it is

a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

28. However even if both together form a test of appropriateness I do not consider them to be adequate since they do not relate to the range of potential adverse effects of activities in the CMA. Policy 9-2 provides guidance with respect to the Wanganui Port Zone and identified protection areas, but sub-clause (c) of this Policy in my opinion has the same shortcomings as Policy 9-4(c).
29. Assessment of an application for a discretionary or non-complying activity which passes the 'tests' of sub-clauses (a) and (b) would in such cases then rest entirely on the third part, Policy 9-4 (c) (and presumably, if in the general zone, parallel consideration under Policy 9-2), since there are no relevant policies in this part of the plan relating to protection of natural values, including natural character. Objective 9-2, unless amended, applies to 'sensitive areas' which in my understanding would apply primarily to protection zones rather than to preservation of the natural character of the coastal marine area or coastal environment in general, which is required to be provided for under Section 6(a) of the Act.
30. I would suggest that if sub-clause (c) of Policy 9-4 is to be a criterion of appropriateness (rather than a partial reflection of NZCPS 3.2.2), then use of the term 'as far as practical' (or 'as far as practicable') does not provide for a full and proper test against the relevant NZCPS policies (including policies in chapter 1.1) and therefore fails to give effect to them. It implies that if the activity has avoided adverse effects 'as far as practical' (or 'practicable') then it meets the requirements of criterion (c), irrespective of the nature and scale of any effects.
31. In my opinion Ms Britton's recommended amendment (p.67) more accurately reflects the wording of Policy 3.2.2 of the NZCPS than the plan as proposed but, without an adequate test of appropriateness, fails to give effect to NZCPS Policies 1.1.1. to 1.1.4 and in my opinion simply compounds the problem by further weakening the test of appropriateness.

32. In the context of the Minister's submission a simple remedy would in my opinion be to allow the Minister's submission, which was to delete the words "as far as practical" in Policy 9-4 (c) and replace them with the words "avoid, remedy or mitigate".
33. If however it considered that the use of "as far as practicable" should be included, then an alternative remedy would be to make it clear that the primary test in sub-clause (c) is in terms of the relevant NZCPS Policies (Section 1.1.1 to 1.1.4) and the objectives in the One Plan which give effect to them. With respect to activities in the CMA this would in my view be reliant upon acceptance of the Minister's submission seeking an Objective relating to natural character being added to Chapter 9 (as suggested in paragraph 14 above) being allowed, and this new provision being cross-referenced from Policy 9-4. I have recommended in paragraph 14 above that the Objective be provided through an amendment to Objective 9-2.
34. Sub-clause 9-4 (c) of Policy 9-4 should then, in my opinion begin with the words:

*"(c) be consistent with the achievement of Objective 9-2 and "*

**COA 28- Policy 17-4 (e)**

35. The Minister's submission (372/176) also sought the deletion of the words "as far as practical" from this policy. The Minister's concerns are similar in principle to those raised with respect to Policy 9-4. Policy 9-4 is directly referenced in Policy 17-4 (b) but has considerable potential overlap and possible inconsistency with Policy 17-4 (e).
36. As indicated in paragraphs 26 to 30 above, including the phrase "as far as practical" in this type of situation in my opinion creates uncertainty regarding the achievement of the purposes of the Act, unless the policy is made subordinate or subject to a policy which provides a priori guidance on appropriateness. Otherwise to my mind the implication is that the criterion for assessment to which the consent authority will have particular regard is the extent to which the activity has taken all practical steps to avoid effects, rather than the nature and scale of effects themselves.

37. The Minister's concerns would in my opinion be addressed by deleting the words "as far as practical" as sought in the submission.

38. Alternatively, I consider that the Minister's concerns would also be met by the following rewording, which would retain the phrase "as far as practical":

*(e) "any potential adverse effects on natural character and landscape, Maori cultural values, historic heritage values, indigenous flora and fauna and the stability of riverbanks and the foreshore, and the extent to which such effects have been avoided, remedied or mitigated as far as practicable."*

### **COA 29 Policy 17-5**

39. The Minister's submission (372/ 177) also sought deletion of the phrase "as far as practicable" from sub-clause 17-5(c). However, having considered Ms Britton's evaluation (p.107) I agree that in the context of existing lawfully established structures the phrase would be appropriate in this policy. I therefore agree with Ms Britton's recommendation to retain the wording.

### **Consequential amendments**

40. In the light of the above analysis I would recommend that the use throughout the plan of phrases such as "as far as practical" or "as far as practicable" or "unless constrained by functional requirements" or words to like effect be reviewed in order to determine whether consequential amendments are appropriate. I would recommend that Policy 9-2 be included in this assessment.

41. The appropriateness of such phraseology is in my opinion dependent upon the context of its use. However in my view consideration should be given to deletion of the phrase where, for example, the relevant objective or policy is to be used as a primary basis for determining appropriateness and would focus decision-makers' attention on the extent to which the activity has sought to minimize adverse effects rather than the nature and scale of the adverse effects themselves. Otherwise in my opinion the phrase would limit the ability of decision makers to fully consider such effects.

## **River City Port Company Submission**

42. River City Port Ltd has submitted on a range of matters relating to activities which the company may wish to undertake in the future, both within and outside the Port Zone. These submissions have been subject to further submissions by the Minister and others.
43. In my opinion many of the matters raised in the port company's submission are of a general or undefined nature, to the extent that the nature and scale of the activities to which they relate, their potential adverse effects, and their appropriateness cannot be assessed with adequate certainty.
44. The Port Zone itself lies in close proximity to the protection zone for the lower Whanganui River as identified in the operative Coastal Plan and Schedule H of the Proposed One Plan. Schedule D of the proposed plan also recognises the native fish spawning and fishery values of the lower part of the river as well as its amenity value. In addition the cultural and historic values associated with this part of the river are, in my opinion, of undoubted significance.
45. In addition to provisions for the general zone and protection areas, the Operative Regional Coastal Plan recognizes (p. 32) that
- “There are some important ecological areas within the Port area, including mudflats, which provide significant habitats for various marine species. These values need to be taken into account when assessing the effects of activities in the area”.*
46. Without going into detail, the operative coastal plan notes that a wide range of activities inside and outside the Port Zone have potential to adversely affect the estuarine ecosystem either directly (for example through loss of habitat arising from reclamations, or smothering effects arising from deposition of dredged material) or indirectly through effects on hydrology and sediment transport systems.
47. On the other hand recent initiatives to improve water quality in the lower river (in particular the District Council's wastewater treatment and storm water separation

projects) have created potential for restoration or enhancement of habitat quality. Other activities associated with the port and other river management operations may also have potential benefits for conservation, for example where they promote the creation of new habitat.

48. Prediction of the effects of human intervention in this complex system on a significant scale is often, in my understanding, not easy or certain. Both the NZCPS (Policy 3.3.1) and the Proposed NZCPS (Policy 5) indicate that a precautionary approach should (under the Proposed NZCPS 'shall') be adopted in circumstances of uncertainty regarding effects. Therefore in my opinion effects of activities, where potentially more than minor, should be considered through an AEE process as required under the Act, subject to a consenting process in accordance with Policy 11-1 of the proposed plan and, where there are potential effects on other interests, should be subject to notification under the Act.
49. In the light of the above, and in the absence of further information to the contrary, I would consider that the status of the activities to which the port company's submission refers should remain as classified in the Proposed One Plan, and that the Port Zone should not be extended.
50. I therefore agree with the recommendations in Ms Britton's report with respect to the port company's submission on the above and other matters. The specific points of agreement are included in the summary table at the end of my evidence below.

## **OTHER MATTERS**

51. In this part of my submission I will refer to other matters of detail where I consider that the recommendations in Ms Britton's report should be revised (or subject to other qualification) in order to address the concerns raised in the Minister's submission.

## **COA2 Overall Plan General**

### **Identification of land administered under the Conservation Act 1987**

52. The Minister's submission (372/170), sought to give effect to Policy 4.1.1 of the NZCPS, which states that:

*“Regional coastal plans should identify land and areas under the Conservation Act 1987 and other land and areas administered by the Department of Conservation so that their status will be taken into account in deciding resource consents”.*

53. The following relevant information is included on page 18 of the operative Manawatu-Wanganui Coastal Plan. I believe this could readily be transposed into a relevant part of the POP:

54. “The Department of Conservation administers a small area of the coastal marine area under Section 62 of the Conservation Act 1987 within the Region. This is an area of 4.7285 hectares of the bed and river mouth of the Waikawa Stream below the footbridge (Conservation Unit Number S25002).”

55. I note also however that Policy 7 of the Proposed NZCPS requires, in summary, that the status and purpose of such land “shall be taken into account” in RMA decision processes, rather than such areas being specifically identified in the Coastal Plan.

56. In my opinion the word “should” in NZCPS Policy 4.1.1 allows for a limited degree of discretion as to whether the information is included. The Panel may however wish to seek further information on the nature and status of submissions made on Policy 7 of the Proposed NZCPS before reaching a final decision on this point.

## **COA 9 - Objective 9-1**

57. The Minister submitted in support of the objective as worded, and further submitted in opposition to Manawatu District Council's submission, which sought to narrow the scope of the objective to the coastal marine area only, on the basis that the term 'coast' did not reflect the wording of the Act.
58. My understanding is that Objective 9-1 applies to the wider coastal environment, and therefore restricting it to the coastal marine area would not be appropriate or consistent with the Act or NZCPS. I therefore agree with Ms Britton's recommendation that the Manawatu District Council submission be rejected. However I also agree with the basic concern raised by the submitter. The Minister's further submission noted that the term 'coastal environment' would be more appropriate than 'coast', since the former term is generally used throughout the NZCPS, whilst the latter is only used in specific places (e.g. Policy 3.1.1). This part of the Minister's further submission was suggested in order to remove any uncertainty regarding the matter raised in the District Council's submission. .
59. I would therefore recommend that the words 'coastal environment' be used instead of 'coast' in Objective 9-1.

## **COA 36 Chapter 17 New Rules: drilling and flaring hydrocarbons**

60. The Minister's further submission opposed the submission by the Ministry of Economic Development to provide for drilling and flaring of hydrocarbons as a permitted activity, subject to performance standards, in the CMA.
61. Having considered Ms Britton's report, I agree with her evaluation (p.126) and recommendation (p.127) that the activities be incorporated into the existing Rule 17-21. In particular I agree that the avoidance of discharge of contaminants from drilling muds, as would be required under Table 17-1, is appropriate as a performance standard.

62. I also agree with the 1 km set-back distance recommended for flaring of hydrocarbons but have concerns that this would enable the activity to be undertaken in close proximity to the Protection Zones or even within them. In addition to general adverse effects on the natural character of the coastal environment this may (as I understand it from other contexts) have unfortunate consequences for avifauna attracted to the flares for a variety of reasons, including the attraction of large numbers of insects to the light source, particularly at night. This is a recognized potential problem for offshore oil and gas installations.

63. I would therefore suggest that the first part of activity description be amended to include the words “discharge to air” and that the amendment recommended by Ms Britton be further amended so that, instead, sub-clause (a) reads

*“(a) exploration or drilling of the seabed occurring more than 1 km seaward of mean high water spring or a river mouth and any associated*

*(i) discharge of water or drilling fluids or*

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

64. In addition I would recommend that the following performance standard be added to Table 17.1:

*“Any discharge to air resulting from the flaring of hydrocarbons shall, as far as practicable, occur during the hours of daylight”*

#### **COA 24/COA 38 Schedule H and Table 17.1**

65. The Minister submitted (372/173) that the relationship between Table 17.1 and the natural values associated with the coastal marine area identified in Schedules D and H should be made clearer. Ms Britton’s recommendations (pages 96 and 139) in my opinion have gone a long way towards achieving this and I am in agreement with amendments proposed. For the avoidance of doubt, however, and to ensure that the biotic values of the protection zones are given explicit recognition, I also consider that the left hand column of Table 17.1 should be amended to read;

*“Life-Supporting Capacity*

*(applies to all sites with a value of Life-Supporting Capacity as shown in Schedule H and any protection zones within them, as also identified in Schedule H)”*

#### **Other cross referencing between Chapters 6, 7, 9 and 17**

66. Depending upon the outcome of decisions on submissions, I would suggest that a review is undertaken of all cross-references between these chapters to ensure that they are appropriately provided for, and that any cross references which are made redundant as a result of the Panel’s decisions are deleted.

#### **MATTERS ON WHICH I AM IN AGREEMENT WITH THE RECOMMENDATIONS IN THE PLANNING REPORT**

67. I have considered all the other matters raised in the Minister’s submissions and considered in Ms Britton’s report. On the matters set out in the summary table below I am in agreement with Ms Britton’s evaluation and recommendations but for the sake of brevity will not repeat them in full.

<b>Recommendation</b>	<b>Page, Paragraph</b>	<b>Submission</b>
<b>COA2 Overall Plan General-Energy</b>	28, 4.2.3 (d)	X492/155 and X492/156
<b>COA2 Overall Plan General- Use of the CMA for Defence Act purposes</b>	28, 4.2.3 (part)	372/171
<b>COA 8 – Chapter 9 Port Activities</b>	44, 4.8.3 (d)	X492/157
<b>COA 10 Objective 9-2</b>	49, 4.10.3.1	X492/162
<b>COA 12 – Policy 9-1</b>	56, 4.12.3.1	X492/163,X492/164, 372/123
<b>COA 13 – Policy 9-2</b>	60, 4.13.3.1	X492/165
<b>COA 23 Chapter 9 Anticipated Environmental Results</b>	91, 4.23.3	X492/172, X492/173

<b>COA 24 Chapter 17, General</b>	96, 4.24.3.1	372/167, 372/168, 372/169 and 372/204
<b>COA 30 – Policy 17-6</b>	109 and 110, 4.30.3 (b,c,d)	372/179, 372/180 and 372/181
<b>COA 31 Policy 17-7</b>	112, 4.31.3	372/182 and 372/183
<b>COA 33 Policy 17-9</b>	115, 4.33.3	372/184
<b>COA 34 Policy 17-10</b>	118, 4.34.3 (c)	372/185
<b>COA 36 Chapter 17 New rules for various activities</b>	126 and 127, 4.36.3 (a,b,c)	X492/10, X492/12, X492/14
<b>COA 37 Chapter 17 New rules for various activities</b>	134 and 135,	X492/328, X492/329, X492/330,X492/327
<b>COA 40 Rule 17-2 Temporary occupation</b>	143, 4.40.3	372/187
<b>COA 41 Rule 17-5</b>	145, 4.41.3	X492/333, X492/332
<b>COA 43 Rule 17-9 Structures in the port zone and Rules 17-16 and 17-17 Reclamations and new rules for port maintenance in protection zone H11</b>	153, 4.43.3 (a) and (b)	X492/335, X492/460, X492/461
<b>COA 44- Rule 17-10 Structures for Public Access</b>	156, 4.44.3	372/188 and 372/189
<b>COA 45 Rule 17-12 Large structures</b>	158, 4.45.3	372/190
<b>COA 46 Rule 17-14 Structures in a protection zone</b>	160, 4.46.3	X492/336
<b>COA 49 Rule 17-23 Port zone and Whanganui River maintenance dredging</b>	166, 4.49.3	372/191
<b>COA 50 – Rules 17-24, 17-25, 17-26 Disturbances, removal and deposition in other zones</b>	169, 4.50.3	372/192, 372/193, X492/337, X492/338, X492/14
<b>COA 52 – Rule 17-29</b>	173, 4.52.3 (b)	372/194

<b>COA 53 Rule 17-30 Discharges of Stormwater</b>	175, 4.53.3	372/195, 199, 200 & 201
<b>COA 54 Rule 17-31</b>	178, 4.54.3	372/196
<b>COA 55 Rule 17-33</b>	180, 4.55.3	372/202 372/203
<b>COA 57 Rule 17-37</b>	184, 4.57.3	372/205
<b>COA 58 Rule 17-38</b>	186, 4.58.3	372/206
<b>COA 60 Glossary term 'coastal foredune'</b>	190, 4.60.3	X492/357
<b>COA 63 Figure H:10 Wanganui Port</b>	197, 4.63.3	X492/458 and 492/459

That concludes my evidence to the Coast hearing. I would be happy to answer any questions on its contents or on any other matters raised in the Minister's submissions which are within my area of expertise.

**Julian Watts**

**Department of Conservation**

**27 August 2008.**