

Coastal

Planning Evidence and Recommendations Report

***Horizons Regional Council's Planners Report on
Submissions to the Proposed One Plan – Coastal***



July 2008

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INTRODUCTION: COASTAL

CHAPTER 9: COAST AND CHAPTER 17: ACTIVITIES IN THE COASTAL MARINE AREA

*This report contains the recommendations from Horizons Regional Council's Consultant and Planners on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007, late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from Individuals (314), Organisations/Companies (149), Iwi (18), Territorial Authorities (15), Interest Groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 Report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Planners to the Hearings Panel having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Planners having regard to:

- The One Plan Philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case Law

Horizons Regional Council Staff met with some submitters to clarify points raised or negotiate potential outcomes and sought advice from technical advisors as appropriate. As noted in the readers guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to (a) consider the merits of the Proposed One Plan in light of submissions received and to (b) assist submitters by setting out responses to the points raised.

In reading the recommendations, please note that the Recommendation [#] is a unique number for the recommendation related to a particular part of the Proposed One Plan. The recommendation indicates whether the Hearing Evidence Report recommends that the Hearing Panel either "accepts", "rejects" or "accepts in part" the submissions made. Accept in part means the recommendation is to accept only part of the decision requested in that submission. Unless detailed otherwise where the primary submission has been accepted it follows that the further submissions supporting the primary

submission have been accepted, and that the further submissions opposing the primary submitter have been rejected.

PART ONE: READER'S GUIDE

1. Structure of Report

The Planning Evidence and Recommendations Report on submissions relating to the coast and particularly on Chapter 9: Coast and Chapter 17: Activities in the Coastal Marine Area includes:

- Part 1 Reader's guide
- Part 2 Statement of qualifications and experience
- Part 3 Summary of key themes
 - Provides a summary of the key submission themes and recommendations
- Part 4 Recommendations on submissions relating to the coast, in particular on Chapter 9: Coast and Chapter 17: Activities in the Coastal Marine Area, of the Proposed One Plan; includes tables of submitters, submission points and recommendations (accept / accept in part / reject), technical and planning assessments and wording changes to implement recommendations:

Part 4 is structured in the following order:

General comments

Chapter 9 – Coast

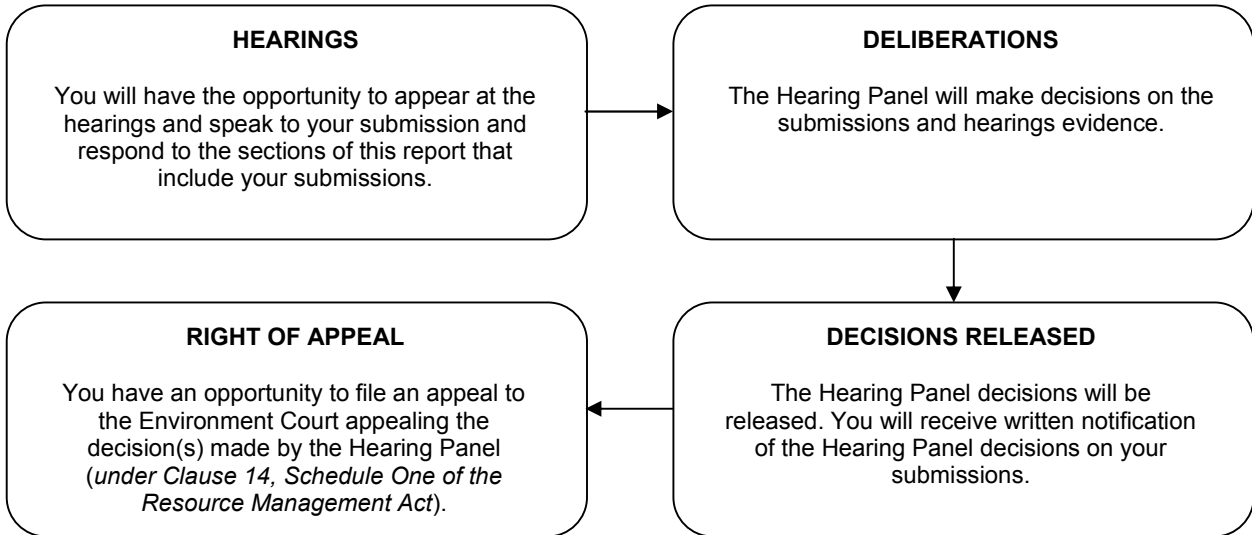
- general comments
- introduction
- issues
- objectives
- policies
- methods
- anticipated environmental results

Chapter 17 – Activities in the Coastal Marine Area

- general
- policies
- new rules
- table 17.1 Standard conditions for permitted and controlled activities in the coastal marine area
- rules
- glossary
- schedule H

1.1 Process from Here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision making process. The process for decision making is set out below for your information:



PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE

My full name is Robin Shirley Britton. I have a Bachelor of Arts and a Master in Social Sciences (1994) specialising in Resources and Environmental Planning. Both degrees were achieved at Waikato University.

I have been practising as a policy planner in local government since 1987 with the Waikato United Council, the Hamilton City Council, and the Waikato Regional Council (Environment Waikato). From 1995 to 2002 I held the position of Programme Manager Coastal Planning at Environment Waikato. From 2002 to the present I have worked as a self-employed resource management consultant.

During my working career I have been involved in a wide range of policy work related to coastal matters. Regionally I was involved in the development and first schedule process for the Waikato Regional Coastal Plan, as well as a wide range of associated projects. I have also been involved nationally with policy development relating to aquaculture, the New Zealand Coastal Policy Statement and natural hazards.

I was contracted by Horizons to develop and write the coastal chapters on the One Plan.

I am a member of the New Zealand Planning Institute, Resource Management Law Association and the New Zealand Coastal Society.

I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and I agree to comply with it.

PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS

The purpose of this summary is to provide a brief overview of the submissions received to Chapter 9: Coast and Chapter 17: Activities in the Coastal Marine Area and of the recommendations to the Hearing Panel. Due to the significant number of submissions received, and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document, and submitters may wish to have an overview of the issues raised and the direction Horizons Regional Planners have recommended in response to these. The following summary provides this overview. The summary is not an exhaustive list of all the issues raised, and more detail can be found within the body of the report.

Background to the POP: The Proposed One Plan (POP) is an integrated regional policy statement (RPS), regional plan (RP) and regional coastal plan (RCP). The underlying vision for the POP was that it be simple, comprehensive, focused on what was important and focused on results. This is reflected into the way the coast provisions are set out.

With regard to the need for Chapters 9 and 17, the regional council has the management of the cma as a function under s30(1)(d) RMA. It is also a mandatory requirement to have a regional coastal plan under s64 RMA. While section 78A allows for regional policy statements and plans to be combined together.

The purpose of the Coast RPS (Chapter 9) is to provide an overall framework for the resource management issues of the region and policies and methods for integrated management that can be reasonably achieved in the next 10 years. The Regional coastal plan (Chapter 17) sets out how activities will be controlled within this framework. It aims to permit day to day resource use activities that have minor adverse effects, and recognises that some activities are to be decided by the Minister of Conservation (restricted coastal activities).

Background to the Coastal Management regime: There is a distinct difference between the management regime for the cma and that for the landward coastal environment. Simply put, the RMA defines the cma as the area between the line of mean high water springs (MHWS - more or less the line of high tide) and the outer limit of the territorial sea (i.e. 12 nautical miles offshore). The "coastal environment", on the other hand, is not defined in the Act though it is referred to (most notably in sections 6 (matters of national importance), 56 (purpose of New Zealand coastal policy statements) and 64 (preparation and change of regional coastal plans)). But it covers the cma plus an area landward of MHWS (generally defined on a local basis or in district plans). Schedule H shows the location of the cma in relation to estuarine rivers. These maps were agreed upon between the region, districts and Department of Conservation as required by (s2) RMA.

While the coastal environment may not have been defined in law, it has been the subject of considerable Environment Court case law. The coastal environment is commonly accepted to consist of those areas where the coast

is a significant feature or influence and is often interpreted as including that area landward of the CMA to the first major ridgeline.

In terms of management of the coast, the presumption under the Act for activities within the cma is that you cannot undertake any activity unless the plan says you can or you get a resource consent. Whereas on land, the presumption is reversed ie. that activities can occur unless a rule in a district or regional plan says they can't. (Note: the presumption for the use of beds of lakes and rivers (s13) and taking, using, damming or diverting water (s14) is the same as for the cma.)

Regional councils, in conjunction with the Minister of Conservation, are responsible for managing activities in the cma. While district and regional councils are responsible for managing activities landward of MHWS.

Therefore within the POP, the RPS (chapter 9) focuses on key management issues that impact on the coast – these include the cma as the primary focus while recognising the role of the RPS to provide for integration with the landward coastal environment. Therefore in terms of management of landward coastal issues, the POP has then covered these coastal matters into the other chapters in the POP. This avoids unnecessary repetition and ensures consistency in management approaches.

By comparison Chapter 17 specifically focuses on policies and rules relating to the cma. This reflects the separate management regime that applies to the cma – including the requirement for the Minister to approve this section of the POP (whereas the Horizons Council approves the remainder of the POP). The RCP is necessarily different to the remainder of the POP as it focuses on a geographic area rather than being resource-based like the remainder of the document. Elements of the other resource topics, such as natural hazards, air and living heritage are equally relevant in the CMA. Provisions have not been duplicated, however, as this is contrary to the philosophy and principles underpinning the POP approach.

The New Zealand Coastal Policy Statement (NZCPS), which is the only mandatory national policy statement, applies to the cma and to the landward coastal areas. Both the POP and district plans must “give effect to” the NZCPS. The POP does not cover those responsibilities that clearly sit with the district planning.

Key themes from submissions: There was a wide range of matters raised by submitters to the coast chapters. A number related to the issues of integration and scope, which I have addressed by providing some background information above.

In addition submissions related to the revision and strengthening of the objectives, policies, methods and rules; clarification of zones and activities that occur within them, consistency in the use of terms and cross referencing, along with a range of specific comments.

Three other key themes included: energy issues, heritage issues and the use of zones for protection and port issues.

Energy Issues: Submitters were seeking to retain the opportunity into the future to locate renewable generation options into the cma. The Energy

Chapter of the POP has been strengthened, and this helps to address some of their concerns. However the use of protection zones to include energy generation is not supported as these areas have been identified as having significance for the region. It is also considered that the general zones are more likely to be more compatible with the needs of generation options.

Heritage Issues: Submitters were concerned that heritage issues were not addressed sufficiently in the Coast chapters. The Living Heritage chapter has been strengthened and this has flow on effects to coastal areas. In the development of the POP, the lack of information about historic heritage in the cma was acknowledged, and a method included to address this through gathering more information.

Zones: The POP proposes 3 zones for the coast: namely port, protection and general. This is consistent with the framework in the first regional coastal plan for Horizons. This had been assessed as working well, and it was decided that this approach should be continued. Submitters raised concerns seeking clarification of the protection zones and the values important in these areas, as well as seeking to extend the size of the Port zone and the provisions covered within that zone.

Overview: I have evaluated the submissions in relation to the objectives, policies and methods in Chapters 9 and 17 together with the requirements of the Resource Management Act 1991 (RMA), other legislation such as the Local Government Act 2002, the New Zealand Coastal Policy Statement and other relevant national policies and strategies.

I consider the approach taken in the two Coast Chapters of the Proposed One Plan is consistent with the functions of Regional Councils under Section 30(1) of the RMA. I also consider that Chapters 9 and Chapter 17 provide appropriate policy guidance criteria in relation to the Regional Council's consent granting functions under Sections 12, 13, 14 and 15 of the RMA.

Therefore in responding to the submissions made and drafting recommendations for consideration by the Hearing Panel, I have generally taken the following approach:

- submissions that support the provisions in Chapters 9 and 17 will generally be accepted;
- submissions requesting decisions that will clarify and/or provide more certainty to the provisions in Chapters 9 and 17 will generally be accepted; and
- submissions that request decisions which are inconsistent with the intent of the POP or the RMA or are seeking repetition of matters covered in other chapters will generally be rejected.

PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

4.1 COA 1 – Overall Plan General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
L M TERRY	425	10	No specific decision requested, however submitter notes: No control on foreshore development.	Reject
TE IWI O NGATI TUKOREHE TRUST	461	5	To date, the Horowhenua coastal region has not experienced such proposed peri-urban development with likely adverse impacts. Local authorities need to carefully scrutinise coastal landscape from an integrated, valued landscape perspective, and propose developments that do not stabilise the unique coastal dynamic dune systems of the Horowhenua coastline	Reject
MANAWATU BRANCH OF NZ GREEN PARTY	433	42b	Add to this section that there should be no building on sand dunes, other coastal features such as wetlands, or anywhere inside 500m of mean spring high tide except for surf lifesaving clubrooms and other vital services.	Reject
TARANAKI / WHANGANUI CONSERVATION BOARD	374	7	<p>No specific decision requested, however submitter notes:</p> <p>The list of issues says nothing about impacts of development pressures on coast. This should be explicitly mentioned under Coast.</p> <p>The plan, its objectives and policies should make provision for both the natural processes, and the activities of people which impact on the stability of the very fragile ecosystems.</p> <p>Biodiversity issues should also be included in the section under - Coast (9)</p> <p>Protecting the natural coastal herbfields, and the ephemeral wetlands to ensure the survival of the unique and endangered flora and fauna.</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
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			(and also the protection of Natural features and landscapes). Protecting our outstanding and important natural features, flora, fauna and landscapes is important	
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4.1.1 Submission summary

Four general submissions were received raising concerns about the lack of controls on foreshore development, and in particular development which could impact on coastal dunes and wetlands. A development setback of 500m is suggested by submitter 433.

4.1.2 Evaluation

Chapter 9 and chapter 17 relate only to the coastal marine area (cma) ie. that area from mean high water springs (MHWS) out to the 12 nautical mile limit of the territorial sea. There are two key reasons for controlling the scope of this chapter. Firstly, the plan provisions that relate to the coastal marine area must be referred to the Minister of Conservation for final approval. By keeping these two chapters contained to the cma, means that it is clear what chapters the minister is to approve. The Minister has no approval authority over foreshore or land above the line of MHWS. Secondly, the POP seeks to provide an integrated approach to management across the region. To this extent, other chapters are important for managing the matters raised by the submitters.

Notwithstanding these comments, Policy 9.4.1 recognises the need to ensure integration between the region's management of the cma and the District's management of land in the wider coastal environment. Sub-para (b) in particular gives guidance to Districts that they should manage land use issues through their District Plans.

The disturbance of fragile sand soils (including dunes) is covered in the land chapter of the POP. (Refer in particular to Issue 5-1, Objective 5-1, and Policy 5-3).

Landscape matters are covered in Chapter 7: Living Heritage. (Refer in particular to Issue 7-2, Objective 7-2 and Policies 7-1 – 7-9). Both landscapes and dune management are key issues in the New Zealand Coastal Policy Statement (NZCPS) and District plans must also give effect to these policies.

I do not agree with submitters that there is a need for the inclusion of further provisions into the coast chapter of POP, as I believe that these have already been addressed in the coastal chapter and other chapters of the POP. I also believe that the NZCPS will provide national guidance on these matters and the District plans must give effect to them. The District plans are the key RMA planning document for controlling land use associated with buildings and subdivision.

4.1.3 Recommendation COA 1

- a) Reject the submissions seeking to include references to managing dunes and development in the landward areas of the coastal environment.

4.1.3.1 Recommended changes to provisions

No changes recommended.

4.2 COA 2 – Coastal General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND HISTORIC PLACES TRUST – CENTRAL REGION	353	29	The NZHPT would reiterate that Horizons Regional Council needs to prepare a separate Regional Coastal Plan for Manawatu/Wanganui, rather than including it as a component part of the proposed One Plan. The NZHPT acknowledges, that the present Coast (9) and Activities in the Coastal Marine Area (CMA) (17). Sections of the proposed One Plan do include some useful material, which can form the basis of the separate Regional Coastal Plan document. Such sections in themselves, however, are inadequate given Regional Coastal Plans are compulsory documents pursuant to Section 64(1) of the RMA , and the means by which activities are the means by which resource use in the CMA is regulated.	Reject
SUSTAINABLE WHANGANUI	176	26	We applaud the provision for regulatory control of vehicles in sand dunes, but question what will be the costs?	Reject
HOROWHENUA DISTRICT COUNCIL	280	98	The Council reserves the right to make further submission on this Chapter once the Coastal Hazards report is released.	Reject
	X 481	459	PALMERSTON NORTH CITY COUNCIL – Support	Reject
THE ENERGY EFFICIENCY & CONSERVATION AUTHORITY	307	20	Address the issue of marine electricity generation and insert a new policy 9-2.1 to provide that marine electricity generation is an appropriate use in the coastal marine area, and provide for the associated pipelines and, cables and substations on shore.	Reject
	X 492	151	MINISTER OF CONSERVATION - Oppose	Accept
	X 519	67	MIGHTY RIVER POWER – Support	Reject
	X 522	280	MERIDIAN ENERGY LIMITED – Support in Part	Reject
	X 525	218	GENESIS POWER LTD - Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
PROGRESS CASTLECLIFF INC	332	1	Progress Castlecliff policy: 1 The unique features of the beach reserve should be given due recognition by the stakeholder authorities and promoted as an attraction to visitors.	Accept in part
PROGRESS CASTLECLIFF INC	332	2	We recommend setting up a working party including representatives of the District Council, Horizons, DOC and community groups through the Linking Group to bring forward an action programme for implementation of wider aspects of the Management Plan. We request representation in the working party.	Accept in part
PROGRESS CASTLECLIFF INC	332	5	1 Progress Castlecliff strongly supports the maintenance of Castlecliff Beach as a swimming beach, but we believe that this can be achieved with a cleared strip up to 40 or 50 metres wide above the normal tide levels: 2 We submit again that the beach area behind this strip should be developed as a low dune, covered by spinifex. (See section on fore dunes) This would reduce and perhaps eliminate the constant sand build-up in the parking areas.	Accept in part
PROGRESS CASTLECLIFF INC	332	6	We support cooperation between the stakeholders to develop commercial opportunities for the port and riverside industries. We support the efforts of the Sea Fishing Club to develop the slipway and associated facilities. We encourage full use of the resources for fishing, boating and surfing recreation. We recommend a joint investigation by WDC, Horizons and DOC of the potential of the estuary on the southern side of the river.	Accept in part
	X 489	3	RIVER CITY PORT LTD – Support	Accept in part
PROGRESS CASTLECLIFF INC	332	7	We recommend a detailed investigation of the effects and costs involved in lengthening the North Mole.	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
	X 489	4	RIVER CITY PORT LTD – Support	Accept in part
PROGRESS CASTLECLIFF INC	332	8	1 We recommend that the potential of an underwater reef off Castlecliff be fully investigated.	Accept in part
			2 We recommend that expert knowledge of coastal current and sand movements available in Castlecliff be utilised.	
NEW ZEALAND HISTORIC PLACES TRUST – CENTRAL REGION	353	30	The NZHPT requests that Council better provides for the identification and protection of historic heritage in the coastal environment in the proposed Regional Coastal Plan. Such initiatives should draw extensively on the information specific to the preparation of regional coastal plans in the context of better protecting historic heritage, as detailed on pages 11 to 24 of the document Sustainable Management of Historic Heritage: Guide No 2 Regional Plans (3 August 2007).	Accept in part
	X 492	152	MINISTER OF CONSERVATION - Support	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST – CENTRAL REGION	353	33	Section 9 of the One Plan, include identification of significant heritage issues for the Horizons (Manawatu- Wanganui) coastal environment.	Accept in part
	X 492	153	MINISTER OF CONSERVATION - Support	Accept in part
TRUST POWER LIMITED	358	67	Amend Chapter 9 of the Proposed Plan to include reference to the wind resource in the Region.	Reject
			Any similar amendments to like effect.	
			Any consequential amendments that stem from the amendment of the amendments to Chapter 9 and Objective 9-2 as proposed in this submission.	
	X 492	154	MINISTER OF CONSERVATION - Oppose	Accept
	X 522	281	MERIDIAN ENERGY LIMITED – Support in Part	Reject

Submitter	Number	Point	Decision sought	Recommendation
	X 525	257	GENESIS POWER LTD - Support	Reject
TRUST POWER LIMITED	358	68	<p>Amend Chapter 9 to include consideration of the provision of renewable energy in the coastal marine area and acknowledge the advancing technologies for electricity generation (tidal, offshore wind) in the coastal marine area.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of the amendments to Chapter 9 and Objective 9-2 as proposed in this submission.</p>	Reject
	X 492	155	MINISTER OF CONSERVATION - Oppose	Accept
	X 522	282	MERIDIAN ENERGY LIMITED – Support in Part	Reject
	X 525	258	GENESIS POWER LTD - Support	Reject
MINISTER OF CONSERVATION	372	128	<p>Add new objectives to Section 9 of the plan to read as follows, or words to like effect:</p> <p>Adverse effects, including cumulative adverse effects, on the natural character of the coastal marine area are:</p> <p>(i) avoided in areas with a high degree of naturalness</p> <p>(ii) avoided, remedied or mitigated in other areas</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	129	<p>Add a new policy to Section 9 of the plan to read as follows, or words to like effect:</p> <p>'The natural character of the coastal marine area shall be preserved and protected from inappropriate subdivision, use and development, by</p> <p>(a) encouraging the natural character of these areas to be restored where appropriate</p> <p>(b) promoting the location of future use and development in areas of the coastal environment which are already significantly modified by similar activities.</p> <p>(c) making decisions on resource consent applications that take into account whether the activity:</p> <p>(i) is compatible with the existing level of modification to the environment</p> <p>(ii) is necessarily located in or near the coastal environment and whether any alternatives exist</p> <p>(iii) is of an appropriate form, scale and design to blend with the existing landscape, seascape, landforms, geological features and vegetation</p> <p>(iv) does not significantly disrupt natural processes or existing ecosystems.'</p>	Reject
	X 519	78	MIGHTY RIVER POWER – Oppose	Accept
MINISTER OF CONSERVATION	372	170	Add a the required information to the coastal plan chapter of the One Plan to identify such areas (details to be provided by the Department).	Reject

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	171	Include appropriate provisions consistent with the Act to give effect to Policy 4.1.5 of the NZCPS	Reject
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>	
ENVIRONMENTAL WORKING PARTY	386	84	<p>We generally endorse the Councils approach for dealing with coastal management issues.</p> <p>However, we have ..[some] comments and suggestions.</p>	Accept
ENVIRONMENTAL WORKING PARTY	386	85	We ask that Council insert a new policy and/or objective within Chapter 9 to provide a cross reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and	Reject

Submitter	Number	Point	Decision sought	Recommendation
TE RUNANGA O RAUKAWA INC	424	3	<p>meaningful through all aspects of the One Plan.</p> <p>Objectives, Policies and Methods</p> <p>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.</p>	
NGA PAE O RANGTIKEI	427	84	<p>We generally endorse the Councils approach for dealing with coastal management issues.</p> <p>However, we have ..[some] comments and suggestions.</p>	Accept
NGA PAE O RANGTIKEI	427	85	<p>We ask that Council insert a new policy and/or objective within Chapter 9 to provide a cross-reference to Chapter 4 (Te Ao Maori). The policies and objectives of Chapter 4 are important to, and interlinked with, policies and objectives throughout the rest of the Plan. We encourage this approach so that Maori issues and perspectives on environmental management are not isolated to Chapter 4, but made relevant and meaningful through all aspects of the One Plan.</p>	Reject
LANDLINK LTD	440	65	<p>Submitter does not request a decision, however they do note: "We are concerned that the One Plan (particularly Chapter 9) expresses a preference for avoiding adverse effects over remedying and mitigating"</p>	Reject

4.2.1 Submission summary

The general submissions received on the provisions for the Coast chapter of the Proposed One Plan (POP) relate to nine key areas, namely:

- a) Request for a separate RCP
- b) Concern at costs of methods
- c) Further submissions
- d) Energy
- e) Castlecliff area
- f) Historic heritage
- g) Natural character, defence and water quality
- h) Linkage to Te Ao Maori chapter
- i) Avoid, remedy, mitigate.

4.2.2 Evaluation

- a) Request for a separate RCP: Section 64(1) of the RMA sets out the requirement for a mandatory RCP. Section 64(2) sets out that the RCP may form part of the regional plan where it is considered appropriate to promote the integrated management of the coastal marine area and any related part of the coastal environment. During the development of the POP the staff placed significant emphasis on integration and consistency between the management of the different resources that are covered in the POP. In my view, while coastal matters do have a different status in terms of the RMA (including the final approval lying with the Minister of Conservation), there is also a strong need to improve the integration of management of issues across the line of MHWS. In this respect I believe that a stronger planning framework is provided by the inclusion of the RCP within the POP, both in terms of consistency across provisions and integration between the different resources issues covered.
- b) Concern at costs of methods: Sustainable Whanganui supports the method for managing vehicles on beaches but is concerned at the costs of implementing this. The budget allocated to this method would be addressed through the Local Government Act process of setting the long term council community plans and annual budgets. In my view this is the process that is appropriate to determine the level to which this method is implemented in any one year. I note that the submitter does not request any change to the POP.
- c) Further Submissions: Horowhenua District Council supported by Palmerston North City Council wish to have the opportunity to make further submissions once a report on natural hazards has been released. In my view this is not appropriate as it does not allow for a fair and transparent process. In making any submission on the POP it is only fair to ensure that other submitters also have a clear opportunity to respond. The First Schedule process does not allow for this secondary process. In my view it would also be contrary to the principles for good consultation process as set out in the Local Government Act.
- d) Energy: a number of submitters are seeking new provisions relating to energy issues. Chapter 3 of the POP covers energy issues and

associated infrastructure. Submissions made on this chapter have led to a range of recommended changes that will strengthen chapter 3. I believe for the reasons outlined in para a) above regarding consistency and integration, there is no need to repeat provisions into the Coast chapter. The Coast chapter is not intended to be a stand-alone chapter, rather it is intended to be read in conjunction with other chapters of the POP. The linkages between coast and other chapters of the plan are outlined in the scope (section 9.1.1.) I also believe that the issue raised (marine electricity generation) is covered by Objective 9-2, and policies 9-2 and 9-4. I do not believe that a specific policy is needed in the coast chapter, as there area wide range of activities that could be covered by the term “appropriate”.

- e) Castlecliff area: Progress Castlecliff Inc make a number of specific management recommendations for their area, and support a number of actions being undertaken. The coast chapter recognises in the methods (in particular the ones relating to the Coastal Management Forum, Coast Care and Coastal Advocacy) that there is a need for special projects in different areas of the coast to address different issues over time. I believe the types of matters raised could best be addressed through these methods, as they would provide for a local focus on the issue and seek to get all other relevant agencies involved. The funding and exact work programme timing for these actions would then be addressed annually through the annual plan process. I believe the concerns raised have been covered by the generic methods already included in the plan and that to make the methods more specific could lead them to being too constrained over the life of the plan.
- f) Historic heritage: I have read the two New Zealand Historic Places Trust’s (NZHPT) guides: New Zealand Historic Places Trust (3 Aug 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Policy Statements and New Zealand Historic Places Trust (3 August 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Plans. I have also read the staff report on the Living Heritage Chapter of the POP, including the evidence of John Maassen, Resource management lawyer, and Elizabeth Pishief, Heritage Consultant. I have assessed the Proposed One Plan provisions in light of these documents.

As mentioned in paragraph a) above, there is significant emphasis placed on integration and consistency within the POP. Thus this chapter on Coast must be read in conjunction with chapter 7 on Living Heritage and in particular Objective 7-3 and policy 7-10 on Historic Heritage. As a result of submissions made on chapter 7 a number of recommended changes have been made in relation to historic heritage which will strengthen the provisions within the plan. In my view there is no advantage in repeating these into the coastal chapter. The coastal chapter refers to the management of appropriate use and development in policies 9-2 and 9-4 in particular. Both these policies recognise the importance of cultural and historical issues. I consider that these policies are supported by the recommended changes to Chapter 7. The method in Chapter 9 on Coastal Information also recognises that there is not a good database of information on significant sites, areas and values in the cma. This method seeks to address this gap over time. I therefore believe the issues raised by the submitters on this matter are

covered sufficiently by the existing provisions in chapter 9 and the recommended changes to chapter 7, which strengthen the provisions relating to historic heritage.

g) Natural character, defence and water quality. A range of new provisions are requested by the Minister of Conservation. Te Runanga O Raukawa Inc also request new provisions for water quality. These are addressed in turn as follows:

- add new objective and policy on **natural character** and include new information on natural character areas (information to be provided by DOC). I consider that the intent of the objective as suggested by the MOC is covered in Policy 9-4. Naturalness is just one of the characteristics that have been identified through case law over time that relates to “natural character”. In addition, the POP is focusing on being an integrated plan that has consistent approaches wherever possible ie. as mentioned in 9.1.1 scope, the coast chapter is not a stand-alone chapter. In this respect, Objective 7-2 and policies 7-8 are particularly relevant and are applied to the coastal environment. I therefore do not consider that a new policy and objective as suggested by the submitter is required. With respect to the request to add further information into the plan (to be provided), I consider that this does not allow for a fair and transparent Schedule 1 process. I do not consider that it would be appropriate to add such new information into the POP at this stage. However Method: Coastal information does outline that Horizons would be working with DOC to scope out what further information was required for coastal issues.
- add new provisions on **Defence purposes** (in accordance with NZCPS policy 4.1.5). Taking a lead from the previous operative Regional Coastal Plan for the Horizons region, I understood that there were no specific Defence Act interests in the Horizons CMA. If any defence activities were to take place, I consider Policies 9-2 and 9-4 provide sufficient guidance on where it would not be acceptable for such activities to occur. The rules in chapter 17 reflect this approach and would also apply. I therefore do not consider it necessary to include further provisions into the Coast chapter.
- add new objective, policy and rules on **water quality** (in accordance with NZCPS 5.1.5 and 5.1.4). NZCPS policy 5.1.1 in summary sets out that rules should be made to enhance water quality where there is high public interest in the water, there is particular tangata whenua interest in the water, there is a particular value to be maintained or enhanced; or there is a direct discharge of human sewage. NZCPS policy 5.1.4 in summary states policy statements and plans should provide for a review of all discharge permits once rules have been set and review consent conditions to ensure they meet the standards set by the rules.

The Coast RPS chapter does not specifically refer to water quality issues as it was intended (as mentioned in scope section 9.1.1) that the policy directions in Chapter 6: water would be applicable for all discharges. Improving the water quality of the rivers and streams

flowing into the CMA as addressed in chapter 6 and chapter 13, would have positive effects on water quality in the cma. However I consider that the link between water and coast chapters is not strong enough given the directives of the NZCPS.

I consider that a stronger link should be made to Objective 6-1 and Policies 6-3 – 6-5 and 6-8 in particular. To strengthen this linkage I consider a new Policy 9-5 should be included. Consequential amendments to the issue and explanation and reasons would also be required to reinforce this intention for consistent management of water quality issues. In addition I consider it would provide further clarity if the parts of Schedule D relevant to the cma were located into a separate part of Schedule H. While this would lead to some repetition, it would also clarify and “co-locate” the cma issues for eventual approval of the RCP by the MOC.

- h) Linkage to Te Ao Maori chapter: As mentioned in para a) above, it is important for all chapters of the POP to be integrated and consistent. As this is the underlying philosophy behind the development of the proposed plan, it is not considered necessary to cross reference the Te Ao Maori chapter to the Coast chapter. I believe that all the chapters are linked and should be considered together in any decision making process. I do not consider that the contents of chapter 4 have been isolated from other chapters. The wording in the scope (section 9.1.1) reinforces this integration aspect of the plan.
- i) Avoid, remedy, mitigate: The hierarchical approach taken to the terms avoid, remedy, mitigate, reflects the national guidance provided in the NZCPS (refer to NZCPS policies 1.1.2 and 3.2.2 in particular). The intent behind using this approach in the POP is to provide clear guidance on what adverse effects should be avoided. This reflects a “protection” focus for some areas of the cma, to ensure that activities do not damage significant values that have been identified. I believe that this approach is appropriate to include in the POP for activities in the cma.

4.2.3 Recommendation COA 2

- a) Reject the request for a separate RCP.
- b) Reject submission raising concerns about costs as no change to the POP is required.
- c) Reject submission seeking to incorporate further information into the POP process at a later date.
- d) Reject request for an additional policy on energy and infrastructure in the coast chapter.
- e) Accept in part that the Castlecliff area requires additional localised management, through the existing methods provided in the Coast chapter of the POP.
- f) Accept in part submission seeking further provisions for historic heritage in the coastal chapter.
- g) Regarding requests for new provisions related to:
 - natural character – reject the request for new provisions to be added.
 - defence – this request is rejected.

- water quality - accept in part the request for further provisions relating to the cma.
- h) Accept the support for the Coast chapter and Reject the request for additional policies linking to the Te Ao Maori chapter.
- i) Reject the comments made on avoid, remedy, mitigate, as no change is required to the POP.

4.2.3.1 Recommended changes to provisions

Recommend to the Water Chapter Hearing: amend Objective 6-1 to read: Surface water bodies and coastal waters are managed in a manner which sustains their life-supporting capacity and recognises and provides for the values set out in Schedule D and Schedule H.

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

Policy 9-5 Water Quality

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

Add a further sentence to the end of Paragraph 9.7.2:

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

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

4.3 COA 3 – Chapter 9 Paragraph 9.1.1 Scope

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MERIDIAN ENERGY LIMITED	363	125	<p>Meridian supports the Scope and Background and requests that better recognition is provided to renewable energy in the coastal marine area, and the following amendment is included in Section 9.1 or similar:</p> <p>Renewable Energy</p> <p>The positive benefits that can be derived from renewable energy generation must be recognised when considering policies and rules that may affect their establishment and operation. The RMA defines renewable energy as energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean current sources. The use and development of renewable energy can be in a number of different forms.</p> <p>Of the different renewable energy options, the coastal marine options (tidal, wave and ocean current sources) are moving towards making a valuable contribution to energy supply, but are yet to be developed to a commercially viable state. It is expected that within the next 10 years these options will be commercially viable for renewable energy companies.</p> <p>Computer modelling and remote sensing are both vital, but they must be underpinned by in situ measurements. Bathymetric, current, and wave data are all needed to help define where it might be economic to install wave and tidal energy devices, and how to minimise environmental effects. An immediate challenge for New Zealand is to begin wave data collection programmes early enough so that the numbers are there in time for investment and design decisions.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	Accept in part
	X 492	156	MINISTER OF CONSERVATION – Oppose	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 511	367	TRUST POWER LIMITED – Support	Accept in part
	X 519	289	MIGHTY RIVER POWER – Support	Accept in part
	X 525	74	GENESIS POWER LTD – Support	Accept in part

4.3.1 Submission summary

The submitter offers general support for Section 9.1.1 of the POP but seeks amendments to recognise renewable energy within the section.

4.3.2 Evaluation

Chapter 3 of the POP covers energy issues and associated infrastructure. Submissions made on this chapter have led to a range of recommended changes that will strengthen chapter 3. In light of the recommended changes, I do not consider that there is a need to repeat such provisions into the Coast chapter. The Coast chapter is not intended to be a stand-alone chapter, rather it is intended to be read in conjunction with other chapters of the POP. The linkage with the energy chapter is highlighted in section 9.1.1 of the Coast chapter and energy is specifically referred to in section 9.1.3. While it is recognised that renewable energy is identified in section 7 of the RMA, it is considered that the issue does not need to be repeated in the coast chapter of the RPS.

4.3.3 Recommendation COA 3

- a) Accept in part the submitter's concerns, by including additional provisions in the energy and infrastructure chapter of the POP.

4.3.3.1 Recommended changes to provisions

No change to the Coast chapter required.

4.4 COA 4 – Chapter 9 Paragraph 9.1.3 Future Approach

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	51	Add, "New activities and the use of new technology within the coastal marine area and coastal margin have potential to adversely impact on marine ecosystems and biodiversity if not managed appropriately."	Reject
WELLINGTON CONSERVATION BOARD	375	19	Delete: i. the first paragraph in the Future Approach section - in the past 10 years etc. ii. the first sentence of the final paragraph - Although these issues etc.	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	81	No decision requested. Submitter notes that "key issues are well defined in Future Approach."	Accept

4.4.1 Submission summary

Two submitters seek minor amendments to Section 9.1.3 – one seeks addition of text to identify that new activities and technologies could have adverse effects (180/51); and the other seeks deletion of text regarding the low level of pressures and demand for activities within the CMA (375/19). The third submitter (460/81) offers general support for this section of the POP.

4.4.2 Evaluation

Ngati Kahungungu Iwi Inc seeks the addition of a statement that new activities have the potential to adversely affect the cma if not managed appropriately. While the intent is understood and agreed with, I consider that the statement should not be located in this section. This section is attempting to state the issues but provide no value judgment on whether future changes may be positive or adverse nor to comment on “appropriateness of management. This is set out as the management approach in the next sections of the plan.

Wellington Conservation Board requests the deletion of the first paragraph in section 9.1.3 and the first sentence of the last paragraph. The first paragraph is a statement of fact and is provided as background information to the management approach taken to casual issues in the POP. Namely, recognising that the development and use pressures for activities in the cma are low and that most coastal pressures arise from landward issues. It is this approach that is statement in the first sentence of the last paragraph. In my opinion, these two statements together provide a clear indication of the approach being taken by Horizons to coastal issues, and justifies why coastal issues are not one of the 4 key focus areas of the POP as outlined in section 1.3.

4.4.3 Recommendation COA 4

- a) Reject the requests to amend section 9.1.3.
- b) The support for this section is noted by accepting the submissions made.

4.4.3.1 Recommended changes to provisions

No change required.

4.5 COA 5 – Chapter 9 Issue General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	83	Add an additional issue 9-3 Issue lack of knowledge about the nature of the impact of terrestrial activities on the CMA (eg are there linkages between land derived nutrients and algal blooms?)	Reject
	X 492	148	MINISTER OF CONSERVATION – Support	Reject

4.5.1 Submission summary

This submitter seeks that a new issue be added regarding the uncertainty about impacts that land-based activities may have on the CMA.

4.5.2 Evaluation

I consider that the issue raised by RF&B is already recognised as a part of issue 1. That is, that activities landward of MHWS impact on the quality of the CMA. The method: Coastal information is also included into the plan to identify those areas where further information needs to be gathered. This method enable further work into land impacts, should that be considered to be an agreed priority for the information gathering programme. This issue is also closely linked to the provisions of the land and water chapters of the POP. I therefore consider that the issues raised has been covered in the POP.

4.5.3 Recommendation COA 5

a) Reject the request for a new issue.

4.5.3.1 Recommended changes to provisions

No change required.

4.6 COA 6 – Chapter 9 Issue 9-1 Integration between the coastal marine area and the wider coastal environment

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	82	Include more detail on landward activities that impact on the CMA	Reject
	X 492	149	MINISTER OF CONSERVATION – Support	Reject

4.6.1 Submission summary

This submitter seeks that more information be included within Issue 9-1 regarding land-based activities that have impacts in the CMA (460/82).

4.6.2 Evaluation

In my opinion it would be difficult to provide more information. Policy 9-1 provides an indication of the areas where cross boundary impacts are expected to arise, while also recognising that some currently unknown issues will arise in the future and these will need a co-ordinated response. This provides the flexibility for the Regional and District Councils to respond in a timely manner should unforeseen issues arise from impacts on landward activities into the CMA. In this respect it is my view that the issues raised by the submitter is covered in sufficient detail through the policies.

4.6.3 Recommendation COA 6

a) Reject the request to expand on the detail of the issue.

4.6.3.1 Recommended changes to provisions

No change required to the POP.

4.7 COA 7 – Chapter 9 Issue 9-2 Appropriate protection, use and development in the CMA

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	52	<p>Add the word "tikanga" to the second sentence in the paragraph so the amended sentence reads:</p> <p>"However, the coast is valued and enjoyed by people primarily for its natural character, open space, amenity [tikanga] and recreation values".</p>	Accept in part

4.7.1 Submission summary

The submitter seeks the addition of the word “tikanga” within Issue 9-2.

4.7.2 Evaluation

I agree that the sentence does not recognise the values that are of importance to Maori. However in my opinion it would be better to reflect the wording of the RMA or the NZCPS rather than introducing the term “tikanga”. The main reason for this is that it is beneficial in terms of case law interpretation to utilise existing RMA wording. Therefore the recommended wording is drawn from section 6 of the RMA.

4.7.3 Recommendation COA 7

a) Accept in part the recommended changes.

4.7.3.1 Recommended changes to provisions

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, amenity and recreation values and Maori cultural and traditional values.

4.8 COA 8 – Chapter 9 Objective General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	54	Add a new objective as: - Objective 9-3: Recognition and provision for the relationships of tangata whenua with coastal resources: Coastal resources will be managed to promote and protect the characteristics of the coast of significance to tangata whenua in recognition of their relationships with coastal resources.	Reject
	X 492	159	MINISTER OF CONSERVATION – Support	Reject
RIVER CITY PORT LTD	258	2	(i) Introduce a new objective in Section 9.3 as follows: Provide for activities within the Port of Wanganui that do not compromise port operations and seek to avoid, remedy or mitigate significant adverse effects on the environment.	Reject
			(ii) Introduction of a similarly worded objective or other amendment(s) to existing provisions with like effect.	
			(iii) Any consequential amendment(s) that stem from the amendment proposed	
	X 492	157	MINISTER OF CONSERVATION – Oppose	Accept Submitter
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	34	the NZHPT seek that One Plan includes objectives and policies that will achieve the sustainable management of historic heritage under the RMA in the coastal environment. Council is encouraged to refer to pages 9 to 15 of the above Guide 1 to rectify this deficiency.	Reject
	X 492	158	MINISTER OF CONSERVATION – Support	Reject

Submitter	Number	Point	Decision sought	Recommendation
LANDLINK LTD	440	63	Support is offered for the Objectives of Chapter 9.	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	86	Add additional Objective 9-3 To better inform future planning and policy development, research will be undertaken to determine the impact of sedimentation, nutrient run off and other pollutants on the CMA.	Reject
	X 492	150	MINISTER OF CONSERVATION – Support	Reject

4.8.1 Submission summary

One submitter (440-63) supports the objectives in Section 9.3 of the POP. The remaining four submitters seek the introduction of new objectives in relation to the relationship of tangata whenua with coastal resources (180/54); port activities (258/2); historic heritage (353/34); and further research (460/86).

4.8.2 Evaluation

The support for the objectives is noted.

An objective is a statement of where Horizons is aiming at for the future. Policies set out how we will get there, while methods are the key areas for actions. Taking this approach into account I comment on each of the new requests in turn:

Tangata whenua: This Coast chapter is part of the overall plan and should be read in conjunction with the Chapter 4 Te Ao Maori. I do not consider that it is necessary to repeat the matters from Chapter 4 into the Coast chapter. Rather the document should be read as an integrated set of chapters, as indicated in the scope section 9.1.1. It is considered that the policies in Chapter 4 already provide a strong direction for the matter raised by Ngati Kahungungu Iwi Inc. In my opinion this does not need a further objective in the Coast chapter.

Port activities: In my opinion, the specific focus on the port area is already addressed through policy 9-2. This policy sits under objective 9-2, which provides guidance of what is “appropriate” in the CMA. In addition, recommended changes to Chapter 3 of the POP also recognise the port as infrastructure of regional significance. In this respect it is considered that the recommended new addition to chapter 3 along with the existing objective 9-2 already covers the interests of the Port, provides an appropriate framework for enabling the port activities and recognises the importance of it in the CMA for this region.

Historic heritage: This chapter is focused on the CMA, while recognising that there is a need to integrate with the landward areas of the coastal environment. This chapter should be read in conjunction with the Living Heritage Chapter 7. As indicated in the scope section 9.1.1, this chapter is integrated across the other chapters where landward matters are addressed. It is considered that the objectives and policies in Chapter 7 already provide a strong direction for the matter raised by NZHPT. In my opinion this does not need a further objective in the Coast chapter.

Further research: In my opinion, the request made by RF&B is not an objective, rather it is a method. Coastal information is already stated as a method in the plan. In years 1-3 it is intended that the further information needs would be identified, costed and prioritised, as the basis of a progressive approach to improving the collection of information on coastal issues. It is important that all coastal information needs are considered and research integrated as much as possible to ensure cost effective use of the research budget allocated through the Council’s annual planning processes. I do not consider that this matter is appropriate at an objective level.

4.8.3 Recommendation COA 8

- a) Acknowledge the support for the objectives by accepting the support of Landlink Ltd.
- b) Reject the request for a further objective relating to characteristics of significance to tangata whenua.
- c) Reject the request for a new objective on historic heritage.
- d) Reject the request for a new objective focussing on port matters.
- e) Reject the request for a new objective relating to research needs.

4.8.3.1 Recommended changes to provisions

No changes recommended.

4.9 COA 9 – Chapter 9 Objective 9-1 Integration between the coastal marine area and the wider coastal environment

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	74	In Objective 9-1 b), change the word "coast" to "coastal marine area".	Reject
	X 481	630	PALMERSTON NORTH CITY COUNCIL – Support	Reject
	X 492	160	MINISTER OF CONSERVATION – Oppose	Accept
MINISTER OF CONSERVATION	372	122	Retain objective as worded.	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	84	Submitter supports Objective 9-1: Integration between the coastal marine area and the wider coastal environment.	Accept

4.9.1 Submission summary

There were three submissions to Objective 9-1 of the POP: two in support (372/122 and 460/84); and one seeking that reference to the “coast” be amended to “coastal marine area”.

4.9.2 Evaluation

The legal jurisdiction set out in the RMA is the line of MHWS. Seward of that line is the cma, while in the NZCPS, the term coastal environment is used to encompass both the cma plus the landward areas that contribute to the coastal experiences. This latter area has not been defined by law or by the NZCPS. The approach taken to this in the POP is set out in policy 9-1 ie that the onus is on the District Plan to identify what is coastal environment in each District. In my opinion the term coast is appropriate as it encompasses effects not only in the cma but also effects on the landward side which may also impact on the cma but are managed under a different regime. This reflects that one of the key roles of the RPS is to provide a strong level of integration across the line of MHWS. In my opinion the use of the term “coast” achieves this and should therefore be retained.

4.9.3 Recommendation COA 9

- a) The support for retaining the objective as worded is noted and accepted.
- b) The request to change the wording is rejected.

4.9.3.1 Recommended changes to provisions

No recommended changes.

4.10 COA 10 – Chapter 9 Objective 9-2 Appropriate protection, use and development in the CMA

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	53	Delete the word "public" from the objective so that it reads: - "The CMA will be managed as an asset that is fundamental to the social, economic and cultural well-being of the people of the Region, while ensuring that sensitive areas are protected from inappropriate use and development."	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	35	It is not specifically requested - but implied that the NZHPT seek the phrase sensitive areas to be defined to stop any broad interpretation taking place.	Reject
TRUST POWER LIMITED	358	69	Include an appropriate definition or clarification of sensitive areas" in the context of Objective 9-2. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the amendments to Chapter 9 and Objective 9-2 as proposed in this submission.	Accept in part
	X 492	161	MINISTER OF CONSERVATION – Oppose	Accept n part
	X 522	283	MERIDIAN ENERGY LIMITED – Support in Part	Accept in part
MERIDIAN ENERGY LIMITED	363	126	Meridian opposes Objective 9-2 and requests the following amendment or similar: The CMA will be managed as a public asset that is fundamental to the social, economic and cultural wellbeing of the people of the Region, while ensuring that the Protection Zones outlined in Schedule H are protected from inappropriate use and development.	Reject

Submitter	Number	Point	Decision sought	Recommendation
Any consequential amendments necessary to give effect to this submission				
	X 492	162	MINISTER OF CONSERVATION – Oppose	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	85	Submitter supports Objective 9-2: Appropriate protection, use and development in the coastal marine area.	Accept

4.10.1 Submission summary

Three submissions relate to the use of the phrase “sensitive areas” in Objective 9-2. Two seek that it is appropriately defined (353/35 and 358/69), while the third seeks that it is replaced with reference to the Protection Zones outlined in Schedule H (363/126). Forest & Bird have submitted in support of Objective 9-2. The fifth submitter (180/53) seeks that the objective is amended by deleting the word “public”.

4.10.2 Evaluation

Definition of sensitive areas: An objective is about stating an outcome of where you wish to be in the future. The policies are about defining how you will get there. In this case policies 9-2 and 9-4 provide guidance on what contributes to defining sensitive areas. In particular the protection zones are defined as specific areas that would be sensitive to development. However for any given activity in any areas outside the protection zones, there may be values that are sensitive and need to be managed carefully through mitigation or remediation. These can only be identified on a case-by-case basis. Therefore in my opinion, the broader wording of the objective is appropriate and should be retained.

The **support** of RF&B for this objective is noted.

Public: Under the Foreshore and Seabed Act the cma was deemed to be a publicly available area for the use of all New Zealanders. Opportunity was also provided through that Act for the management of areas by Iwi. The intent of this objective was to reflect that the cma is “publicly available” and that while private uses may occur, they need to take into consideration the wider public interests. In my opinion the current wording does not reflect this intent clearly and should be amended to recognise this.

4.10.3 Recommendation COA 10

- a) Accept in part 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.

4.10.3.1 Recommended changes to provisions

Amend Objective 9-2 to read:

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

4.11 COA 11 – Chapter 9 Policy General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	86	Policy 9-6	Reject
NGA PAE O RANGITIKEI	427	86	<p>Other activities</p> <p>(a) All activities affecting the coast shall take into account chapter 4</p> <p>(b) Remedial action for any adverse effects to the environment will be undertaken</p> <p>(c) Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d) The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <p>i) are appropriate to the adverse environmental effects</p> <p>ii) account for the remedial process, and</p> <p>iii) will act as a deterrent for those intending not to comply.</p> <p>(e) The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council.</p>	Reject

4.11.1 Submission summary

Submissions 386/86 and 427/86 seek the introduction of a new general policy relating to linkages with Chapter 4 Te Ao Maori.

4.11.2 Evaluation

Both submitters consider that there should be a stronger link made between Chapter 4 (which deals with resource management issues of concern to Maori) and Chapter 9 Coast. Similar submissions have been made relating to other chapters of the POP. All chapters of the POP sit alongside each other, and are of equal weight and value. They must all be considered by decision makers when using the plan to make decisions on resource consents, or to develop district plans.

In response to item a) a cross-references between these two chapters has already been provided in section 9.1.1 scope.

In response to items b) – d), and g): these are matters that are the subject of resource consent decisions for setting consent conditions and the operational work of Horizons as guide by provisions within the RMA. I do not consider additional policy guidance is required for the Council to undertake these existing duties.

In response to items e) and f): This has already been addressed in the Historic Heritage chapter and associated recommended changes to the POP. I therefore do not consider it requires repetition in this chapter.

4.11.3 Recommendation COA 11

- a) Reject request for additional policy on cross linking and administrative matters.

4.11.3.1 Recommended changes to provisions

No recommended changes.

4.12 COA 12 – Chapter 9 Policy 9-1 Integration between the coastal marine area and the wider coastal environment

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGU IWI INCORPORATED	180	55	Change clause (a) to: - (a) provisions in this Plan to protect water quality, indigenous biological diversity, erodible land (including dune lands) and significant features, through sustainable management of natural hazards, air discharges, sediment movement and hazardous substances* Remove the word "significant" from clause (b). To Maori, all indigenous coastal fauna are significant. Retaining the word in the policy is superfluous and would lead to additional assessment and criteria having to be met in the decision making process. Addition of the word "indigenous" gives priority to indigenous species that are established or more suitable for existing ecosystems and their constituent parts.	Accept in part
	X 492	163	MINISTER OF CONSERVATION – Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	75	Clarify the implications of Policy 9-1 b) for District Plans, and confine the scope of this Policy to the functions of TA's under the RMA.	Reject
	X 481	631	PALMERSTON NORTH CITY COUNCIL – Support	Reject
MIGHTY RIVER POWER	359	87	Addition of a new sub clause (d) as follows: Having particular regard to the objectives and policies in Chapter 3. In particular the functional need for wind turbines to be placed in locations where they receive unobstructed wind flow such as in areas adjoining the coastal environment.	Reject
	X 492	164	MINISTER OF CONSERVATION – Oppose	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 511	368	TRUST POWER LIMITED – Support	Reject
	X 522	284	MERIDIAN ENERGY LIMITED – Support	Reject
	X 525	113	GENESIS POWER LTD – Support	Reject
MINISTER OF CONSERVATION	372	123	Policy 9-1 (b) Add "preserve the natural character and protect the landscape values of the coastal environment" after land use activities.	Accept
	X 511	370	TRUST POWER LIMITED – Oppose	Reject
	X 533	37	FEDERATED FARMERS OF NEW ZEALAND INC – Oppose	Reject
LANDLINK LTD	440	64	[Rewrite Policy 9-1(b) to say:] (b) provisions in District and City Plans to regulate the scale and location of activities within the defined landward limits of the coastal environment to ensure that any land-use activities avoid, remedy or mitigate adverse effects on coastal water quality, as well as coastal dunes and significant coastal fauna generated by sprawling patterns of subdivision and development	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	87	(a) support with amendment - provisions in this Plan to address water quality, erodible land (including dune lands), management of natural hazards, (add -) protection of indigenous biological diversity and significant features. (b) support with amendment - avoid the location of subdivisions or development in any existing or potential hazard risk area, protect coastal dunes and ((delete-) significant) coastal fauna and avoid sprawling subdivision. All terrestrial coastal environments should now be considered significant see Protecting our Places (MFE&DOC 2007)	Accept in part
	X 511	369	TRUST POWER LIMITED – Oppose	Reject

Submitter	Number	Point	Decision sought	Recommendation
AOHANGA INCORPORATION	464	5	This policy could in future be used as a plan to provide access to coastal property that has no right in the public domain.	Reject

4.12.1 Submission summary

Ngati Kahungunu Iwi Incorporated, the Minister of Conservation, Landlink Ltd and Forest & Bird each seek rewording of Policy 9-1. Ngati Kahungunu and Forest & Bird both seek the deletion of the word “significant” from clause (b) in recognition that all coastal fauna should be considered significant. Mighty River Power seeks a new clause be added to the policy relating to wind energy generation matters. Manawatu District Council seeks clarification of the implications of clause (b) for district councils and requests that the scope of Policy 9-1 be confined to the functions of territorial authorities under the RMA. Aohanga Incorporation comments that the policy could be used to provide future access to areas not in the public domain.

4.12.2 Evaluation

Policy 9-1 addresses integration between the cma and the landward coastal areas. A number of submitters raised concerns in relation to the use of the word “significant”.

In relation to paragraph a): I consider that the wording of this paragraph should be clarified to indicate that it is providing a strong cross link to other chapters of the POP, rather than trying to repeat the management directions already provided under these other chapters.

In relation to paragraph b), Section 6(c) of the RMA states “the protection of areas of *significant* indigenous vegetation and *significant* habitats of indigenous fauna” are matters of national importance. District and regional councils are equally bound by this clause. However Horizons in the Living Heritage chapter 7, Policy 7-1 uses the terms “indigenous biological diversity”, which incorporates “significant” and “other” aspects. Through the RPS, Horizons is taking a lead role in the management of biological biodiversity. However District plans will still need to address section 6(c) RMA in their own plans. To provide a consistency between chapters 9 and 7, I consider that it would be clearer if the same terminology as used.

I consider that reference to natural character and landscape is appropriate as these matters have strong impacts either side of the line of MHWS and they reinforce the existing responsibility of district plans under the RMA and NZCPS provisions.

With regard to scale and location of settlements, I consider that this is a matter that should be specifically addressed at the district council level and should not be further addressed in the RPS. Again the NZCPS provides further guidance to districts/city councils on this matter. Refer also to comments made about purpose of the RPS as given below. It is noted that whether a council is a district or a city, their RMA document is called a district plan for both types of council.

MRP seeks an additional clause relating to wind power, as matter for integration across the line of MHWS. Chapter 3 on Energy is not to be considered in isolation from chapter 9 Coast. The POP is intended to be an integrated document where all parts are considered in any resource consent situation – as indicated in the scope section 9.1.1. The issue of conflict between different land uses is better addressed in District plans. The

operational need for locating structures in the cma is covered under policy 17-4 and I do not consider it needs to be repeated in the RPS section of the POP.

Manawatu District Council seeks that the policy is confined to matters to be addressed under the RMA. The purpose of the RPS is set out in s 59 of the RMA, namely: *"to achieve the purpose of the Act by providing an overview of resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resource of the region"*.

This policy is aiming to integrate the land use development decisions with the downstream effects that may result in the cma. Defining the landward limits of the coastal environment at a District level means that it would be clear to all parties where the policies of the NZCPS apply and where it does not. Inappropriate decisions on land use can for example, lead to increased sedimentation of coastal waters. These land use decisions are taken by District Councils and should not be considered in isolation from the cumulative or downstream effects on the cma. I consider that all matters raised in section b) of this policy are RMA issues and are supported by policies in the NZCPS.

With regard to Aohanga, it is unclear how this policy could be used to provide public access to private property. This may be a matter better addressed under Policy 9-5 and could be further considered at the hearing.

4.12.3 Recommendation COA 12

- a) Accept in part the need to clarify the intent of paragraph a).
- b) Accept clarification of significant in sub-paragraph b).
- c) Accept inclusion for references to natural character and landscape in paragraph b).
- d) Reject request for inclusion of reference to wind power locations.
- e) Reject the request for clarification of RMA responsibilities.
- f) Reject the submission by Aohanga.

4.12.3.1 Recommended changes to provisions

Amend paragraph a) to read: provisions in this chapter and 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~~ air discharges and hazardous substances.

Amend paragraph b) to read: provisions in District plans to define the landward limits of the coastal environment and to ensure any land-use activities preserve the natural character and protect landscape values of the coastal environment, avoid degradation.....protect coastal dunes and indigenous biological diversity ~~significant coastal fauna~~ and avoid sprawling subdivision.....

4.13 COA 13 – Chapter 9 Policy 9-2 Zones

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ON TRACK (NZ RAILWAYS CORPORATION)	161	23	ONTRACK seeks for Council to retain this provision within the Plan.	Accept
RIVER CITY PORT LTD	258	3	<p>(i) Amend Policy 9-2 to state:</p> <p>Regionally significant activities and important values in the CMA shall be managed in accordance with the following zones and any Development Plan approved by Horizons:</p> <p>(ii) Any other amendment(s) with like effect.</p> <p>(iii) Any consequential amendment(s) that stem from the amendment proposed.</p>	Reject
POWERCO LIMITED	272	23	<p>N1 - Policy 9-2(b), Zones have an additional activity which was recognised, namely activities which:</p> <p>(iv) support the inspection, maintenance and operation of infrastructure.</p>	Reject
WANGANUI DISTRICT COUNCIL	291	94	Amendment of the parts of the Plan identified, following detailed discussions between HRC, WDC and the Port Company, to identify the required changes that will achieve the purpose of the Act.	Reject
	X 481	554	PALMERSTON NORTH CITY COUNCIL – Support	Reject
	X 489	1	RIVER CITY PORT LTD – Support	Reject
	X 492	165	MINISTER OF CONSERVATION – Oppose	Accept
ENVIRONMENT NETWORK MANAWATU	356	35	ENM seek stronger linkages for protection zones particularly relating to discharges.	Reject

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	124	Retain proposed wording in the plan.	Accept
	X 489	8	RIVER CITY PORT LTD – Oppose	Reject

4.13.1 Submission summary

Two submitters (161/23 and 372/124) support Policy 9-2. River City Port Ltd, Powerco Ltd and Environment Network Manawatu seek specific amendments. Wanganui District Council does not specify changes it is seeking.

4.13.2 Evaluation

The support by the submitters is noted.

Zoning is a planning technique which is used to provide additional level of certainty as to how the area will be managed and where some activities can occur. In the POP 3 zones are proposed for the cma – port activities, protection areas and a general zone which covers all other areas in the cma.

With respect to ENW's concerns re: discharges, these are addressed primarily through policy and rules in section 17-10. Each protection zone has identified the values important to that area and these are set out in Annex D (in relation to water quality). I consider that these provisions in the POP address the concerns raised.

Power Co indicates that infrastructure issues should be provided for in protection zones. The Coast chapter does not sit in isolation from the other chapters in the POP – in particular Chapter 3 covering infrastructure. Policy 3-3 already covers issues in relation to infrastructure within coastal protection areas. I also consider that the issues raised by Powerco are captured within the wording of 9-29b)(iv) and do not need to be further elaborated in the RPS section of the plan. Refer also to Coast section 17-4 and in particular rule 17-6, where the policy is further implemented at the activity level.

River City Port requests that reference is also included to development plans. Development plans can be a mechanism used in resource consent processes and generally are specific to the activity and to the situation. They cannot be used as "de facto" policy plans. Any such development plan would be expected to be consistent with the policy in the RPS. Policy 9-2 is about establishing the management framework of zones and does not seek to control specific activities within the zone – this is undertaken in Chapter 17. The development plan does not exist at present and therefore cannot be used to further guide the POP at this stage. I do not consider it appropriate to include this request into the policy in the RPS.

With respect to the request by Wanganui District Council to make further changes, I consider this to be inappropriate. The process for consultation is set out in the First Schedule of the RMA. Councils are also bound by good practice as set out in the Local Government Act. As the POP is a statutory document any submission made should be able to be considered by any other party as to whether they have an interest. Further discussions as proposed would not be transparent for other submitters. I consider this would not ensure a fair and transparent process.

4.13.3 Recommendation COA 13

- a) Accept the submitter's comments supporting this policy.

- b) Reject the request to strengthen the links between protection zones and discharges.
- c) Reject Powerco's & River City Port's requests for additional clauses.
- d) Reject the request by Wanganui District Council.

4.13.3.1 Recommended changes to provisions

No recommended changes.

4.14 COA 14 – Chapter 9 Policy 9-3 Aquaculture zones

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	56	Retain Policy 9.3 as proposed apart from substituting "One Plan" for Regional Coastal Plan: - Aquaculture activities in the CMA shall require the establishment of an aquaculture management area by way of a notified change to Chapter 17 of this Plan (that is, the [One Plan]) in accordance with s 68A RMA.	Accept
WATER AND ENVIRONMENTAL CARE ASSN INC	311	52	9-3 is ESPECIALLY SUPPORTED	Accept
MANAWATU ESTUARY TRUST	312	48	9-3 is ESPECIALLY SUPPORTED	Accept
GEORGE & CHRISTINA PATON	313	48	9-3 is ESPECIALLY SUPPORTED	Accept
MINISTER OF CONSERVATION	372	125	Retain proposed wording in the plan.	Accept
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

4.14.1 Submission summary

Four submitters support this provision in its entirety (311/52, 312/48, 343/48 and 372/125). A fifth supports it with a minor amendment (180/56). The final submitter states that consultation would be required for the establishment of any aquaculture management area.

4.14.2 Evaluation

The support for this policy is recognised.

Aohanga notes that consultation would be required to establish an Aquaculture management area. This is precisely in accordance with the requirements of the RMA.

Ngati Kahungungu recommends clarification of wording between the POP and the Regional Coastal Plan. While Ch 17 constitutes the regional coastal plan, I consider that the wording is confusing and should be amended.

4.14.3 Recommendation COA 14

- a) Accept submissions made in support of this policy.
- b) Accept Aohanga's comments.
- c) Accept Ngati Kahungungu's request to clarify wording.

4.14.3.1 Recommended changes to provisions

Amend Policy 9-3 to read: Aquaculture activities in the cma.....by way of a notified change to Chapter 17 of this Plan (~~that is the regional Coastal plan~~) in accordance with s68A of the RMA.

4.15 COA 15 – Chapter 9 Policy 9-4 Appropriate use and development

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
THE ENERGY EFFICIENCY & CONSERVATION AUTHORITY	307	21	EECA seeks the following amendments to policy 9-4 (c): Appropriate Use and Development	Accept
			Policy 9-4: Appropriate use and development	
			Any use or development in the CMA shall:	
			(c) Avoid, remedy or mitigate as far as practical any adverse effects on the following regionally important values:	
	X 492	166	MINISTER OF CONSERVATION – Oppose	Reject
	X 511	373	TRUST POWER LIMITED – Support	Accept
	X 522	285	MERIDIAN ENERGY LIMITED – Support	Accept
WATER AND ENVIRONMENTAL CARE ASSN INC	311	53	9-4 is ESPECIALLY SUPPORTED.	Accept
	X 511	374	TRUST POWER LIMITED – Oppose	Reject
MANAWATU ESTUARY TRUST	312	49	9-4 is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON	313	49	9-4 is ESPECIALLY SUPPORTED.	Accept
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	36	NZHPT seeks the retention of item (vii) of policy 9-4(c) within the One Plan subject to the words as far as practical being deleted from the policy 9-4(c).	Reject
	X 522	286	MERIDIAN ENERGY LIMITED – Oppose	Accept
TRUST POWER LIMITED	358	70	Either delete Policies 9-4(c)(i) to (vii) from the Proposed Plan or amend clause (a) as follows:	Reject

Submitter	Number	Point	Decision sought	Recommendation
			<p>(a) Have a functional need to be located in the coastal environment.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of Policy 9-4 as proposed in this submission.</p>	
	X 492	167	MINISTER OF CONSERVATION – Oppose	Accept
	X 518	22	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION – Oppose in Part	Accept in part
	X 519	35	MIGHTY RIVER POWER – Support	Reject
	X 522	287	MERIDIAN ENERGY LIMITED – Support	Reject
MIGHTY RIVER POWER	359	88	Amend (c.) to include the ability to remedy or mitigate adverse effects on the values that have been identified.	Accept
	X 492	168	MINISTER OF CONSERVATION – Oppose	Reject
	X 511	371	TRUST POWER LIMITED – Support	Accept
	X 522	288	MERIDIAN ENERGY LIMITED – Support	Accept
MERIDIAN ENERGY LIMITED	363	127	<p>Meridian opposes Policy 9-4 and requests it is amended as follows, or similar:</p> <ol style="list-style-type: none"> 1. Delete clause (a). 2. Amend clause (c) to: Avoid, remedy or mitigate as far as practical any adverse effects on the following regionally important values: 3. Delete sub-clause (c)(iii); 4. Or; Delete Policy 9-4. 	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
Any consequential amendments necessary to give effect to this submission				
	X 492	169	MINISTER OF CONSERVATION – Oppose	Reject in part
	X 511	372	TRUST POWER LIMITED – Support	Accept in part
	X 518	21	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION – Oppose in Part	Reject in part
MINISTER OF CONSERVATION	372	126	a) Replace 'as far as practical' with 'avoid, remedy or mitigate' in sub-paragraph (c).	Reject (a) Accept (b)
			b) In subparagraph (c)(ii) replace 'features" with elements and processes'	
	X 511	376	TRUST POWER LIMITED – Support	Reject (a)/ Accept (b)
	X 518	20	NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION – Support in Part	Accept in part
	X 519	77	MIGHTY RIVER POWER – Oppose	Accept a) / Reject b)
	X 522	289	MERIDIAN ENERGY LIMITED – Support	Reject (a)/ Accept (b)
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	88	Submitter supports Policy 9-4: Appropriate use and development.	Accept
	X 511	375	TRUST POWER LIMITED – Oppose	Reject

4.15.1 Submission summary

Four submitters support Policy 9-4 in its entirety (311/53, 312/49, 313/49 and 460/88). The remaining submissions all refer to clause (c) with a number seeking that it be amended to include “remedy or mitigate” as well as “avoid” (307/21, 359/88, 363/127 and 372/176). The Minister of Conservation further submits that the phrase “as far as practical” should be deleted from this clause (as does the Historic Places Trust) and also seeks another wording change in subclause (ii). Submission 358/70 seeks that either clause (c) is deleted or that clause (a) is amended to refer to the “coastal environment” and not the CMA. Meridian seeks that either the policy is amended as identified or deleted.

4.15.2 Evaluation

The support for this policy is noted.

The RMA provides for a different management framework for the cma than it does for all other areas. In particular the fundamental premise of s12 is that nothing can occur unless a rule in a plan or a consent provides for it. This is a strong management directive. The matters listed in Policy 9-4 are drawn from the RMA (sections 6 & 7 in particular) and the provisions of the NZCPS.

NZCPS section 3.2 on providing for appropriate subdivision, use and development of the coastal environment includes as policy 3.2.2 *Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.*

Policy 9-4 of the POP is therefore providing further guidance on what is “appropriate” use and development in the cma.

I consider that the comments from EECA, Meridian and MRP reflect the NZCPS policy and for completeness sake should be added to the policy. Therefore the suggestion from NZHPT and MOC is not accepted for the same reasons.

The MOC further requests wording changes to 9-4 (c)(ii). I consider that “elements and processes” is a more precise wording than “features” and would provide a greater level of certainty.

Meridian further requests the deletion of clause a) and c(iii) or the whole of the policy. The NZCPS requires the RPS to provide guidance on “appropriate use and development (Policies in NZCPS section 3.2). Therefore I consider this policy in the POP should be retained. I consider that sub paragraph a) provides clear guidance of what is “appropriate” use or development in the cma, and it recognises that the cma is deemed to be a publicly available area, available for all to use. Therefore if use or development can be otherwise located outside then cma, then that should occur. I consider this policy guidance should be retained.

In respect to sub-paragraph c)(iii) I consider the wording should better reflect that in the NZCPS policy 1.1.3 and therefore consider that it should be

amended accordingly. I do not consider it should be deleted as landscapes and seascapes are identified as national priorities in the NZCPS.

Trustpower requests the deletion of the sub paragraph (c) of the policy or amendment to sub-paragraph (a) to include the coastal environment. This policy is focused only on the cma and in my opinion should not be extended to include the wider coastal environment. The landward areas of the coastal environment are addressed by the district plans in terms of land use and by other sections in the POP. I do not consider it appropriate to repeat this into this policy.

4.15.3 Recommendation COA 15

- a) Accept the support for this policy.
- b) Accept the wording changes indicated by EECA, Meridian and MRP.
- c) Accept the request for wording changes made by MOC.
- d) Accept in part amendments requested by Meridian to the wording of 9-4(c)(iii).

4.15.3.1 Recommended changes to provisions

Amend policy 9-4 (c) to read:

Avoid as far as ~~practical~~ practicable any adverse effects on the following regionally important values: *(list (i) - - vii) as currently stated*

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

Amend 9-4 (c)(ii) to read: ~~features~~ elements and processes that contribute to the natural character and open space characteristics of the coast

Amend 9-4 (c)(iii) to read: the ~~naturalness~~ of landscapes and seascapes elements that contribute to the natural character of the coastal marine area

4.16 COA 16 – Chapter 9 Policy 9-5 Public access

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
AFFCO NEW ZEALAND LTD - WANGANUI IMLAY	51	7	Amend 9-5 to read: (c) Public access for recreational purposes shall recognise the need to protect existing land uses from reverse sensitivity issues arising from locating access ways adjacent to incompatible land uses.	Reject
ON TRACK (NZ RAILWAYS CORPORATION)	161	24	ONTRACK requests Council to retain such provision within the Plan.	Accept
THE ENERGY EFFICIENCY & CONSERVATION AUTHORITY	307	22	EECA seeks the following amendment to Policy 9-5 (a) Policy 9-5: Public access (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, protection of property, cultural, or conservation purposes.	Accept in part
WATER AND ENVIRONMENTAL CARE ASSN INC	311	54	9-5 is ESPECIALLY SUPPORTED	Accept
MANAWATU ESTUARY TRUST	312	50	9-5 is ESPECIALLY SUPPORTED	Accept
GEORGE & CHRISTINA PATON	313	50	9-5 is ESPECIALLY SUPPORTED	Accept
MIGHTY RIVER POWER	359	89	Retain (a) as proposed.	Accept
	X 525	114	GENESIS POWER LTD – Support	Accept

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	127	Retain proposed wording in the plan.	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	115	Delete Policy 9-5	Reject
	X 492	170	MINISTER OF CONSERVATION – Oppose	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	116	or in the alternative, amend to only apply to legal public access or access on Council owned land	Accept in part
	X 492	171	MINISTER OF CONSERVATION – Oppose	Accept in part
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	89	Submitter strongly supports Policy 9-5: Public Access, clause (b).	Accept
AOHANGA INCORPORATION	464	7	lwi sensitivity needs to be added here.	Reject

4.16.1 Submission summary

Seven submitters support Policy 9-5 (161/24, 311/54, 312/50, 313/50, 359/89, 372/127 and 460/89). Federated Farmers oppose the policy and seek that it be deleted or, in the alternative, amended to refer to legal public access or Council-owned access. Affco seeks an amendment to address reverse sensitivity issues and EECA request that the “protection of property” be included within clause (a) as a reason to restrict access. The final submitter suggests that iwi sensitivity should be included within the policy (464/7).

4.16.2 Evaluation

The support from submitters is noted.

Affco seeks the recognition of reverse sensitivity issues arising from access ways leading to the cma. Federated Farmers seeks the deletion of the policy or clarification that it relates only to council owned land.

Public access to and along the cma is a matter of national importance under section 6 of the RMA and under the NZCPS. I consider that this matter cannot be deleted from the POP. The intent of this policy was that it would apply only to the cma and in my opinion this is not clear in sub-paragraph (b). Land in the cma is deemed to be crown owned unless a private title exists or it is otherwise covered by a customary rights order. Reverse sensitivity issues are a matter of integrated management across the boundary of MHWS. The intent of policy 9-1 was to clarify where the responsibilities for managing such effects lie. Managing incompatible land use activities and associated issues of public access is the responsibility of district plans. District plans are equally bound by the provisions of the NZCPS.

EECA requests inclusion of “protection of private property” into sub-paragraph a). The RMA cannot be used as a means for controlling access in order to protect public property. The NZCPS does however provide guidance that access can be restricted if it is necessary for ensuring “security consistent with the purpose of a resource consent”. I consider that this should be included into the policy, in order to better reflect the NZCPS.

Aohanga considers that iwi sensitivity should be included into sub-para b). I consider this issue has been addressed in sub-paragraph a) which restricts access for certain purposes including cultural issues. If access is restricted, then sub-paragraph b) does not need to further specify recreational restrictions. That is, I consider that restricting access is a strong directive, whereas sub-paragraph b) is about protecting certain matters – one way of doing this may be to restrict access but other methods may also be appropriate (eg providing walkways).

4.16.3 Recommendation COA 16

- a) Accept support for this policy.
- b) Accept in part the request by Federated Farmers, by clarifying this policy relates only to the cma.
- c) Reject the inclusion of reverse sensitivity and iwi sensitivity (into sub-para b).

4.16.3.1 Recommended changes to provisions

Amend policy 9-5 sub-paragraph a) to read: Activities in the CMA...may be restricted only where necessary for safety, cultural or conservation purposes, or to ensure a level of security consistent with a resource consent.

Amend policy 9-5 sub-paragraph b) to read:
Public access in the CMA for recreational purposes.....

4.17 COA 17 – Chapter 9 Method General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	61	We repeat our request for a dedicated coastal scientist/co-ordinator.	Reject
MANAWATU ESTUARY TRUST	312	58	We repeat our request for a dedicated coastal scientist/co-ordinator.	Reject
GEORGE & CHRISTINA PATON	313	58	We repeat our request for a dedicated coastal scientist/co-ordinator.	Reject

4.17.1 Submission summary

All three submitters seek that a dedicated coastal scientist/co-ordinator be established as a method.

4.17.2 Evaluation

The appointment of staff to a dedicated position is a matter of council administration. It is closely linked to the Council's long-term council community plan and annual plan processes. I do not consider this to be a matter which should be addressed in the RPS.

4.17.3 Recommendation COA 17

a) Reject request for a new method.

4.17.3.1 Recommended changes to provisions

No changes recommended.

4.18 COA 18 – Chapter 9 Method Coastal Management Forum

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	59	Coastal Management Forum is ESPECIALLY SUPPORTED.	Accept
MANAWATU ESTUARY TRUST	312	55	Coastal Management Forum is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON TRUST	313	55	Coastal Management Forum is ESPECIALLY SUPPORTED.	Accept
TRUST POWER LIMITED	358	71	Amend the Method in relation to the establishment of a Coastal Management Forum to include representation of infrastructure and energy development interests. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the Methods in section 9.5 as proposed in this submission.	Accept
	X 525	228	GENESIS POWER LTD – Support	Accept
MERIDIAN ENERGY LIMITED	363	128	Meridian supports the following non regulatory methods: Coastal Management Forum	Accept
	X 511	377	TRUST POWER LIMITED – Support	Accept
MERIDIAN ENERGY LIMITED	363	133	Meridian requests the following amendments are made, or similar: 1.That the Coastal Management Forum is set up as a permanent group of interested parties that meet 2-3 times per year to discuss coastal issues.	Reject

Submitter	Number	Point	Decision sought	Recommendation
Any consequential amendments necessary to give effect to this submission				
	X 511	377	TRUST POWER LIMITED – Support	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	90	Please identify Forest and Bird as a key stakeholder. We are heavily involved in dealing with the issues outlined below and wish to work with other key stakeholders six monthly forums to seek solutions to these.	Accept in part
AOHANGA INCORPORATION	464	8	Te Hika a Papaauma would need to be a part of this forum.	Accept in part

4.18.1 Submission summary

Four submissions offer support for this method (Coastal Management Forum) (311/59, 312/55, 313/55 and 363/128). Three submissions seek amendments to identify additional stakeholders (358/71, 460/90 and 464/8). The final submission point seeks an amendment relating to the nature and set-up of the Forum, namely that it be a permanent group that meets 2-3 times per year.

4.18.2 Evaluation

The support from submitters is noted.

As this Forum is yet to be established it is not possible to use this plan process to confirm membership. The actual membership of the Forum and of any working parties convened to implement actions on concerns raised would be determined on the basis of issues raised. This would recognise efficient use of people's time as well as focusing on achieving actions in relation to the issues raised. The list of stakeholders was provided as an indication only rather than a complete list. I consider the addition of further key stakeholder as requested could assist staff when this Forum is established.

With regard to the comments by Meridian, the method already states the Forum would meet twice a year. The funding allocation through the annual plan process would determine the length of time overall that the Forum would run for. As such, this plan cannot be used to bind the Council's annual planning process.

4.18.3 Recommendation COA 18

- a) Accept the support from submitters.
- b) Accept inclusion of further stakeholders into the list of examples provided.
- c) Reject request to state it is a permanent Forum.
- d) Accept in part the requests to be a member of the Forum.

4.18.3.1 Recommended changes to provisions

Amend method: Coastal Management Forum as follows:

Who: Other key stakeholders such as,....district health boards, conservation groups, infrastructure and energy interests or other interested parties....

4.19 COA 19 – Chapter 9 Method Coast Care

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	56	Coast Care is ESPECIALLY SUPPORTED.	Accept
MANAWATU ESTUARY TRUST	312	52	Coast Care is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON	313	52	Coast Care is ESPECIALLY SUPPORTED.	Accept
MINISTER OF CONSERVATION	372	130	Add DoC to agencies involved in Coast Care project.	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	91	Submitter supports Method: Coast Care.	Accept

4.19.1 Submission summary

The Minister of Conservation seeks that the method (Coast Care) be amended to include DoC as an agency involved. All other submissions support the method (311/56, 312/52, 313/52 and 460/91).

4.19.2 Evaluation

The support for this method is noted. I consider DOC should be specifically mentioned in this method.

4.19.3 Recommendation COA 19

a) Accept all submissions.

4.19.3.1 Recommended changes to provisions

Amend method: Coast Care: Project Description to read:

The Regional Council will work with the Department of Conservation, communities and landowners to restore....

4.20 COA 20 – Chapter 9 Method Vehicle By-law

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
BRUCE & MARILYN BULLOCH	237	17	Implementation of the Vehicle By-law Project (page 9-8 to 9-9)	Accept in part
WATER AND ENVIRONMENTAL CARE ASSN INC	311	58	Vehicle By-law is ESPECIALLY SUPPORTED.	Accept
MANAWATU ESTUARY TRUST	312	54	Vehicle By-law is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON	313	54	Vehicle By-law is ESPECIALLY SUPPORTED.	Accept
PROGRESS CASTLECLIFF INC	332	3	<p>1 We support the Horizons policy initiative on bylaws.</p> <p>2 We advocate signposting and erection of knee breaker gates or other obstacles to deter motor-cyclists, encourage the public to report presence of motor-cyclists while they are there.</p> <p>3 We will continue development work to extend the walkways so that in time they will be recognised as a significant part of Wanganui's walkway network.</p> <p>4 As destructive activity is contained, we will advocate shell rock surfaces on the walkways, to restrict wind erosion and make some sections accessible to the disabled.</p>	Accept in part
MANAWATU BRANCH OF NZ GREEN PARTY	433	49	Implementation of the Vehicle By-law Project (page 9-8 to 9-9).	Accept in part
ROYAL FOREST & BIRD PROTECTION SOCIETY OF	460	92	Submitter supports Method: Vehicle By-law. Submitter supports "tighter restrictions on vehicle use of beaches and dunes where	Accept

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND			they are having adverse effects on wildlife and dune communities" provided by this method.	

4.20.1 Submission summary

All seven submitters support this method (Vehicle By-law).

4.20.2 Evaluation

The support for this method is noted. The inclusion of this method in the RPS, indicates Horizons commitment to implementing the actions, however the final budgeting commitment will be addressed each year through the annual planning process.

4.20.3 Recommendation COA 20

- a) Accept the support provided by submitters.
- b) Accept in part the request for implementation of the method.

4.20.3.1 Recommended changes to provisions

No change recommended.

4.21 COA 21 – Chapter 9 Method Coastal Information

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	57	Coastal Information is ESPECIALLY SUPPORTED.	Accept
MANAWATU ESTUARY TRUST	312	53	Coastal Information is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON	313	53	Coastal Information is ESPECIALLY SUPPORTED.	Accept
NEW ZEALAND HISTORIC PLACES TRUST – CENTRAL REGION	353	38	The Coastal Information project includes the identification of sites of historic heritage in the coastal environment with the assistance of NZHPT and other relevant agencies/parties in particular Tangata Whenua.	Accept in part
MERIDIAN ENERGY LIMITED	363	131	Meridian supports the following non regulatory methods: Coastal Information	Accept

4.21.1 Submission summary

All five submitters support this method (Coastal Information).

4.21.2 Evaluation

The support for this method is noted. I consider that the inclusion of other parties into this method is appropriate but that a generic reference to other parties should be made.

4.21.3 Recommendation COA 21

- a) Accept all submissions in support.
- b) Accept in part the inclusion of reference to other parties.

4.21.3.1 Recommended changes to provisions

Amend Method: Coastal Information: Who: Add a new sentence at the end of this section to read: The Regional Council will seek to work with and involve other relevant agencies in this programme.

4.22 COA 22 – Chapter 9 Method Coastal Advocacy

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	55	Coastal Advocacy is ESPECIALLY SUPPORTED.	Accept
MANAWATU ESTUARY TRUST	312	51	Coastal Advocacy is ESPECIALLY SUPPORTED.	Accept
GEORGE & CHRISTINA PATON	313	51	Coastal Advocacy is ESPECIALLY SUPPORTED.	Accept
TRUST POWER LIMITED	358	72	Amend the Method in relation to the establishment of a Coastal Advocacy Forum to include representation of infrastructure and energy development interests. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the Methods in section 9.5 as proposed in this submission.	Reject
	X 525	229	GENESIS POWER LTD – Support	Reject
MERIDIAN ENERGY LIMITED	363	129	Meridian requests the following amendments are made, or similar: The method is clearer as to the type of advocacy role the Council intends taking with the other agencies Any consequential amendments necessary to give effect to this submission	Reject
MERIDIAN ENERGY LIMITED	363	130	Meridian requests the following amendments are made, or similar: defines other agencies".	Reject

Submitter	Number	Point	Decision sought	Recommendation
MERIDIAN ENERGY LIMITED	363	132	<p>Any consequential amendments necessary to give effect to this submission</p> <p>Meridian supports the following non regulatory methods:</p> <p>Coastal Advocacy.</p>	Accept

4.22.1 Submission summary

Submissions 311/55, 312/51 and 313/52 all offer support for this method (Coastal Advocacy). Meridian also offers support but seeks some amendments to provide additional clarity. Trust Power Ltd seeks amendments to include representation of infrastructure and energy development interests in the establishment of a coastal advocacy forum.

4.22.2 Evaluation

The support for this method is acknowledged.

This work programme is not focused on establishing a Forum. Rather it is focused on staff undertaking work that involves promoting the directions of the POP in relation to coastal issues as and where appropriate. The work in this programme can be extremely wide-ranging. I do not consider it necessary to specify which agencies would be involved over the coming 10 year life of the plan.

4.22.3 Recommendation COA 22

- a) Accept the support provided for this method.
- b) Reject the amendment for this method to be a Forum.
- c) Reject the request to tighten up the method by specifying agencies.

4.22.3.1 Recommended changes to provisions

No change recommended.

4.23 COA 23 – Chapter 9 Anticipated Environmental Results Table

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
TRUST POWER LIMITED	358	73	<p>a) That Section 9.6 be either deleted from the Proposed Plan or that each of the Anticipated Environmental Results in Section 9.6 be amended as follows:</p> <p>b) Anticipated Environmental Result</p> <p>By 2017, water quality in coastal environment Class A water management zones is suitable for specified values at all times, unless the water is used for infrastructure or energy development in the regional or national interest.</p> <p>Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read.</p> <p>c) Anticipated Environmental Result</p> <p>By 2017, the area of each habitat type in the coastal environment identified as rare, threatened or at-risk is the same as that estimated prior to this Plan becoming operative, unless the area is utilised for infrastructure or energy development in the regional or national interest.</p> <p>Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read.</p> <p>d) Anticipated Environmental Result</p> <p>Except for change because of natural processes or associated with infrastructure or energy development in the regional or national interest, at</p>	<p>Reject a)</p> <p>Reject b)</p> <p>Reject c)</p> <p>Accept in part d)</p> <p>Accept e)</p>

Submitter	Number	Point	Decision sought	Recommendation
			<p>2017 the characteristics/values of outstanding landscapes and natural features identified in the coastal environment (Schedule F) will be in the same state as assessed prior to this Plan becoming operative.</p> <p>Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read.</p> <p>e) Anticipated Environmental Result</p> <p>By 2017, there will be a net reduction in the damage to property or critical infrastructure as a result of coastal erosion, the effects of sandstorms or sea level rise in the coastal environment.</p> <p>Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read.</p> <p>Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 9.6 as proposed in this submission.</p>	
	X 492	172	MINISTER OF CONSERVATION - Oppose	Accept a), b), c), d) Reject e)
WELLINGTON CONSERVATION BOARD	375	20	Change the second result to "is better than that estimated prior to this Plan becoming operative".	Accept
	X 519	142	MIGHTY RIVER POWER – Oppose	Reject
MERIDIAN ENERGY LIMITED	363	134	Meridian opposes the third point listed with regard to Schedule F in the anticipated environmental results table, and requests its deletion.	Reject

Submitter	Number	Point	Decision sought	Recommendation
Any consequential amendments necessary to give effect to this submission				
	X 492	173	MINISTER OF CONSERVATION - Oppose	Accept
WELLINGTON CONSERVATION BOARD	375	21	Change the third result to "will be in a better state as assessed prior to this Plan becoming operative".	Accept in part
	X 519	143	MIGHTY RIVER POWER – Oppose	Accept in part

4.23.1 Submission summary

Meridian seeks the deletion of Section 9.6 or that the anticipated environmental result in the first three rows of the table be amended to refer to the “coastal environment” (rather than the CMA) and to include exceptions for infrastructure or energy development that is in the regional or national interest.

Wellington Conservation Board seeks an amendment to the anticipated environmental result in the second row of the table in Section 9.6 which refers to areas of habitat type in the CMA so that the result is that the areas at risk is “better than” that estimated prior to the POP becoming operative, rather than “the same as”.

The Wellington Conservation Board also seeks that the anticipated environmental result in the third row of the table in Section 9.6 be amended so that the characteristics/values discussed will be in “a better state” as assessed prior to the POP becoming operative, rather than in “the same state”. Meridian seeks that the third indicator (relating to ratios of submissions) be deleted.

4.23.2 Evaluation

Anticipated Environmental Results (AER) are derived from section 62 of the RMA which states the RPS must state “*g) the environmental results anticipated from implementation of those policies and methods...*” As this is a mandatory requirement they cannot be deleted from the POP. These AER will be used by Horizons to monitor how effective the policies and methods in the plan have been in achieving the objectives stated in the POP. They are not there to inhibit or otherwise impact on development.

Regarding the first row of the AER: the water quality issue being addressed by this AER relates specifically to the water in the cma. I do not consider it appropriate to extend this AER to the wider coastal environment. If the water is used for infrastructure or energy purposes, I consider it should still be required to meet the standards set. The national priority for renewable energy does not in my opinion allow for the environment to be degraded below the standards set.

Regarding the second row of the AER: The additional wording by WCB would recognise that there could be improvements over time. I consider the most important aspect is that the level is at least maintained. This AER is about assessing impacts in the cma. Impacts outside the CMA (ie. the landward coastal environment is addressed in Ch 7 Living Heritage. I consider that there is no need to repeat the coverage of this in the Coast chapter. I consider that even if the energy and infrastructure interests are of national importance they should not be located so as to adversely affect rare, threatened or at risk habitat.

Regarding the third row of the AER: The additional wording by WCB would recognise that there is a range of work undertaken to improve the status of the cma over time. I consider the most important aspect is that the level is at least maintained.

The reference to Schedule F provides a clear indication of the outstanding natural features and landscapes for the region. I consider that this provides the basis for the monitoring and should be retained.

This AER relates specifically to the CMA and I consider extending it to cover the landward coastal environment is not appropriate, since Schedule F is cross referenced only to the cma matters, and for the reasons provided at the beginning of this section.

I also consider that it is appropriate to recognise that some consented activities may also lead to change. Such activities could be broader than just those associated with infrastructure.

Regarding the fourth row of the AER: The support for this AER is assumed, as no change was requested.

4.23.3 Recommendation COA 23

- a) Reject changes to the first AER.
- b) Accept in part changes to second and third AER.
- c) Reject the deletion of reference to Schedule F in the third AER.
- d) Accept no changes requested for fourth AER.

4.23.3.1 Recommended changes to provisions

Amend second AER to read: By 2017, the area ... is the same (or better) as that estimated prior to this plan....

Amend third AER to read: Except for change because of natural processes, or as a result of activities authorised by this plan or a resource consent, at 2017 the characteristics/ values ...the coastal marine areas (Schedule F) will be in the same (or better) state as assessed....

4.24 COA 24 – Chapter 17 General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
HOROWHENUA DISTRICT COUNCIL	280	99	The Council reserves the right to make further submission on this Chapter once the Coastal Hazards report is released.	Reject
	X 481	460	PALMERSTON NORTH CITY COUNCIL – Support	Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	31	The NZHPT requests that Council better provides for the identification and protection of historic heritage in the coastal environment in the proposed Regional Coastal Plan. Such initiatives should draw extensively on the information specific to the preparation of regional coastal plans in the context of better protecting historic heritage, as detailed on pages 11 to 24 of the document Sustainable Management of Historic Heritage: Guide No 2 Regional Plans (3 August 2007).	Reject
TRUST POWER LIMITED	358	129	Amend Chapter 17 to more appropriately reflect Sections 7(i) and 7(j) of the RMA. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the policies and rules as proposed in this submission.	Reject
	X 522	363	MERIDIAN ENERGY LIMITED – Support	Reject
MINISTER OF CONSERVATION	372	167	For certainty for users and to facilitate the approval of the plan by the Minister of Conservation, provide in tabular or similar form reference to all provisions and schedules of the One Plan that will be applied to the CMA and that will be put to the Minister of Conservation for his approval or joint approval in terms of the First Schedule to the RMA.	Accept n part
MINISTER OF CONSERVATION	372	168	Include appropriate provision in a rule or performance standard to give effect to this Policy. [Submission refers to Policy 3.2.9 of the NZCPS]	Reject

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	169	Include provisions for notification as requested.	Reject
MINISTER OF CONSERVATION	372	175	Review all criteria used in chapter 17 policies to achieve consistent terminology and consistent descriptors for matters relating to indigenous flora and fauna, fish and natural character and that all matters of national importance and other Part 2 matters are provided for.	Accept in part
MINISTER OF CONSERVATION	372	204	Incorporate the definitions of pest animal and plant species relevant to the coastal marine area into the Horizons One Plan, perhaps as a schedule.	Reject
LANDLINK LTD	440	114	Specific references to section in the Resource Management Act 1991 are unnecessary and will only make the Regional Plan inconsistent when legislation changes in the future.	Reject
LANDLINK LTD	440	117	No decision requested, however submitter notes: "We generally support the higher thresholds (Discretionary and Non- Complying Activities) for proposals in the Coastal Marine Area"	Accept

4.24.1 Submission summary

The Horowhenua District Council has not sought specific relief in its submission but has stated that it wishes to reserve the right to make further submission on Chapter 17 pending the release of the coastal hazards report. Submission 353/31 seeks better identification and protection of historic heritage in the coastal environment. Trust Power seeks that Chapter 17 is amended to better reflect the RMA with respect to the requirement to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. The Minister of Conservation seeks administrative changes regarding the regional coastal plan provisions of the POP, as well as amendments to give effect to Policy 3.2.9 of the NZCPS, the introduction of notification provisions and of definitions relating to pest management as it applies to the CMA. The Minister also seeks that all criteria in policies in Chapter 17 be reviewed for consistency and to ensure that all RMA Part II matters are provided for. Submitter 440 maintains that specific RMA references should be removed. This submitter otherwise offers general support for discretionary and non-complying activities in the CMA.

4.24.2 Evaluation

- a) Horowhenua District Council supported by Palmerston North City Council wish to have the opportunity to make further submissions once a report on natural hazards has been released. In my view this is not appropriate as it does not allow for a fair and transparent process. In making any submission on the POP it is only fair to ensure that other submitters also have a clear opportunity to respond. The First Schedule process does not allow for this secondary process. In my view it would also be contrary to the principles for good consultation process as set out in the Local Government Act.
- b) Historic heritage: I have read the two New Zealand Historic Places Trust's (NZHPT) guides: New Zealand Historic Places Trust (3 Aug 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Policy Statements and New Zealand Historic Places Trust (3 August 2007) Sustainable Management of Historic Heritage Guide No. 1 Regional Plans. I have also read the staff report on the Living Heritage Chapter of the POP, including the evidence of John Maassen, Resource management lawyer, and Elizabeth Pishief, Heritage Consultant. I have assessed the Proposed One Plan provisions in light of these documents. There is significant emphasis placed on integration and consistency within the POP. Thus this chapter on Coast must be read in conjunction with chapter 7 on Living Heritage and in particular Objective 7-3 and policy 7-10 on Historic Heritage. As a result of submissions made on chapter 7 a number of recommended changes have been made in relation to historic heritage which will strengthen the provisions within the plan. Chapter 17 is focused on decision-making at the resource consent level and references are made to both the RPS chapter on Coast and the NZCPS. Where appropriate specific mention is also made of historic heritage. I consider that historic heritage has been addressed in the provisions for the cma and does not need further elaboration.

- c) Energy & climate change: Chapter 3 of the POP covers energy issues and associated infrastructure. Submissions made on this chapter have led to a range of recommended changes that will strengthen Chapter 3. The POP is based on consistency and integration between the chapters, and I do not consider that there is a need for further provisions in the Coast chapter regarding energy or climate change.
- d) Approval of RCP provisions: The MOC requests a tabular form of all matters that are to be approved by the Minister as part of the Regional Coastal Plan. It is acknowledged that the Minister will require a clear indication of which parts of the POP she/he is to approve. However I consider this to be an administrative issue and therefore does not need to be included into the POP. The RCP is self-contained into chapter 17, along with the Schedules that have been cross referenced in the policies. Cross- references to other chapters and the NZCPS are also made. These reinforce the integrated and consistent decision-making approaches that underpin the POP. The introductory statement to the chapter does not make reference to the Schedules and I consider that this should occur.
- e) MOC requests that the POP give effect to NZCPS policy 3.2.9 relating to notification about structures to Maritime Safety Authority (now Maritime NZ) and the Hydrographic Office of the RNZ Navy. The purpose of this policy in the NZCPS was to ensure that structures are included onto navigation charts. Historically this was undertaken through the RNZ Navy, but is now privately contracted. The notification to Minister of Transport (under which Maritime NZ sits) is a requirement of the RMA under section 395(1). For these reasons I no longer consider this provision is relevant and therefore should not be included into the plan.
- f) Notification: The MOC has requested that the POP indicates notification requirements for the rules. The RMA addresses notification requirements in some detail in sections 93 – 95. In brief, the onus is on the Council to notify all consent applications unless, the application is for a controlled activity or the adverse effects are minor. Exceptions to this are covered. One exception is if the plan provides for non-notification for that activity. Due to the sensitive and complex nature of most coastal activities I consider that a separate decision should be made on each consent application, rather than trying to pre-determine notification requirements. In this respect I do not consider it necessary or appropriate to specify which activities in Chapter 17 should be non-notified.
- g) Review all criteria used in chapter 17: I consider that all matters of national importance have been addressed through the reference in every decision-making policy to the NZCPS provisions. RMA part II matters have been incorporated into the development of the POP but they are also required to be considered in accordance with section 104 when any decisions on resource consents are being made. I do not consider any changes are required to the coast provisions to address these issues. I have reviewed the terminology used in chapter 17 and consider that along with the recommended changes that no other changes are required.

In reviewing the consistency of rules it was noted that rule 17-6 refers to rule 16-23 – which no longer exists. As a matter of consistency and clarity I consider this rule should be amended to state what provisions were to have been covered in this rule.

- h) Include definitions of pest animal and plant species into the POP. The Regional Pest Management Plan (RPMS) sets out pest plant and animal species. This plan is a requirement under the Biosecurity Act and has a separate statutory process for developing and amending it. Priority pest species can change rapidly with the incursion of new species. I consider that by including the definition of species into the POP would mean that the two documents could over time become out of alignment. Any change to the RPMS would then require a change to the POP. I do not consider this should be defined within the POP.
- i) Cross referencing the RMA: Landlink considers there is no need to cross reference the RMA. While this opinion is noted, I consider there is value in identifying which parts of the legislation underpin the provisions in the POP. This has only been done in a few critical areas. The general support for the submitter for the thresholds in the rules is also noted.

4.24.3 Recommendation COA 24

- a) Reject submission seeking to incorporate further information into the POP process at a later date.
- b) Reject submission seeking further provisions relating to historic heritage.
- c) Reject request for an additional provisions on energy and climate change in the coast chapter.
- d) Accept in part request to clarify the RCP provisions.
- e) Reject request for further provisions relating to NZCPS policy 3.2.9.
- f) Reject request to specify notification requirements.
- g) Accept in part review of criteria.
- h) Reject request for inclusion of pest and animal plant species into the POP.
- i) Reject the deletion of cross references to the RMA clauses; Accept the general support for the thresholds.

4.24.3.1 Recommended changes to provisions

Amend the first statement in Chapter 17 as follows:

Important Note: For the purposes of the RMA.....comprise the general objective and policies of Chapter 11, ~~and~~ the policies and rules of Chapter 17 and the information contained in Schedule H.

Amend rule 17-6 conditions/ standards/ terms to read as follows:

(c) 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.

4.25 COA 25 – Chapter 17 Policy 17-1 Occupation of space by aquaculture

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	86	Retain this policy as proposed apart from: - Amending clause (a) to read, "(a) the objectives and policies of Chapter [4 and Chapter] 9 and any relevant policies in the New Zealand Coastal Policy Statement"	Accept
HORIZONS REGIONAL COUNCIL	182	95	Amend Policy 17-1 (b) to read: 'the impact of the proposed activity on neighbouring uses, protection zones listed in schedule H and the ecological carrying capacity of the area'	Accept
	X 492	325	MINISTER OF CONSERVATION – Support	Accept
ENVIRONMENTAL WORKING PARTY	386	114	Add (f) Pay regard the objectives and policies of Chapter 4 to Policy 17-1	Accept
NGA PAE O RANGITIKEI	427	114	Add (f) Pay regard the objectives and policies of Chapter 4 to Policy 17-1	Accept

4.25.1 Submission summary

Three submitters are seeking to include a reference to Chapter 4 (Te Ao Maori) (180/86, 386/114 and 427/114). Submission 182/95 seeks that clause (b) be rewritten to address effects of the proposed activity on other uses, protection zones and carrying capacity.

4.25.2 Evaluation

As this policy is the trigger for a plan change to enable aquaculture activities, I consider it would be appropriate to include reference to Chapter 4.

I also consider it would be appropriate to include a cross-reference to the protection zones.

4.25.3 Recommendation COA 25

- a) Accept inclusion of a reference to chapter 4.
- b) Accept a cross reference is made to the protection zones.

4.25.3.1 Recommended changes to provisions

Amend Policy 17-1 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:

b) the objectives and policies of Chapter 4.

Amend existing sub-paragraph b) to read: the impact of the proposed activity on neighbouring uses, the protection zones listed in schedule H and the ecological carrying capacity of the area'

4.26 COA 26 – Chapter 17 Policy 17-2 Consent decision making for occupation of space by other activities

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	87	Amend clause (a) to read, "(a) the objectives and policies of Chapter [4 and Chapter]9 and any relevant policies in the New Zealand Coastal Policy Statement"	Accept
TRUST POWER LIMITED	358	128	Amend Policy 17-2 and rules in Chapter 17 to include reference to Chapter 3 (Infrastructure, Energy and Waste) and recognise that development of infrastructure and energy generation might be appropriate in the coastal environment. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the policies and rules as proposed in this submission.	Accept
	X 492	326	MINISTER OF CONSERVATION – Support	Accept
	X 519	42	MIGHTY RIVER POWER – Support	Accept
	X 522	364	MERIDIAN ENERGY LIMITED – Support	Accept
	X 525	233	GENESIS POWER LTD – Support	Accept
MERIDIAN ENERGY LIMITED	363	185	Meridian supports the general intent of Policy 17-2 and requests the following amendments or similar: Amend clause (b) to include reference to renewable energy in Chapter 3. Any consequential amendments necessary to give effect to this submission	Accept
	X 511	516	TRUST POWER LIMITED – Support	Accept

Submitter	Number	Point	Decision sought	Recommendation
	X 525	78	GENESIS POWER LTD – Support	Accept
ENVIRONMENTAL WORKING PARTY	386	115	Add (g) Pay regard to the objectives and policies of Chapter 4 to Policy 17-2	Accept
NGA PAE O RANGITIKEI	427	115	Add (g) Pay regard to the objectives and policies of Chapter 4 to Policy 17-2	Accept

4.26.1 Submission summary

All submitters are seeking that references be added to Policy 7-2 to either Chapter 4 (Te Ao Maori) (180/87, 386/115 and 427/115), or to Chapter 3 (Infrastructure, Energy and Waste) (358/128 and 363/185).

4.26.2 Evaluation

I consider that reference to both chapters should be included in this policy. I consider that it is preferable to make reference to the whole chapters rather than adding a rider to existing sub-paragraph b) as requested by Meridian.

4.26.3 Recommendation COA 26

Accept the inclusion of cross references into this policy.

4.26.3.1 Recommended changes to provisions

Amend Policy 17-2 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:
b) objective 3-1 and policies 3-1 to 3-5 and the objectives and policies of Chapter 4.

4.27 COA 27 – Chapter 17 Policy 17-3 Decision making for occupation charges

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	116	Add regard is given to the objectives and policies of Chapter 4 to Policy 17-3	Reject
NGA PAE O RANGITIKEI	427	116	Add regard is given to the objectives and policies of Chapter 4 to Policy 17-3	Reject
LANDLINK LTD	440	115	Policy 17-3 need only state: A coastal occupation charging regime will not be applied to persons who occupy any part of the CMA.	Reject

4.27.1 Submission summary

Submitters 386/116 and 427/116 request reference is added in Policy 17-3 to Chapter 4 (Te Ao Maori). Submitter 440/115 seeks a rewrite of the policy but no fundamental change.

4.27.2 Evaluation

This policy is directly related to s64A of the RMA and the requirement to state whether Horizons will have an occupation charging regime. The policy is not linked to other sections of the POP. I therefore consider no cross referencing to other chapters is required. The suggested rewording does not change the intent of the existing wording. I consider that the existing wording clarifies where (ie. in the POP) and why (ie. as a result of s64A) Horizons has made this policy decision.

4.27.3 Recommendation COA 27

- a) Reject any cross referencing to other chapters or rewording of this policy.

4.27.3.1 Recommended changes to provisions

No change recommended.

4.28 COA 28 – Chapter 17 Policy 17-4 Consent decision making for new structures

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MERIDIAN ENERGY LIMITED	363	186	Amend condition (c) to include reference to Chapter 3 and renewable energy. Any consequential amendments necessary to give effect to this submission	Accept
	X 525	79	GENESIS POWER LTD – Support	Accept
MINISTER OF CONSERVATION	372	176	Delete the words 'as far as practical' and 'as far as practicable' from this policy.	Reject
	X 522	365	MERIDIAN ENERGY LIMITED – Oppose	Accept
ENVIRONMENTAL WORKING PARTY	386	117	Add (c) Pay regard the objectives and policies of Chapter 4 to Policy 17-4	Accept
NGA PAE O RANGITIKEI	427	117	Add (c) Pay regard the objectives and policies of Chapter 4 to Policy 17-4	Accept

4.28.1 Submission summary

Meridian seeks that reference to Chapter 3 (Infrastructure, Energy and Waste) be included within Policy 14-4, while submitters 386/117 and 427/117 seek a similar reference to Chapter 4 (Te Ao Maori). The Minister of Conservation seeks amendment to clause (e) of the policy.

4.28.2 Evaluation

I consider that reference to both chapters should be included in this policy. I consider that it is preferable to make reference to the whole chapters rather than adding a rider to existing sub-paragraph b) as requested by Meridian.

This policy recognises that any structure in the cma will have an adverse effect on the matters listed in sub-paragraph e). The policy guidance is that there is an expectation that avoidance would be the first requirement, where avoidance cannot be practically achieved then the effects would be expected to be remedied or mitigated. I do not consider that complete avoidance of effects is practical in the cma for structures.

4.28.3 Recommendation COA 28

- a) Accept cross reference to chapters 3 and 4.
- b) Reject request to delete "as far as practical".

4.28.3.1 Recommended changes to provisions

Amend Policy 17-4 (b) to read: the objectives and policies of objective 3-1 and policies 3-1 to 3-5, the objectives and policies of Chapter 4 and Chapter 10.

4.29 COA 29 – Chapter 17 Policy 17-5 Consent decision making for existing structures

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	177	Delete the words 'as far as practical' and 'as far as practicable' from this policy.	Reject
	X 522	366	MERIDIAN ENERGY LIMITED – Oppose	Accept
MINISTER OF CONSERVATION	372	178	Policy 17-5 (b) In this phrase replace 'reduce' with 'have' or 'result in'.	Accept
ENVIRONMENTAL WORKING PARTY	386	118	Add (b) Pay regard the objectives and policies of Chapter 4 to Policy 17-5	Accept
NGA PAE O RANGITIKEI	427	118	Add (b) Pay regard the objectives and policies of Chapter 4 to Policy 17-5	Accept

4.29.1 Submission summary

Submitters 386/117 and 427/117 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-5. The Minister of Conservation seeks amendments to clauses (b) and (c) of the policy.

4.29.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

This policy recognises that existing structures in the cma may be altered (for example painting) and will be likely to have an adverse effect on the matters listed in sub-paragraph c). The policy guidance is that there is an expectation that avoidance would be the first requirement, where avoidance cannot be practically achieved then the effects would be expected to be remedied or mitigated. I do not consider that complete avoidance of effects is practical in the cma for existing structures.

I consider the word “reduce” in sub-paragraph b) should be amended.

4.29.3 Recommendation COA 29

- a) Accept cross referencing to chapter 4.
- b) Reject deletion of the words ‘as far as practical’.
- c) Accept wording change.

4.29.3.1 Recommended changes to provisions

Amend Policy 17-5 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:
b) the objectives and policies of Chapter 4.

Amend Policy 17-5 (b) as follows: the extent to which existing structures ~~reduce~~ have adverse effects on natural character, amenity values and public access.

4.30 COA 30 – Chapter 17 Policy 17-6 Consent decision making for reclamation and drainage

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	179	Policy 17-6 (a) Delete the words 'cleanfill being' and the parentheses and add the following criterion: 'ensuring any material used in reclamation does not contain plant or animal pest material which is capable of propagation or proliferation within or beyond the site'.	Accept in part
MINISTER OF CONSERVATION	372	180	Insert ',feeding, spawning, roosting ' after breeding in subparagraph (f)	Accept
MINISTER OF CONSERVATION	372	181	Policy 17-6 (g) Replace 'mitigating any adverse effects on natural character' with 'avoiding, remedying or mitigating any adverse effects on natural character'.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	119	Add (c) Pay regard the objectives and policies of Chapter 4 to Policy 17-6	Accept
NGA PAE O RANGITIKEI	427	119	Add (c) Pay regard the objectives and policies of Chapter 4 to Policy 17-6	Accept

4.30.1 Submission summary

The Minister of Conservation seeks several amendments to Policy 17-6. It is requested that the definition of 'cleanfill' in clause (e) is amended to refer to plant and animal pest material as opposed to matters affecting water quality as currently written. It is requested that clause (f) be amended to refer to feeding, spawning and roosting areas in addition to breeding and nesting areas. Further, the Minister seeks that with respect to natural character in clause (g), the policy refers to avoiding, remedying and mitigating adverse effects (not just mitigating). Submitters 386/119 and 427/119 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-6.

4.30.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

The MOC requested that cleanfill be redefined by a separate condition. I consider that the suggested wording further defines clean fill appropriate for a reclamation but does not replace the existing words. Reclamations are generally built for the long term and in my opinion there is a need to ensure that the material as it settles or decomposes does not impact on water quality, through for example leaching. I consider that the wording suggested by MOC builds on the current wording, but does not replace it in total. It is noted that cleanfill is also defined in the glossary but only in association with a landfill (which is also defined in the glossary). I do not consider the glossary definition can be used and therefore the words in brackets should be enhanced rather than deleted.

The MOC requests that reference is made to feeding, spawning and roosting in sub-paragraph f). I consider that this would make a more consistent approach to other such references within chapter 17.

The MOC requests amendments to sub-paragraph g) to include reference to avoidance and remediation. I consider any drainage system and any reclamation would have an impact on natural character. The nature of such activities is that avoidance and remediation cannot be effectively achieved. However mitigation can lessen any adverse impacts. I consider however that avoidance of the activity in the first place would be better considered under sub-paragraph b). Therefore I consider that a change should be made to sub-paragraph b) to recognise avoidance is an option.

4.30.3 Recommendation COA 30

- a) Accept cross referencing to chapter 4.
- b) Accept in part re-definition of cleanfill.
- c) Accept rewording for sub-paragraph f).
- d) Accept in part MOC's concern re: avoid, remedy, mitigate by amending sub-paragraph b) rather than sub-paragraph g).

4.30.3.1 Recommended changes to provisions

Amend Policy 17-6 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:
b) the objectives and policies of Chapter 4.

Amend Policy 17-6 (b) as follows:

(b) ~~the~~ whether there is a functional necessity for the activity to locate within the CMA and the extent to which adverse effects can be avoided, remedied or mitigated.

Amend Policy 17-6 (e) as follows:

(e) 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 is uncontaminated by plant or animal pest material which could result in propagation or proliferation within or beyond the site) is used in any reclamation.

Amend Policy 17-6 (f) as follows:

ensuring that any reclamation or drainage is not sited where there are existing significant areas of indigenous flora or fauna spawning, breeding, feeding, roosting or nesting areas.

4.31 COA 31 – Chapter 17 Policy 17-7 Consent decision making for activities involving disturbance, removal or deposition

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	182	Insert breeding, nesting before feeding" in sub-paragraph (d).	Accept
MINISTER OF CONSERVATION	372	183	In subparagraph (f)delete 'or significant flora or fauna habitat within' and replace with 'or values identified for'	Accept
	X 511	517	TRUST POWER LIMITED – Oppose	Reject
ENVIRONMENTAL WORKING PARTY	386	120	Add (d) Pay regard the objectives and policies of Chapter 4 to Policy 17-7	Accept
NGA PAE O RANGITIKEI	427	120	Add (d) Pay regard the objectives and policies of Chapter 4 to Policy 17-7	Accept

4.31.1 Submission summary

The Minister of Conservation seeks an amendment to clause (d) to include breeding and nesting areas (in addition to feeding, spawning and roosting areas). The Minister further seeks that the reference to significant flora or fauna habitat with protection zones in clause (f) be amended to refer simply to values identified within protection zones. Submitters 386/120 and 427/120 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-7.

4.31.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

I consider that breeding and nesting areas could be impacted by disturbances, removal and deposition and therefore should be included into this sub-paragraph.

For consistency, I consider that the wording in relation to the protection zones should be broader than flora and fauna and should reference those values identified for the protection zones in appendix H.

4.31.3 Recommendation COA 31

- a) Accept cross referencing to chapter 4.
- b) Accept references to breeding and nesting areas.
- c) Accept references to values within protection zones.

4.31.3.1 Recommended changes to provisions

Amend Policy 17-7 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:
b) the objectives and policies of Chapter 4.

Amend Policy 17-7 (d) as follows:
any effects on any feeding, breeding, spawning, nesting or roosting areas.

Amend Policy 17-7 (f) as follows:
avoiding any adverse effects on the relationship of Maori with taonga, historic heritage, or ~~significant flora or fauna habitat~~ any value identified within any protection zone, as outlined in Schedule H.

4.32 COA 32 – Chapter 17 Policy 17-8 Consent decision making for take and use of coastal water

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	123	We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition: (b) Pay regard to the objectives and policies of Chapter 4	Accept
NGA PAE O RANGITIKEI	427	123	We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition: (b) Pay regard to the objectives and policies of Chapter 4	Accept

4.32.1 Submission summary

Submitters 386/123 and 427/123 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-8.

4.32.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

4.32.3 Recommendation COA 32

- a) Accept cross referencing to chapter 4.

4.32.3.1 Recommended changes to provisions

Amend Policy 17-8 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:
b) the objectives and policies of Chapter 4.

4.33 COA 33 – Chapter 17 Policy 17-9 Consent decision making for damming and diversions in the CMA

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	184	<p>Policy 17-9 (d)</p> <p>Reword as 'Avoiding any adverse effects on values identified for protection zones, significant flora or fauna habitat, fish spawning and indigenous bird feeding, roosting, nesting or breeding areas'</p> <p>Insert 'feeding, roosting and' after 'bird'.</p>	Accept
ENVIRONMENTAL WORKING PARTY	386	124	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(h) Pay regard to the objectives and policies of Chapter 4</p>	Accept
NGA PAE O RANGITIKEI	427	124	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(h) Pay regard to the objectives and policies of Chapter 4</p>	Accept

4.33.1 Submission summary

The Minister of Conservation seeks that clause (d) be expanded to include reference to values of protection zones, significant flora and fauna habitat and bird feeding, roosting and breeding areas. Submitters 386/124 and 427/124 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-9.

4.33.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

I consider that feeding and roosting areas could be impacted by damming and diversion and therefore should be included into this sub-paragraph and that for consistency, reference should also be include for protection zones.

4.33.3 Recommendation COA 33

- a) Accept cross referencing to chapter 4.
- b) Accept references to feeding and roosting areas and protection zones.

4.33.3.1 Recommended changes to provisions

Amend Policy 17-9(b) as follows):

b) the objectives and policies of Chapter 4, Chapter 6.....

Amend Policy 17-9 (d) as follows:

avoiding any adverse effects on fish spawning and bird feeding, nesting, breeding or roosting areas.

Amend policy 17-9 by adding a new sub-paragraph (e) as follows and consequentially renumbering the other sub-paragraphs:

(e) avoiding any adverse effects on any value identified within any protection zone, as outlined in Schedule H.

4.34 COA 34 – Chapter 17 Policy 17-10 Consent decision making for discharges into the CMA

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	91	Amend clause (d) Maori cultural values, amenity values, recreational values and public health and safety, and ensuring any adverse effects are avoided [remedied or mitigated.]	Accept
MINISTER OF CONSERVATION	372	185	Policy 17-10 (e)(iv) Delete the words 'any significant'	Reject
	X 522	367	MERIDIAN ENERGY LIMITED – Oppose	Accept
ENVIRONMENTAL WORKING PARTY	386	125	We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition: (f) Pay regard to the objectives and policies of Chapter 4	Accept
NGA PAE O RANGITIKEI	427	125	We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition: (f) Pay regard to the objectives and policies of Chapter 4	Accept

4.34.1 Submission summary

Ngati Kahungungu seeks that clause (d) include reference to remedying and mitigating (as well as avoiding). With regard to effects on aquatic life (clause (e)(iv)), the Minister seeks that the word 'significant' is deleted. Submitters 386/125 and 427/125 seek that a reference to Chapter 4 (Te Ao Maori) be incorporated within Policy 17-10.

4.34.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

Discharges are required to meet water quality standards as set out in Schedule D. I consider that in meeting these standards the effects on wildlife habitat would be minimal and does not need to be included into this rule as a specific decision-making criteria.

NZCPS section 3.2 on providing for appropriate subdivision, use and development of the coastal environment includes as policy 3.2.2 *Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.*

Policy 9-10 of the POP is therefore providing further guidance on what is "appropriate" use and development in the cma. I consider that the comments from Ngati Kahungungu reflect the NZCPS policy and for completeness sake should be added to the policy.

Section 107(1) of the RMA sets out restrictions on discharge permits in the cma. The wording used reflects this section of the act and I consider should not therefore be amended.

4.34.3 Recommendation COA 34

- a) Accept cross referencing to chapter 4.
- b) Accept wording changes re: avoid, remedy and mitigate.
- c) Reject amendment to "significant".

4.34.3.1 Recommended changes to provisions

Amend Policy 17-10 (b) as follows:

b) the relevant objectives and policies of Chapter 4, Chapter 6.....

Amend Policy 17-10 (d) as follows:

Maori cultural values, amenity values....and ensuring any adverse effects are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects should be remedied or mitigated.

4.35 COA 35 – Chapter 17 Policy 17-11 Consent decision making for sewage discharges, Policy 17-12 Consent decision making for any noise and discharges into air, Policy 17-13 Consent decision making for the introduction of exotic and introduced plants

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	126	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(f) Pay regard to the objectives and policies of Chapter 4</p>	Accept Accept Accept
ENVIRONMENTAL WORKING PARTY	386	127	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(f) Pay regard to the objectives and policies of Chapter 4</p>	
ENVIRONMENTAL WORKING PARTY	386	121	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(f) Pay regard to the objectives and policies of Chapter 4</p>	
NGA PAE O RANGITIKEI	427	126	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(f) Pay regard to the objectives and policies of Chapter 4</p>	
NGA PAE O RANGITIKEI	427	127	<p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p>	

Submitter	Number	Point	Decision sought	Recommendation
NGA PAE O RANGITIKEI	427	121	<p>(f) Pay regard to the objectives and policies of Chapter 4</p> <p>We seek the following decision from the Regional Council - that the following amendment is made to this provision in the form of an addition:</p> <p>(f) Pay regard to the objectives and policies of Chapter 4</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>

4.35.1 Submission summary

Environmental Working Party and Nga Pae o Rangitikei seek the same relief with respect to Policies 17-11, 17-12 and 17-13. They request that a reference to Chapter 4 (Te Ao Maori) be incorporated within these policies.

4.35.2 Evaluation

I consider that reference to chapter 4 should be included in this policy.

4.35.3 Recommendation COA 35

a) Accept cross referencing to chapter 4.

4.35.3.1 Recommended changes to provisions

Amend Policy 17-11(b) as follows:

b) the relevant objectives and policies of Chapter 4, Chapter 6 and....

Amend Policy 17-12(b) as follows:

b) the relevant objectives and policies of Chapter 4, Chapter 8 and....

Amend Policy 17-13 by including a new sub-paragraph numbered as (b) (as follows) and consequentially renumbering the remaining sub-paragraphs:

b) the objectives and policies of Chapter 4

4.36 COA 36 – Chapter 17 General – New Rules: Drilling and Flaring Hydrocarbons

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTRY OF ECONOMIC DEVELOPMENT	243	3	<p>Add new Rule 17-32 (and/or renumber proposed rule 17-32 and consecutive rules) so that discharge of drilling muds, cuttings, and drilling fluids (these are inert materials) from offshore installations to the coastal marine area is expressly a permitted activity:</p> <p>Rule 17-32 Discharge of drilling muds, cuttings and drilling fluids.</p> <p>Activity Discharge of drilling muds, cuttings, and drilling fluids from offshore installations to the coastal marine area arising from the following: the drilling, construction or alteration of a bore for seabed explorations and any water, gas, oil or land resources.</p> <p>Classification Permitted</p> <p>Conditions/ Terms</p> <p>a) The bore or drilling must be for the purposes of investigating water, oil, gas or seabed resources.</p> <p>b) The diameter of any bore or drill hole is 1.5 metres or less.</p> <p>c) The bore must be cased and sealed to prevent leakage from:</p> <p>i) ground water to coastal water and</p> <p>ii) coastal water to ground water.</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
			d) Any drilling must not involve the use of explosives.	
	X 492	10	MINISTER OF CONSERVATION - Oppose	Accept
MINISTRY OF ECONOMIC DEVELOPMENT	243	4	<p>Change Rule 17-21 "Minor disturbances, removal and deposition" so that it is clear that "material" in relation to limb (a) "exploration and drilling of the seabed..." includes incidental discharge of drilling muds, cuttings, and drilling fluids from offshore installations to the coastal marine area, and to remove the 1km restriction seaward of mean high water spring:</p> <p>Rule</p> <p>Minor disturbances, removal and deposition.</p> <p>Activity</p> <p>Except as otherwise regulated by rules in Section 17.3, any disturbance, removal or deposition of material on the foreshore or seabed pursuant to s12(1) RMA associated with the following activities:</p> <p>(a) exploration or drilling of the seabed</p> <p>(b) -f)</p> <p>Classification</p> <p>Permitted</p> <p>Conditions/Terms</p> <p>(a) –c)</p> <p>(d) Material deposited from offshore installations shall be restricted to muds, cuttings, and drilling fluids, incidental to drilling or construction or alteration of a bore; and</p>	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
			i) The bore or drilling must be for the purposes of investigating water, oil, gas or seabed resources. ii) The diameter of any bore or drill hole is 1.5 metres or less. iii) The bore must be cased and sealed to prevent leakage from: A) ground water to coastal water and B) coastal water to ground water. iv) Any drilling must not involve the use of explosives.	
	X 492	12	MINISTER OF CONSERVATION - Oppose	Accept in part
MINISTRY OF ECONOMIC DEVELOPMENT	243	5	Add new permitted activity rule to allow the discharge of cooling water from ships and offshore installations to the coastal marine area, subject to the discharge containing less than 15 gm3 of oil or grease.	Reject
	X 492	14	MINISTER OF CONSERVATION - Oppose	Accept
MINISTRY OF ECONOMIC DEVELOPMENT	243	6	Add new Rule 17-38, so that flaring of hydrocarbons from petroleum exploration in the coastal marine area is expressly a permitted activity: Rule 17-38 Flaring of hydrocarbons from petroleum exploration Activity Discharges to air from combustion involving flaring of petroleum recovered from natural deposits in association with testing or enhancement of wellhead production flows Classification Permitted Conditions/Terms	Accept in part

Submitter	Number	Point	Decision sought	Recommendation
			<p>(a) Flare point is a distance equal to or greater than 300 metres seaward from mean high springs;</p> <p>(b) No non-petroleum well stream product to be combusted.</p> <p>(c) Discharger must at all times adopt the best practicable option to prevent or minimise adverse effects on the environment.</p> <p>Specific Reason</p> <p>Flaring of petroleum undertaken in the coastal marine area in connection with well testing operations will have less than minor adverse effects on the environment and a default discretionary activity status under rule 17-39 is not warranted from an effects-based standpoint.</p>	
	X 492	18	MINISTER OF CONSERVATION - Oppose	Accept in part
MINISTRY OF ECONOMIC DEVELOPMENT	243	8	Such further relief or alternative relief as is appropriate to give effect to this submission.	Accept

4.36.1 Submission summary

The Ministry of Economic Development seeks a number of amendments to Chapter 17 to provide for various aspects of seabed exploration activities as permitted activities. Four of the five submissions have been opposed by the Minister of Conservation.

4.36.2 Evaluation

- a) New rule relating to discharge of drilling muds, cuttings and drilling fluids: The discharge is intended to be addressed through one rule as per commentary under paragraph b) below. Consequently I do not consider that there is a need for a further new rule.
- b) Include drilling muds, cuttings and drilling fluids into rule 17-21 – minor disturbances: I consider that any drilling activity within 1 km of shore may have more than minor impacts on other uses of the cma. In particular, water quality, recreational activities, natural character, matters of significance to tangata whenua. I consider that drilling within this close-shore area should be carefully considered and not provided for as a permitted activity.

I consider that minor disturbances to the seabed and associated minor discharges should be addressed within the one rule and consequently recommend the changes below.

- c) New rule relating to discharge of cooling water from ships and off-shore installations: Cooling water from boats/ships is already addressed in rule 17-29. Discharges from off-shore installations are covered by the Marine Pollution regulations. A note covering these is provided in the Rule Guide at the end of the Discharges block of rules. Section 15B (3) states that the plan cannot include a rule if the issue is already covered by regulations. I therefore consider that a new rule cannot be included.
- d) New rule for flaring of hydrocarbons: The flaring of hydrocarbons associated with petroleum drilling operations is covered by the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004. These regulations require that flares are covered by being “permitted”. Eexploration drilling is covered as a permitted activity under rule 17- 21, while production drilling would require a discretionary activity consent. Therefore I consider that the associated flaring of hydrocarbons should be addressed as the same rules status. I nevertheless consider 300m from MHWS is too close and should be made compatible with rule 17-21 by retaining an “effects” distance of 1km from shore. I consider that this would recognise impacts on other uses and users of the cma.

4.36.3 Recommendation COA 36

- a) Reject request for a new rule relating to discharge of drilling muds, cuttings and drilling fluids.

- b) Reject the removal of the 1 km trigger distance; accept the inclusion of drilling fluids into the rule along with additional standards and terms not otherwise covered.
- c) Reject request for a new rule relating to discharge of cooling water from offshore installations.
- d) Accept in part new provisions for flaring of hydrocarbons.

4.36.3.1 Recommended changes to provisions

Amend rule 17-21 to read:

...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.

Add 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

4.37 COA 37 – Chapter 17 New Rules: Marinas/ slipways, Electricity generation, seabed mining, shellfish enhancement, port zone, Chapter 4 issues

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	96	<p>Addition of new rules. Add the following rules and criteria to the One Plan. Add numbering as appropriate and include in relevant rule sections</p> <p>Rule Occupation of the Coastal Marine Area for the purpose of a marina or slipway</p> <p>Activity: The construction and operation of marinas and slipways</p> <p>Classification: Discretionary</p> <p>Control/Discretion and Notification Requirements</p> <p>Add, Resource consent applications under this rule shall be publicly notified</p>	Reject
	X 492	328	MINISTER OF CONSERVATION - Oppose	Accept
NGATI KAHUNGUNU IWI INCORPORATED	180	101	<p>Addition of new rules Add the following rules and criteria to the One Plan. Add numbering as appropriate and include in relevant rule sections</p> <p>Rule</p> <p>Electricity generation within the Coastal Marine Area</p> <p>Activity</p> <p>The location, construction, operation and maintenance of electricity</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
			<p>generation structures and turbines</p> <p>Classification</p> <p>Discretionary</p> <p>Control/Discretion and Notification Requirements</p> <p>Add, "Resource consent applications under this rule shall be publicly notified"</p>	
	X 492	329	MINISTER OF CONSERVATION - Oppose	Accept
	X 519	162	MIGHTY RIVER POWER – Support	Reject
	X 525	156	GENESIS POWER LTD – Support	Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	102	<p>Addition of new rules Add the following rules and criteria to the One Plan. Add numbering as appropriate and include in relevant rule sections</p> <p>Rule Activities associated with mining of the seabed, including placement of structures, disturbance of the seabed and deposition of material</p> <p>Activity Structures and activities associated with seabed mining</p> <p>Classification Discretionary</p> <p>Control/Discretion and Notification Requirements</p> <p>Add, "Resource consent applications under this rule shall be publicly notified"</p>	Reject
	X 492	330	MINISTER OF CONSERVATION - Oppose	Accept
NGATI KAHUNGUNU	180	103	Addition of new rules Add the following rules and criteria to the One	Accept

Submitter	Number	Point	Decision sought	Recommendation
IWI INCORPORATED			<p>Plan. Add numbering as appropriate and include in relevant rule sections</p> <p>Rule Enhancement or rejuvenation of existing shellfish reefs and reseedling of natural shellfish beds</p> <p>Classification Permitted</p> <p>Conditions/Standards/Terms</p> <p>(a) Activities must occur within the same location as existing shellfish beds</p> <p>(b) Activities shall not adversely affect customary fishing</p> <p>(c) Shellfish spat used must be of the same species as naturally resides within the immediate area</p>	
	X 492	331	MINISTER OF CONSERVATION - Oppose	Reject
RIVER CITY PORT LTD	258	5	<p>(i) A new rule will need to be introduced to capture any activity within the Port Zone that does not comply with the permitted activity conditions:</p> <p>Suggested wording is:</p> <p>Rule - 17-9a (new rule)</p> <p>Activity - Any activity in the Port Zone that does not comply with the permitted activity conditions in 17-9 above</p> <p>Classification - Restricted Discretionary</p> <p>Conditions/Standards/Terms</p> <p>Discretion is restricted to:</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
			(a) The efficient use of the CMA (b) Any effects on water quality (c) The extent of disturbance to the foreshore or seabed (d) The material to be used for the structure (e) The duration of consent (f) The review of consent conditions (ii) Any other amendment(s) with like effect. (iii) The relief sought above requires consequential amendments to be made to other Rules in section 17 - to ensure activities within the Port Zone are excluded (or not subject to) these other rules. (iv) Any consequential amendment(s) that stem from the amendment proposed.	
	X 492	327	MINISTER OF CONSERVATION - Oppose	Accept
ENVIRONMENTAL WORKING PARTY	386	122	17-11 Rules - Other activities (a) All activities involving the Coastal Marine Area shall take into account Chapter 4 (b) Remedial action for any adverse effects to the environment will be undertaken (c) Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations	Reject

Submitter	Number	Point	Decision sought	Recommendation
NGA PAE O RANGITIKEI	427	122	<p>(d) The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <ul style="list-style-type: none"> i) are appropriate to the adverse environmental effects ii) account for the remedial process, and iii) will act as a deterrent for those intending not to comply. <p>(e)The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council</p>	Reject
			17-11 Rules - Other activities	
			<p>(a) All activities involving the Coastal Marine Area shall take into account Chapter 4</p> <p>(b) Remedial action for any adverse effects to the environment will be undertaken</p> <p>(c) Constant monitoring of activities will ensure compliance to the Resource Consent and all relevant legislation and regulations</p> <p>(d) The Regional Council will lobby the relevant legislative bodies to impose penalties for non compliance that:</p> <ul style="list-style-type: none"> i) are appropriate to the adverse environmental effects 	

Submitter	Number	Point	Decision sought	Recommendation
			<p>ii) account for the remedial process, and</p> <p>iii) will act as a deterrent for those intending not to comply.</p> <p>(e) The relevant Maori/ iwi and/or hapu organisation shall be notified of any disturbance to sites of significance for Maori</p> <p>(f) The relevant Maori/ iwi and/or hapu organisation shall be notified of any discovery of koiwi (bones) or artifacts and any type of activity shall stop until the appropriate processes have been completed.</p> <p>(g) In the event of any unforeseen circumstances occurring from activities undertaken by the Resource applicant, remedial action will be undertaken to the satisfaction of Horizons Regional Council</p>	

4.37.1 Submission summary

Submitter 180 seeks the addition of a number of new provisions within the POP allowing for: the occupation of space for the purposes of a marina or slipway as a (publicly notified) discretionary activity (180/96); electricity generation structures as a (publicly notified) discretionary activity (180/101); seabed mining structures and activities as a (publicly notified) discretionary activity (180/102); and rehabilitation and enhancement of shellfish resources as a permitted activity. River City Port Ltd seek a new rule to allow for any activity within the port zone that does not comply with permitted activity conditions to be a restricted discretionary activity. Submitters 386/122 and 427/122 both seek the introduction of a new Rule 17-11.

4.37.2 Evaluation

- a) Marinas/ slipways: occupation, construction and operation: The purpose of Rule 17-39 is to provide for activities not otherwise covered to be specified as discretionary activities. The approach taken to writing rules for the cma is to identify those matters that are low impact and provide for them as permitted or controlled, as well as recognising those activities that the MOC has identified as being restricted coastal activities. All other activities default to Rule 17-39. This would cover both the issue of occupation as well as structures for marinas and slipways outside of the Port zone. The controlled activity status in Rule 17-9 recognises the primary purpose of that zoned area as being for port and associated boating activities. I therefore consider that the request has been addressed within the current structure of the POP.
- b) Electricity generation: Electricity generation could take a number of different forms within the cma. For the reasons outlined in paragraph a) above, I consider there is no need to specify a discretionary activity rule for this activity.
- c) Seabed mining: This activity would involve large-scale disturbance to the seabed and I consider this is already covered by Rule 17-24 which is both discretionary and a restricted coastal activity. I therefore consider that this activity has been covered in the POP.
- d) Shellfish enhancement: I consider that this activity undertaken at a localised scale would have minor effects on the cma, particularly as no structures are anticipated to be erected. I therefore consider that a new rule covering this activity would be appropriate to include into the POP.
- e) Port zone: “Any other activity” could involve a number of different environmental effects on the cma. For the reasons outlined in paragraph a) above relating to Rule 17-10, I consider that the discretionary activity status is also appropriate to apply to the Port Zone. Restricted discretion implies that the effects of such activities can be reasonably predicted as to what conditions may be needed to be applied. I do not consider that this can be achieved for “any other activities” in the Port zone nor do I consider it to be good management practice.

- f) Chapter 4 and other administrative matters: The matters raised by Environmental Working Party and Nga Pae o Rangitikei are not matters that can be included into a rule as requested. Many of the issues identified are policy issues and have already been addressed in other sections of the POP. The cross reference to chapter 4 has been recommended for inclusion into all the decision-making policies of Chapter 17. Remedial action is appropriately considered at a resource consent level on a case-by-case basis, and in accordance with the RMA directives regarding avoid, remedy, mitigate. Compliance monitoring is a function of the Council that sits outside the POP, but which contributes to ensuring activities are undertaken in accordance with their consent conditions or with the RMA requirements. Penalties are generally imposed through the Environment Court enforcement processes. Enforcement results from the monitoring actions of Council. Notification to iwi has been addressed in the recommended change to Chapter 7. Unforeseen circumstances are a part of the Council's monitoring responsibilities. The RMA provides for consent conditions to be changed if such situations arise. Many of these matters have also been addressed in Chapter 2 of the POP.

4.37.3 Recommendation COA 37

- a) Reject request for new rule relating to marinas/ slipways.
- b) Reject request for new rule relating to electricity generation.
- c) Reject request for new rule relating to seabed mining.
- d) Accept request for new rule relating to shellfish enhancement.
- e) Reject request for new rule relating to port zone.
- f) Reject request for new rule relating to Chapter 4 and other administrative matters.

4.37.3.1 Recommended changes to provisions

Add a new rule as 17-22 and consequentially re-number the remaining rules.

Rule	Activity	Classification	Conditions/ standards/ terms	Control/ discretion/ non- notification
17-23 Shellfish enhancement	Any disturbance of the foreshore or seabed, pursuant to s12(1) RMA for the purposes of non-commercial shellfish enhancement, and any associated: (a) occupation of space in the CMA pursuant to s12(2) RMA.	Permitted	(a) the shellfish enhancement shall occur only in the same location as existing shellfish beds (b) any shellfish spat used shall be from the same species as naturally resides in the same area. (c) The activity shall comply with the conditions listed in Table 17-1.	

4.38 COA 38 – Chapter 17 Table 17.1 Standard conditions for permitted and controlled activities in the coastal marine area

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ON TRACK (NZ RAILWAYS CORPORATION)	161	25	Table 17.1 (k) ONTRACK seeks provision within the Plan to allow where practicable the use of mobile machinery within the Coastal Marine Area between 1 October and 30 November. As noted such provision will recognise the importance of the rail infrastructure and allow ONTRACK to maintain an efficient network operation.	Accept
MERIDIAN ENERGY LIMITED	363	184	Meridian opposes Table 17.1 and requests the following amendments or similar: Delete condition (h); or add the words as far as practicable" Delete conditions (k) and (n). Any consequential amendments necessary to give effect to this submission	Reject
	X 492	334	MINISTER OF CONSERVATION - Oppose	Accept
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. 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.	

Submitter	Number	Point	Decision sought	Recommendation
	X 511	519	TRUST POWER LIMITED – Oppose	
MINISTER OF CONSERVATION	372	174	<p>Include as a condition (l) (or similar) in Table 17.1 'the activity shall not take place within or adversely effect a protection zone as described in Schedule H or a site of significance (aquatic) as described in Schedule D'.</p> <p>Insert same as a condition/standard and term in all permitted and controlled activities in Chapter 17 excluding Rules 17- 33, 34 which are considered in other parts of this submission.</p>	Reject
	X 489	6	RIVER CITY PORT LTD – Oppose	Accept
	X 511	519	TRUST POWER LIMITED – Oppose	Accept
MINISTER OF CONSERVATION	372	197	<p>Provide in Table 17.1 condition (m) (or similar) 'no discharge including the discharge of agrichemicals shall adversely effect any matter of national importance identified in Part II RMA'.</p> <p>Provide in Table 17.1 condition (n) (or similar) 'no discharge including the discharge of agrichemicals will have a more than minor adverse effect on any value identified in any protection zone'.</p>	Reject
MINISTER OF CONSERVATION	372	207	<p>Add new standard for permitted and controlled activities in Table 17.1:</p> <p>the activity shall not involve the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in an area".</p>	Reject
	X 511	521	TRUST POWER LIMITED – Oppose	Accept

4.38.1 Submission summary

On Track and Meridian have both submitted on condition (k). On Track seeks that the POP allows the use of machinery within the exclusion period specified in Table 17.1 (k). Meridian seeks this clause be deleted and further that conditions (h) and (n) be deleted (or modified in the case of condition (h)). The Minister of Conservation seeks a number of new conditions be added to Table 17.1 regarding water quality values, activities in protection zones, discharges and exotic/introduced plant species.

4.38.2 Evaluation

- a) Condition (k): The request to use mobile machinery to maintain or repair essential infrastructure is acknowledged.
- b) Condition (h): The channel banks in the cma are critical for reducing additional sediment inputs into the water. I do not consider it unreasonable to require reinstatement and revegetation of such banks. These are standards relating to permitted and controlled activities. If the earthworks required are such that this condition could not be achieved, then the activity should be considered as a discretionary activity in accordance with Rule 17-39.
- c) Condition (n): Public bathing beaches are used for a short time of the year. I do not consider it unreasonable that water quality at these beaches should be protected over this time. As mentioned above, if the conditions cannot be met it implies that the effects are more than minor and should be addressed as a discretionary activity.
- d) Values in Schedule D: I consider there is a lack of clarity as to which values in Schedule D apply to the cma. It is recommended in COA 2 that these be separated into two tables. With the particular values relating to the cma being located into Schedule H. I consider this would address the issues raised by the submitter.
- e) New condition (l): The standards and terms cannot be used to stop activities occurring in protection zones. The permitted and controlled activities outlined in chapter 17 are considered to have minor effects whether they occur within or outside of a protection zone. That was the basis for deciding that the activities should be classified in that way. Each of the activity rules are also subject to the policy at the beginning of the categories. The policies are used to guide the directions for controlled decisions. refer also to Policy 9-2. I do not consider it necessary to include these additional matters into the rules or the standards.
- f) New condition (m) & (n): The protection zones are relatively large areas and could well be subject to pest plant or animal incursions. The existing rules for agrichemicals are written to ensure care is taken in the use of chemicals and that the effects would be minor. I consider that the standards cannot be used to “prohibit” activities, nor should they introduce an element of discretion to the decision as to whether an activity is permitted or not. Therefore I do not consider these matters should be included into Table 17-1.

- g) New condition: re: introduction or planting of any exotic or introduced plant species. This activity is already covered by rule 17-38 as a discretionary and restricted coastal activity. It is therefore not a permitted activity. I consider there is no reason to require any associated standard for the permitted and controlled activities.

4.38.3 Recommendation COA 38

- a) Accept requested changes to condition (k). Reject deletion of condition (k).
- b) Reject request to delete conditions (h) & (n).
- c) Reject request to delete conditions (h) & (n).
- d) Accept in part need to clarify which values in Schedule D apply to the cma.
- e) Reject request for new condition (l).
- f) Reject request for new conditions (m) and (n).
- g) Reject request for new condition covering introduction or planting of any exotic or introduced plant species.

4.38.3.1 Recommended changes to provisions

Amend table 17.1 (k) 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 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.

Amend Schedule D and H as per recommendations made in COA2 and Appendices 1 & 2 to this report.

4.39 COA 39 – Chapter 17 Rule 17-1 Occupation by existing structures

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ON TRACK (NZ RAILWAYS CORPORATION)	161	26	ONTRACK seeks an amendment to this rule which permits structures to occupy the CMA which have been lawfully established under previous legislation. ONTRACK considers this to be relevant to the rail infrastructure given the duration for which the railway has been in existence.	Accept
MINISTER OF CONSERVATION	372	186	Add the following at the end of the activity description: ',such activities having been lawfully established'.	Accept

4.39.1 Submission summary

On Track seeks an amendment which specifies that the occupation of space by structures lawfully established under previous legislation is a permitted activity. The Minister of Conservation seeks that the rule be constrained to structures which have been lawfully established.

4.39.2 Evaluation

The assumption behind this rule was that the structure should have been removed if it had not already been lawfully established. I do however acknowledge that this would provide further clarity. By specifying existing raises questions as to timing and I consider it would be preferable to delete this wording. This would make the phrase consistent with rule 17-6 and other like rules in other chapters of the POP.

4.39.3 Recommendation COA 39

a) Amend Rule 17-1 to read:

The occupation of space in the CMA pursuant to s12(2) RMA by ~~an existing, a~~ lawfully established structure and any associated.....

4.39.3.1 Recommended changes to provisions

No recommended changes.

4.40 COA 40 – Chapter 17 Rule 17-2 Temporary occupation

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	96	Amend Rule 17-2 Activity description (b) to read (in part): 'for commercial, privacy or safety reasons, '	Accept
MINISTER OF CONSERVATION	372	187	Add additional paragraph to Conditions/Standards/Terms: '(b) the activity shall not occur within a protection zone identified in Schedule H or a site of significance (aquatic) identified in Schedule D, or, if occurring outside these areas, any adverse effects on the values identified for them shall be no more than minor.'	Accept n part
	X 489	7	RIVER CITY PORT LTD – Oppose	Accept n part

4.40.1 Submission summary

HRC seeks that the word “privacy” be introduced to Rule 17-2 (as a reason for restricting public access). The Minister of Conservation seeks amendments to ensure that activities relying on this rule do not have adverse effects on areas with identified values.

4.40.2 Evaluation

I consider that the HRC request provides for the reverse of commercial activities and could be required in some instances.

The protection zones are not lock-up areas, rather they are about protecting certain values within them and having stricter controls on certain activities where it could reasonably be expected to have larger levels of adverse effects. Nor can the RMA be used as a surrogate management tool for navigation safety issues. A permitted activity is deemed to have minor effects. I consider that a) the protection zones are too large to prohibit all temporary activities from these areas and b) generic reference to adverse effects is not a specific enough phrase for inclusion into a permitted activity rule (ie it is still open to debate). Notwithstanding this a clause could be added to refer to specific effect on birds, as this is a key value identified for each of the protection zones.

4.40.3 Recommendation COA 40

- a) Accept change to include reference to privacy.
- b) Accept in part the reference to effects on values important within protection zones.

4.40.3.1 Recommended changes to provisions

Amend Rule 17-2(b) to read: For the purposes of this rule:...b) a ‘special event’ means an event organised by a person or group of people where for commercial, privacy or safety reasons.....

Add a new condition/ standards/terms (b) as follows:

- (b) The temporary and exclusive occupation shall not disturb any roosting or breeding birds within any protection zone identified in Schedule H.

4.41 COA 41 – Chapter 17 Rule 17-5 Occupation of space in protection zones

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
ON TRACK (NZ RAILWAYS CORPORATION)	161	27	ONTRACK seek clarification that rail network and associated infrastructure and operations is excluded from the provisions of this rule.	Accept
ON TRACK (NZ RAILWAYS CORPORATION)	161	28	ONTRACK seek for Council to expand the scope of Rule 17-5 to allow minor extensions to structures within the CMA as defined by Rule 17-6. As such we seek for Council to allow for the extension of structures by up to 15% as a restricted discretionary activity.	Reject
TRUST POWER LIMITED	358	130	<p>Either delete Rule 17-5;</p> <p>Or,</p> <p>amend the prohibited activity status for Rule 17-5 to discretionary activity status.</p> <p>Any similar amendments to like effect.</p> <p>Any consequential amendments that stem from the amendment of the policies and rules as proposed in this submission.</p>	Reject
	X 492	333	MINISTER OF CONSERVATION - Oppose	Accept
MERIDIAN ENERGY LIMITED	363	187	Meridian opposes the prohibited activity status for renewable energy generation facilities within Rule 17-5 and 17-14. A prohibited status for these activities is not justified when the technology is still emerging	Reject
	X 492	332	MINISTER OF CONSERVATION - Oppose	Accept
	X 511	518	TRUST POWER LIMITED – Support	Reject

4.41.1 Submission summary

On Track seek clarification that Rule 17-5 does not apply to rail network and associated infrastructure and operations. The submitter further requests that the extension of structures within a protection zone of up to 15% be allowed as a restricted discretionary activity. Similarly, Trust Power and Meridian oppose the prohibited activity status of Rule 17-5 (in respect of renewable energy generation facilities in the case of Meridian).

4.41.2 Evaluation

I consider that the rule clearly states the activities covered by this Rule, and that infrastructure such as railway lines is not included.

Rule 17-6 clearly states that there is to be no extension of the area occupied. Minor extensions would be a discretionary activity as per rule guide b) as noted at the end of the structures section. I consider that minor extensions could cover a range of effects, and particularly for existing structure that are within protection zones. I therefore consider it appropriate to retain the discretionary status.

Renewable energy is an emerging technology. The area covered by the protection zones is a very small part of the cma and it is considered appropriate to prohibit such technology in these areas for the life of the plan, due to the high level of uncertainty about the effects and to provide a clear level of certainty to all parties that the location of such activities should be focused in the general zone. I consider that a fundamental basis for having the zones, is to control the location of use and development.

4.41.3 Recommendation COA 41

- a) Accept request to confirm that railways are not included in this rule.
- b) Reject request for extensions to existing structures to be restricted discretionary activities.
- c) Reject request to allow for renewable energy generation in protected zones.

4.41.3.1 Recommended changes to provisions

No recommended changes.

4.42 COA 42 – Chapter 17 Rule 17-6 Maintenance and repair of structures, Rule 17-8 Navigation aids, lines, cables, pipelines and ropeways, whitebait stands and maimai

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
AIRWAYS CORPORATION OF NEW ZEALAND	36	7	Retain the maintenance of structures and air navigation aids as permitted activities in the coastal marine area.	Accept
	X 476	3	PALMERSTON NORTH AIRPORT LTD – Support	Accept
AIRWAYS CORPORATION OF NEW ZEALAND	36	8	Retain the maintenance of structures and air navigation aids as permitted activities in the coastal marine area.	Accept
	X 476	4	PALMERSTON NORTH AIRPORT LTD – Support	Accept

4.42.1 Submission summary

Airways Corporation supports the maintenance of structures and air navigation aids being permitted activities.

4.42.2 Evaluation

The support for these rules is noted.

4.42.3 Recommendation COA 42

a) Accept support for rules.

4.42.3.1 Recommended changes to provisions

No changes recommended.

4.43 COA 43– Chapter 17 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.

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
RIVER CITY PORT LTD	258	4	<p>(i) Amend Rule 17-9 to specifically provide for a wide range of permitted activities on the basis that those activities suitably avoid, remedy or mitigate adverse effects on the environment. This can be achieved by requiring compliance with the Permitted conditions already specified in Table 17.1 of the Plan and/or being pre-approved through a Port Development Plan.</p> <p>Suggested wording is:</p> <p>Rule 17-9 - Activities in the Port Zone</p> <p>Activity Any activity in the Port Zone</p> <p>Classification Permitted</p> <p>Conditions/Standards/Terms</p> <p>(a)The activity shall comply with</p> <p style="padding-left: 40px;">(i) The conditions listed in Table 17.1</p> <p>(b) The activity is provided for in a Port Management Plan that has been approved by Horizons</p> <p>(c) The activity has the prior written approval of the relevant manager of the port company operating within the port zone</p> <p>(d) The activity is contained entirely within the Port Zone</p> <p>(e) Reclamations:</p>	Reject

Submitter	Number	Point	Decision sought	Recommendation
			<p>(i) In any 12 month period are less than 5000m² or extend less than 100m in all directions</p> <p>(ii) 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 exiting and proposed reclamations must not exceed the dimensions specified in condition (i) above.</p> <p>(iii) Comply with the conditions listed in Table 17.1.</p> <p>(ii) Any other amendment(s) with like effect.</p> <p>(iii) The relief sought above requires consequential amendments to be made to other Rules in section 17 - to ensure activities within the Port Zone are excluded (or not subject to) these other rules.</p> <p>(iv) Any consequential amendment(s) that stem from the amendment proposed.</p>	
	X 492	335	MINISTER OF CONSERVATION - Oppose	Accept
RIVER CITY PORT LTD	258	8	<p>(i) Amend the activity classification of port maintenance" activities within a protection zone (H11) as Permitted or Controlled.</p> <p>It is noted that this requested amendment is not intended to allow new Port Activities to be constructed within the Protection Zone. Rather it seeks to ensure that river/coastal protection and mitigation works are not restricted from occurring efficiently, particularly where the works provide protection to Port Activities.</p> <p>(ii) Any similar amendments to with like effect.</p> <p>(iii) Any consequential amendment(s) that stem from the amendment proposed</p>	Reject
	X 492	460	MINISTER OF CONSERVATION - Oppose	Accept
RIVER CITY PORT LTD	258	9	(i) Amend the activity classification of all other activities within a protection zone from Prohibited to Discretionary or Non Complying.	Reject

Submitter	Number	Point	Decision sought	Recommendation
<p>(ii) Any similar amendments to with like effect.</p> <p>(iii) Any consequential amendment(s) that stem from the amendment proposed</p>				
	X 492	461	MINISTER OF CONSERVATION - Oppose	Accept

4.43.1 Submission summary

River City Port Ltd seek an amendment to Rule 17-9 to allow a wide range of permitted activities, relying on compliance with the standard conditions set out in Table 17.1 and/or a Port Development Plan as sufficient to ensure the avoidance, mitigation or remediation of any adverse effects. A new rule is also proposed for protection area H11 to cover port maintenance issues in this area. In addition a change in rule classification is sought for all other activities in protection zones (ie. prohibited to discretionary or non-complying).

4.43.2 Evaluation

River City Port seeks for all activities within the port zone to be permitted activities. A permitted activity is by its nature a minor activity having anticipated minor effects on the environment. Permitted activities cannot refer to other documents as that automatically means there is an approval process outside the permitted activity status, (which I consider is not logical nor legal). I do not consider that all port activities would meet this description of permitted activities. A controlled activity will always be approved and allows for the Council to set appropriate conditions on the operation of the consent. I do not consider it unreasonable to require such a consent to be applied for. Through that consent process the Council could utilise a development plan tool should the parties choose to do so.

River City Port also seeks that reclamations are permitted activities in the Port zone. I consider that this is not appropriate due to the level of anticipated effects from such an activity. The Port zone provides for a significant area and to allow this as a permitted activity would not in my opinion be responsible resource management.

River City Port further seeks that “port maintenance” be deemed a permitted activity in protection zone H11. The focus is not on port activities but on coastal/river control works to protect the southern sand spit. Maintenance and repair of existing lawfully established structure is permitted under rule 17-6. New structures would be discretionary and may also be a restricted coastal activity depending on size. Minor disturbances are permitted under rule 17-21; while large scale disturbances are discretionary under 17-24 in the general zone and non-complying in the protection zones (and may also be a restricted coastal activity depending on size). I consider this framework for managing activities in the protection zone H11 to be appropriate. I do not consider a permitted activity status should apply to this area as the effects and implications are more than minor.

The MOC requests changes to Rule 17-10: the changes requested include references to disturbances to wildlife and habitat. I consider that this should be referred to in the rule.

As a consequence of the pre-hearing meeting, a further explanation of “port activities” was provided as follows. This elaborates further on what activities are being sought as permitted activities.

“Port Related Activity

means activities normally associated with the operation of vessels and other water related activities associated with the Port; cargo, handling and storage;

embarking, disembarking and transit of passengers; launching, retrieval and storage of vessels; berthage and mooring activities; maintenance activities associated with existing port structures and development; and maintenance and development of riverbank and channel structures to ensure navigation channels are maintained for coastal transport.”

In terms of this definition I make the following comments:

- a) The Coastal chapter of the POP has primarily followed the format of ss12 and 15 of the RMA by specifying which types of activities require consents. In some instances a specific activity is noted to clarify bluntly whether an activity is covered or not.
- b) In my opinion, “the operation of vessels, including berthage and mooring(as an activity) embarking/ disembarking of passengers, launching, and retrieval of vessels, and cargo handling” are activities that do not require a RMA resource consent in order for them to be undertaken. If controls are required on these activities they should be imposed under the Council’s navigation safety bylaw as matters relating to the safe navigation practices of vessels.
- (c) In my opinion, matters relating to activities on land or on the wharf area (in particular, handling and storage of cargo and/or passengers are likewise not RMA matters. I understand that structures attached to land are deemed to be land and are therefore under the control of OSH legislation and any other legislation governing the handling of cargo. Again I would not expect an operator to be required to obtain a resource consent for these activities.
- (d) Re: storage of vessels, any storage on land is not a matter to be covered under this chapter (which relates to the water area below MHWS). As mentioned above, I do not consider berthage as a resource consent requirement.
- (e) Mooring structures (as a further storage option for vessels) are provided for under Rule 17-9 as a controlled activity and marinas are provided for as discretionary activities under the default rule. I consider that this is appropriate in order to protect the operational interest of the port zone. A permitted activity status would enable any person to erect a mooring in the zone.
- (f) “maintenance activities associated with existing port structures” is already identified as a permitted activity under Rule 17-6.
- (g) “development of new port structures” is partially covered by existing Rule 17-9 as a controlled activity and any structures not covered in this definition are discretionary. I consider that it is appropriate to have some control over new structures going into the Port area, as this area is a significant resource for the region and decisions made on structures need to take into account the best use of the area for future generations. In this respect control has been reserved in particular over efficient use of space. As mentioned above, I do not consider it unreasonable to require such a consent to be applied for in the case of new structure development.
- (h) Re: “maintenance and development of riverbank and channel structures to ensure navigation channels are maintained for coastal transport”. The importance of the current and sediment processes operating within the wider area of the Port was discussed and acknowledged. It is agreed that these have a fundamental role in ensuring the future operation of the port. In my opinion, these are not however of themselves “port activities”. The port zone was established as an area in order to

recognise that industrial/ commercial use is appropriate in this area. The zone also provides a strong alignment with the land-based activities that result from vessels arriving and transporting goods/ services. By comparison controlling water flows and sediment patterns has a wider purpose in this lower river/ estuarine area. In my opinion there are two key activities involved – structures and dredging or disposal of material. The maintenance and repair of existing lawfully established structures is permitted under Rule 17-6. The erection of new “channel control” structures reverts to the default discretionary rule. Given that this is a major type of structure required in this wider area, I consider that a specific rule should be included. However I do not consider it should be a permitted activity as it could potentially have significant impacts on other parts of the river system and on the protection zones. This activity is also of a wider concern than just the port zone.

Maintenance dredging is covered under rule 17-23 and is required to be classified as a discretionary activity under the Marine Pollution Regulations. In this respect it is appropriate that other major dredging activities should also be subject to the activity same classification.

For the above reasons, I retain my opinion that a blanket permitted activity status for port activities is not appropriate.

4.43.3 Recommendation COA 43

- a) Reject change of status of rules to permitted activities, accept new rule for river control structures.
- b) Reject new rule and change in status for protection zones.

4.43.3.1 Recommended changes to provisions

Add a new rule to the structures section as follows and consequentially re-number all other rules:

Rule: 17- 12 River/ estuarine control structures

Activity: Except as otherwise regulated by Rule 17- 12, the erection, reconstruction, placement, alteration or extension of any structure for the purpose of controlling water flows and stabilising the river banks or sand dunes, pursuant to s12(1) RMA, and any associated:

- (a) occupation of space in the CMA pursuant to s12(2) RMA
- (b) disturbance of the foreshore or seabed pursuant to s12(1) RMA
- (c) deposition of natural marine substances on the foreshore or seabed pursuant to s12(1) RMA
- (d) discharge of water or contaminants into the CMA pursuant to s15(1) RMA
- (e) damming or diversion of coastal water pursuant to s14(1) RMA.

Classification: Restricted Discretionary

Conditions/ Standards/ Terms:

The activity shall be undertaken in accordance with the Environmental Code of Practice for River Works, Horizon Regional Council April 2007.

Control/ Discretion Non-notification: Discretion is restricted to:

- (a) effects on upstream and downstream river bank or dune stability and on foreshore or seabed stability
- (b) effect on the ability of the waters to convey flood flows and sediment flows
- (c) adequacy of design parameters to withstand sea level rise and flood flows
- (d) effects on natural character, public access and flora and fauna
- (e) the timing and/or staging of the activity
- (f) the duration of the consent
- (g) review of consent conditions
- (h) compliance monitoring

4.44 COA 44 – Chapter 17 Rule 17-10 Structures for Public Access

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	188	Add effects of disturbance of wildlife and habitat (including threatened species and rare, threatened or at risk habitats) to assessment criteria. to Rule 17-10	Accept in part
MINISTER OF CONSERVATION	372	189	Amend activity classification of rule 17-10 to Restricted Discretionary.	Accept

4.44.1 Submission summary

The MOC seeks an amendment to rule 17-10 and a change in its status to restricted discretionary.

4.44.2 Evaluation

Public access ways are considered to be an appropriate use in the cma, however will accept that they may not always be appropriate in all areas of the cma, given the size and location of the protection zones. There could be instances when such access should be restricted or re-located. I therefore consider that a restricted discretionary status would be more appropriate and would better reflect the controls under rules 12-7 and 12-8 relating to land-based biodiversity

4.44.3 Recommendation COA 44

- a) Accept request to change rule status.

4.44.3.1 Recommended changes to provisions

Amend Rule 17-10 as follows:

Classification: ~~Controlled~~ Restricted Discretionary

Conditions/ Standards/ Terms: delete a) and b)

Control/ Discretion Non-notification: Delete all existing words in this column and replace with the following:

Discretion is restricted to:

(a) effects on amenity values and natural character

(b) effects on wildlife and habitat

(c) the timing and/or staging of the activity

(d) duration of consent

(e) review of consent conditions

(f) compliance monitoring.

4.45 COA 45 - Chapter 17 Rule 17-12 Large structures which impound the CMA, are parallel to shore, or are oblique or perpendicular to shore

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	88	Column 6: Add, "Resource consent applications under this rule shall be publicly notified"	Reject
MINISTER OF CONSERVATION	372	190	Either delete reference to separate structures in this rule or provide for a separate rule to regulate them as a non-RCA if appropriate.	Reject

4.45.1 Submission summary

Submitter 180/88 seeks that Rule 17-12 specifies that applications will be publicly notified. The Minister of Conservation seeks that reference within the rule to separate (but contiguous) structures be deleted or a new rule be added.

4.45.2 Evaluation

The RMA addresses notification requirements in some detail in sections 93 – 95. In brief, the onus is on the Council to notify all consent applications unless, the application is for a controlled activity or the adverse effects are minor. Exceptions to this are covered. One exception is if the plan provides for non-notification for that activity. Due to the significant nature of activities covered by this Rule, it would clearly be required to be notified under the RMA provisions. In this respect I do not consider it necessary to identify this activity as being required to be notified.

The NZCPS covers structures which impound, structures which are more or less parallel and structures which are oblique or perpendicular as three separate restricted coastal activities. Within rule 17-12 these have been incorporated into one rule. I do not consider that they need to be separated (as per the NZCPS) as the intent is clear. I also consider that it is not possible to meet the criteria set to deem these activities not to be restricted coastal activities. Therefore I consider that there is no need to change this rule.

4.45.3 Recommendation COA 45

- a) Reject the request for a notification statement.
- b) Reject the request to separate the rule into 3 separate rules.

4.45.3.1 Recommended changes to provisions

No changes recommended.

4.46 COA 46 – Chapter 17 Rule 17-14 Structures in a protection zone

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MERIDIAN ENERGY LIMITED	363	188	<p>Meridian opposes Rule 17-5 and Rule 17-14 and requests the following amendments or similar:</p> <p>Delete Rules 17-5 and 17-14; or</p> <p>Amend Rules 17-5 and 17-14 to enable renewable energy generation facilities to be assessed as discretionary activities within the protection zones.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	Reject
	X 492	336	MINISTER OF CONSERVATION - Oppose	Accept

4.46.1 Submission summary

Meridian opposes prohibited activity status for renewable energy generation facilities within protection zones.

4.46.2 Evaluation

It is acknowledged that renewable energy is an emerging technology and that there is a national policy directive for renewable energy provisions. However, associated activities are still required to take place within a sustainable management framework. The area covered by the protection zones is a very small part of the cma. Within these areas there are significant values that need to be protected. I consider that it is appropriate to prohibit such technology in these areas for the life of the plan, due to the importance of the values in these areas, the high level of uncertainty about the effects of such emerging technology, and to provide a clear level of certainty to all parties that the location of such activities should be focused in the general zone. I consider that a fundamental basis for having zones, is to control the location of use and development.

4.46.3 Recommendation COA 46

a) Reject request to delete the two rules.

4.46.3.1 Recommended changes to provisions

No changes recommended.

4.47 COA 47– Chapter 17 Rule 17-17 Large reclamations except in protection zones, Rule 17-35 Sewage and s 107(2) RMA

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	89	Add, "Resource consent applications under this rule shall be publicly notified"	Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	92	Column 5: Add," Resource consent applications under this rule shall be publicly notified"	Reject

4.47.1 Submission summary

Ngati Kahungunu Iwi Incorporated seeks that Rules 17-17 and 17-35 specify that applications will be publicly notified.

4.47.2 Evaluation

The RMA addresses notification requirements in some detail in sections 93 – 95. In brief, the onus is on the Council to notify all consent applications unless, the application is for a controlled activity or the adverse effects are minor. Exceptions to this are covered. One exception is if the plan provides for non-notification for that activity. Due to the significant nature of the activities covered by these rules, it is clear that the Council would be required to notify the applications (in accordance with the RMA provisions). Therefore I do not consider it necessary to specify notification requirements.

4.47.3 Recommendation COA 47

- a) Reject request to specify notification.

4.47.3.1 Recommended changes to provisions

No change recommended.

4.48 COA 48 – Chapter 17 Rule 17-18 Small reclamations in protection zones

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
LANDLINK LTD	440	116	[Rule 17-18] "should... be a Discretionary Activity"	Reject

4.48.1 Submission summary

Landlink submits that Rule 17-18 should be changed to discretionary activity status (rather than non-complying).

4.48.2 Evaluation

The protection zones have been established to protect ecological and other important values in these areas. Within these areas it is expected that only minor adverse effects from activities would occur. Any reclamation will have a significant impact on ecological values. I consider it is appropriate to have the rule status as non-complying as this provides a greater level of protection for the area than reclamations in the general zone. The requirements for a non-complying activity as set out in s104D state that the activity must be minor or it will not be contrary to the objectives and policies of the relevant plan. I consider that it is appropriate to retain this rule as a non-complying activity.

4.48.3 Recommendation COA 48

a) Reject request to change rules status.

4.48.3.1 Recommended changes to provisions

No change recommended.

4.49 COA 49 – Chapter 17 Rule 17-23 Port zone and Whanganui River maintenance dredging

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	191	Either make provision as to the timing of deposition and for the requirements of S1.7 (b) (iii) of the NZCPS	Accept
			Or alternatively provide for the part of the activity relating to deposition within the CMA as a restricted coastal activity.	
	X 489	5	RIVER CITY PORT LTD – Oppose	Reject

4.49.1 Submission summary

The Minister of Conservation seeks amendments to align Rule 17-23 with the provisions of the NZCPS.

4.49.2 Evaluation

Rule 17-23 covers maintenance dredging which is the subject of NZCPS 1.6. Rule 23 does not clearly authorise the deposition as required under NZCPS 1.7. I consider that this matter should be clarified; otherwise the default is for depositions to be covered by Rule 17-24 which was not the original intent. Unless these matters are specified in the discretionary rule, the rule would become a discretionary and restricted coastal activity. Therefore while no other standards are applied to other discretionary rules, including them in this rule enables this rule to fall outside the restricted coastal activity status. In addition the RM (Marine Pollution) Regulations 1998 require this to be specified as a discretionary activity. The regulations also require that certain information is provided at time of application. I consider this should be added to the terms for this rule and further clarified in the wording of the rule.

In reviewing this rule it was noted that the cross referencing to Schedule H was not accurate and therefore in accordance with clause 10(2) of Schedule 1 of the RMA, I consider this should be corrected.

4.49.3 Recommendation COA 49

- a) Accept the clarification sought by the MOC.
- b) Accept amendments in accordance with clause 10(2) of Schedule 1 of the RMA.

4.49.3.1 Recommended changes to provisions

Amend Rule 17-23 as follows:

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.....and any associated deposition of dredged material in the CMA pursuant to s 12(1) RMA and s 4 RM Marine Pollution Regulations.

Amend sub paragraphs to Rule 17-23 conditions/ standards/terms as follows:

- (c) The dredging shall occur within the dredging ~~zones~~ areas identified in Schedule H.10
- (d) The disposal of any dredged material shall occur within the ~~dump zones~~ discharge areas identified in Schedule H.10.

Add new sub paragraphs to Rule 17-23 conditions/ standards/terms

- (e) the disposal of any dredged material shall only occur on the outgoing tide.
- (f) the location of the dredged material shall be monitored in accordance with conditions set by the HRC
- (g) any application must include information specified in Part I of Schedule 3 of the RM (Marine Pollution) Regulations

4.50 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

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	192	Delete the word 'marine' from the description of the activity in these rules.	Accept
	X 511	522	TRUST POWER LIMITED – Oppose	Reject
	X 511	523	TRUST POWER LIMITED - Oppose	Reject
MINISTER OF CONSERVATION	372	193	Delete the word 'marine' from the description of the activity in these rules.	
	X 511	522	TRUST POWER LIMITED – Oppose	Reject
	X 511	523	TRUST POWER LIMITED - Oppose	Reject
MERIDIAN ENERGY LIMITED	363	189	Meridian opposes Rules 17-25 and 17-26 and requests the following amendments or similar:	Reject
			Re-classify Rule 17-25 and 17-26 as discretionary activities within the protection zones.	Reject
			Any consequential amendments necessary to give effect to this submission	
	X 492	337	MINISTER OF CONSERVATION - Oppose	Accept
	X 492	338	MINISTER OF CONSERVATION - Oppose	Accept
MERIDIAN ENERGY LIMITED	363	190	Meridian opposes Rules 17-25 and 17-26 and requests the following amendments or similar:	

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

4.50.1 Submission summary

The Minister of Conservation seeks that Rules 17-24 and 17-26 refer simply to “material”, rather than “marine material”. Meridian opposes the prohibited activity status of Rules 17-25 and 17-26.

4.50.2 Evaluation

The MOC submission is correct in terms of more accurately reflecting the wording in the NZCPS. I agree that the word “marine” should be removed from both rules.

The protection zones have been established to protect ecological and other important values in these areas. Within these areas it is expected that only minor adverse effects from activities would occur. Any disturbance would have an impact on ecological values. I consider it is appropriate to have the rule status as non-complying as this provides a greater level of protection for the area than provided for in the general zone. The requirements for a non-complying activity as set out in s104D RMA state that the activity must be minor or that it will not be contrary to the objectives and policies of the relevant plan. I consider that it is appropriate to retain these rules as non-complying activities.

4.50.3 Recommendation COA 50

- a) Accept the wording changes to remove reference to “marine”.
- b) Reject request to change the rules status.

4.50.3.1 Recommended changes to provisions

Amend Rule 17-24 as follows:

Any activity involving in any 12-month period, the disturbance, removal or deposition of ~~marine~~ material.....

Amend Rule 17-26 as follows:

Any activity involving in any 12-month period, the disturbance, removal or deposition of ~~marine~~ material....

4.51 COA 51 – Chapter 17 Rule 17-27 Take and use of water

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	90	Column 4: Add," [(c) the use of water from the CMA shall not detract from its life-supporting capacity.]"	Reject
HORIZONS REGIONAL COUNCIL	182	97	Amend Rule 17-27 Condition (b) to read: ' An intake screen with a mesh aperture size not exceeding 3mm in diameter shall be used and the intake velocity shall not exceed 0.3 m/s'	Accept

4.51.1 Submission summary

Submitter 180/90 seeks that an additional condition be added to Rule 17-27 regarding the life-supporting capacity of water. HRC seeks to further refine condition (b) by specifying standards for screening and velocity.

4.51.2 Evaluation

I consider that life-supporting capacity is not affected by “take” or “use” rather it is affected by “discharge” after it is used. This rule therefore focuses only on take and use. The amended wording provided by HRC makes the standard more specific for protecting species in the water. It also constrains the extent of the take by velocity controls.

4.51.3 Recommendation COA 51

- a) Reject request to add a standard regarding life supporting capacity.
- b) Accept rewording of standard b).

4.51.3.1 Recommended changes to provisions

Delete Rule 17-27 conditions/ standards/ terms b) and replace as follows:
An intake screen with a mesh aperture size not exceeding 3mm in diameter shall be used and the intake velocity shall not exceed 0.3 m/s.

4.52 COA 52 – Chapter 17 Rule 17-29 Discharges into water from ships, boats, fire-fighting and oil spills

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NEW ZEALAND FIRE SERVICE COMMISSION	149	14	Retain the rule allowing for discharges into water for fire fighting purposes and allow fire training purposes with appropriate conditions.	Accept
MINISTER OF CONSERVATION	372	194	Provide in Rule 17-28 [refers to Rule 17-29 in Submission] reference to Table 17.1	Accept
MINISTER OF CONSERVATION	372	198	Add additional standard: (c) Any discharge shall not involve discharge of unwanted organisms within the terms of the Biosecurity Act 1993	Reject.

4.52.1 Submission summary

The Fire Service support the provisions in Rule 17-29 for fire-fighting purposes and seek that similar allowance be made for fire training purposes. The Minister of Conservation seeks that reference be added to the standard conditions in Table 17.1, and also that an additional standard be added regarding unwanted organisms pursuant to the Biosecurity Act 1993.

4.52.2 Evaluation

I acknowledge that the addition of a reference to training would clarify this matter for fire fighting purposes.

The MOC requests a reference to Table 17-1 in either rule 17-29 or 17-28. I do not consider that the reference to table 17-1 is necessary in rule 17-29. However I do consider it should be added to 17-28, as a matter of consistency with other rules.

The MOC requests that the discharge does not involve unwanted organisms. I do not consider this a practical requirement given that the activities covered are likely to be using water from the sea (which may already have unwanted organisms present). If this was raised as being a concern about ballast water, then this is covered by the Import Health Standards as set by MAF Biosecurity NZ. The submitter may wish to present further evidence on this matter at the hearing.

4.52.3 Recommendation COA 52

- a) Accept reference to fire fighting training.
- b) Accept reference to table 17-1 in rule 17-28.
- c) Reject the request to clarify “unwanted organisms” in this rule.

4.52.3.1 Recommended changes to provisions

Amend Rule 17-28 by adding a further conditions/ standards/ terms to read as follows:

(b) The activity shall comply with the standard conditions in Table 17.1.

Amend Rule 17-29 to read:

Any discharge (excluding sewage) pursuant to s15 RMA: ...

(c) for the purpose of fire fighting or training for fire fighting, or

(d)....

4.53 COA 53 – Chapter 17 Rule 17-30 Discharges of stormwater

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
AFFCO NEW ZEALAND LTD - WANGANUI IMLAY	51	10	(c) For discharges that include stormwater from an industrial or trade premises, or an urban area, the catchment area of the discharge shall not exceed 2 hectares. The Catchment Area may be calculated to exclude roof surfaces where stormwater from those surfaces are discharged directly to Land or Water without mixing with stormwater from potentially contaminated areas. Or similar amendments to that effect.	Reject
MINISTER OF CONSERVATION	372	195	Provide in Rule 17-30 reference to Table 17.1	Accept
MINISTER OF CONSERVATION	372	199	Replace 'an urban area' with 'land zoned industrial, commercial or residential' in (c)	Accept
MINISTER OF CONSERVATION	372	200	In (d) after 'bank' add '(including cliff or escarpment)' and after 'foreshore'	Accept
MINISTER OF CONSERVATION	372	201	Amend standard (e) (iv) to read: 'The activity shall not adversely affect the hydrology of a coastal ecosystem or cause toxicity to marine ecosystems' or add the avoidance of adverse effects on hydrology as a new standard.	Reject

4.53.1 Submission summary

With respect to condition (c) of Rule 17-30, Affco seeks clarification surrounding the calculation of the 'catchment area'. The Minister of Conservation seeks a number of amendments to this rule. It is requested that reference to Table 17.1 is included and that the reference to 'an urban area' be replaced with specific reference to industrial, commercial and residentially zoned land. The Minister further seeks that condition (d) specifically mentions cliffs and escarpments as types of 'bank' covered by the condition, and that effects on hydrology are addressed via the standards.

4.53.2 Evaluation

Standard (c): the intent of this rule is to address stormwater entering the cma. Stormwater has a cumulative impact on the quality of the cma. If stormwater is already being discharged to surface water or to land, then that is not covered by this rule, but by Rule 13-15. I consider that the 2ha clause should remain as it is currently stated and any activity not meeting the clause would then be addressed under Rule 17-31. This provides for consistency with Rule 13-15, and it provides a clear trigger for the difference between permitted and controlled activity status.

The MOC also seeks that land use zones are referred to rather than areas. I consider this would be a more specific directive to the District Councils re: the location of industrial and trade premises.

The MOC seeks a cross reference to Table 17-1. I consider that this should be included.

The MOC requests additional wording in (d). I consider this clarifies the intent without altering the meaning.

The MOC also requests additional wording in (e) relating to hydrology. A permitted activity rule must have standards which are "black and white" and readily interpreted. If this cannot be achieved then the rule should not be "permitted". The wording requested does not fit this and I do not consider adverse effects on hydrology to be readily assessed. Therefore I consider that this should not be included in this Rule.

4.53.3 Recommendation COA 53

- a) Reject request to further clarify the 2ha standard.
- b) Accept request to refer to land use zones.
- c) Accept request to clarify clause d).
- d) Accept request to cross reference table 17-1.
- e) Reject request to include reference to hydrology.

4.53.3.1 Recommended changes to provisions

Amend Rule 17-30 (c) to read:

For discharges that include stormwater from ~~an~~ any industrial or trade premises, or from land zoned as industrial, commercial or residential, ~~an urban area~~, the catchment area of the discharge shall not exceed 2 hectares.

Amend Rule 17-30 (d) to read: The activity shall not cause erosion of any bank, cliff, escarpment or foreshore ~~area~~ beyond the point of discharge, unless.....

Add a further sub-paragraph to rule 17-30 as follows:

(g) The activity shall comply with the standard conditions in Table 17.1.

4.54 COA 54 – Chapter 17 Rule 17-31 Discharges of stormwater not complying with Rule 17-30

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	196	Provide in Rule 17-31 reference to Table 17.1	Accept

4.54.1 Submission summary

The Minister of Conservation seeks that reference be added to Rule 17-31 to the standard conditions in Table 17.1.

4.54.2 Evaluation

The MOC seeks a cross reference to Table 17-1. I consider that this should be included.

4.54.3 Recommendation COA 54

a) Accept request to cross reference table 17-1.

4.54.3.1 Recommended changes to provisions

Add a further sub-paragraph to rule 17-31 as follows:

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

4.55 COA 55 – Chapter 17 Rule 17-33 Application of agrichemicals, Rule 17-34 Application of agrichemicals

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	202	Add to conditions/standards and terms for 17-33, 'Any adverse effect on non-target plant animal or fish species shall be no more than minor.' (See also relief sought in regard to discharges)	Accept
MINISTER OF CONSERVATION	372	203	Add to conditions/standards and terms for 17-34 'Any adverse effect on non-target plant animal or fish species shall be no more than minor.' (See also relief sought in regard to discharges)	Accept

4.55.1 Submission summary

The Minister of Conservation seeks that a new condition/standard/term be added to each of Rule 17-33 and Rule 17-34 addressing adverse effects on non-target species.

4.55.2 Evaluation

I consider this is appropriate for inclusion into these rules.

4.55.3 Recommendation COA 55

- a) Accept request for new standards to be added to the 2 rules.

4.55.3.1 Recommended changes to provisions

Add a new sub-paragraph to Rule 17-33 (d) as follows and consequentially renumber remaining sub-paragraphs

(d) Any adverse effect on non-target plant, animal or fish species shall be no more than minor.

Add a new sub-paragraph to Rule 17-34 (c) as follows and consequentially renumber remaining sub-paragraphs

(c) Any adverse effect on non-target plant, animal or fish species shall be no more than minor.

4.56 COA 56 – Chapter 17 Rule 17-36 Dumping of hazardous substances

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	93	Retain this rule as proposed	Accept

4.56.1 Submission summary

Submitter 180/93 supports Rule 17-36.

4.56.2 Evaluation

Support for this rule is noted.

4.56.3 Recommendation COA 56

a) Accept support for this rule.

4.56.3.1 Recommended changes to provisions

No change recommended.

4.57 COA 57 – Chapter 17 Rule 17-37 Noise discharges

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	98	Amend Rule 17-37 Condition (a) to read (in part): 'Any seismic exploration shall be'	Accept
MINISTER OF CONSERVATION	372	205	Amend Standard (a) to only permit activities in the CMA which are carried out in accordance with the 'Guidelines for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations' prepared by the Department of Conservation (February 2006).	Accept

4.57.1 Submission summary

HRC seeks that the word “activity” in condition (a) or Rule 17-37 be replaced with the word “exploration” (as in the rule itself). The Minister of Conservation seeks that condition (a) be amended to allow only those activities which are carried out in accordance with identified guidelines issued by the Department of Conservation in 2006.

4.57.2 Evaluation

I consider the wording of HRC is appropriate.

4.57.3 Recommendation COA 57

a) Accept wording change to standard.

4.57.3.1 Recommended changes to provisions

Amend Rule 17-37 (a) to read:

Any seismic exploration activity shall be located.....

Add a new standard to Rule 17-37 to read as follows:

(b) Any seismic exploration or associated activity shall be undertaken in accordance with the most recent version of the Department of Conservation’s Guidelines for minimising acoustic disturbance to marine mammals from seismic survey operations.

4.58 COA 58 – Chapter 17 Rule 17-38 Exotic and introduced plants

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	94	Column 5: Add, "Resource consent applications under this rule shall be publicly notified"	Reject
MINISTER OF CONSERVATION	372	206	For consistency with the NZCPS amend rule by replacing 'in the region' with 'in an area'.	Accept

4.58.1 Submission summary

Ngati Kahungunu Iwi Incorporated seeks that Rule 17-38 specifies that applications will be publicly notified. The Minister of Conservation seeks an amendment to ensure consistency with the NZCPS.

4.58.2 Evaluation

Re: notification: The RMA addresses notification requirements in some detail in sections 93 – 95. In brief, the onus is on the Council to notify all consent applications unless, the application is for a controlled activity or the adverse effects are minor. Exceptions to this are covered in the RMA. One exception is if the plan provides for non-notification for that activity. As this activity is discretionary and a restricted coastal activity, it would be required to be notified. I therefore do not consider it necessary to specify notification details.

I acknowledge that the wording should reflect the NZCPS.

4.58.3 Recommendation COA 58

- a) Reject request to include notification clause.
- b) Accept rewording to make consistent with the NZCPS.

4.58.3.1 Recommended changes to provisions

Amend Rule 17-38 to read:

Pursuant to s12(1)RMA and s1 NZCPS, the introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in ~~the region~~ an area.

4.59 COA 59 – Chapter 17 Rule 17-39 Activities that are not covered by any other rule, or which do not comply with permitted and controlled activity rules

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	95	Column 5: Add, "Resource consent applications under this rule shall be publicly notified"	Reject
LANDLINK LTD	440	118	"Rule 17-39 should be Non-Complying"	Reject

4.59.1 Submission summary

Ngati Kahungunu Iwi Incorporated seeks that Rule 17-39 specifies that applications will be publicly notified. Landlink seeks that the activity status be amended to non-complying (from discretionary).

4.59.2 Evaluation

Re: notification: The RMA addresses notification requirements in some detail in sections 93 – 95. In brief, the onus is on the Council to notify all consent applications unless, the application is for a controlled activity or the adverse effects are minor. Exceptions to this are covered in the RMA. One exception is if the plan provides for non-notification for that activity. Due to the complexity of issues in the cma, I do not consider it appropriate to specify non-notification details.

The status for rules is set out in s77B of the RMA. In addition, under s104B a resource consent for a discretionary or non-complying activity may be granted or refused, and if granted may have conditions imposed.

A non-complying activity may be granted if the adverse effects are minor or the application is not contrary to the objectives and policies of the relevant plan (s104D).

The existing rules stated in the POP focus mainly on activities which could be classified as permitted, controlled and restricted coastal activities. Given the above rule definitions of status, I consider it appropriate that all other activities should be considered as discretionary activities, particularly as I believe that not all activities would be able to meet the requirements of non-complying.

4.59.3 Recommendation COA 59

- a) Reject request for notification clauses.
- b) Reject change in rule status.

4.59.3.1 Recommended changes to provisions

No changes recommended.

4.60 COA 60 – Glossary Term Coastal foredune

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS	303	6	Amend the definition to either include or exclude (b) of the Sec 2 RMA definition of the Coastal marine area".	Reject
	X 492	357	MINISTER OF CONSERVATION - Oppose	Accept

4.60.1 Submission summary

Submitter 303/6 seeks that the definition of 'coastal foredune' in the POP glossary be amended.

4.60.2 Evaluation

The definition of cma is provided for in s2 RMA and the implications of s2(b) are depicted in the maps in Schedule H, namely H3 – H9. The diagram for the coastal foredune area applies to the line of MHWS which follows the edges of the rivers shown in the maps up to the point where the river crossing is marked. Following from case law, if there is any debate of where the line of MHWS actually lies, it is required to be formally surveyed. I consider the glossary term accurately reflects the s2 definition of cma.

4.60.3 Recommendation COA 60

a) Reject change to definitions.

4.60.3.1 Recommended changes to provisions

No change recommended.

4.61 COA 61 – Schedule H General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation	
NGATI KAHUNGUNU IWI INCORPORATED	180	100	River	Amend to	Reject
			Owahanga Wainui Akitio		
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	32	The NZHPT requests that Council better provides for the identification and protection of historic heritage in the coastal environment in the proposed Regional Coastal Plan. Such initiatives should draw extensively on the information specific to the preparation of regional coastal plans in the context of better protecting historic heritage, as detailed on pages 11 to 24 of the document Sustainable Management of Historic Heritage: Guide No 2 Regional Plans (3 August 2007).		Reject
	X 492	456	MINISTER OF CONSERVATION – Support		Reject
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	37	The One Plan includes sites of coastal historic heritage in Schedules H.		Reject
	X 492	457	MINISTER OF CONSERVATION – Support		Reject
MIGHTY RIVER POWER	359	79	Make clear in the Table included in section 3 of Schedule H which sections of the Rivers listed to which the Values apply.		Accept in part
	X 522	240	MERIDIAN ENERGY LIMITED – Support in Part		Accept in part
MIGHTY RIVER POWER	359	144	Make clear in the Table included in section 3 of Schedule H which sections of the Rivers listed to which the Values apply.		Accept in part

4.61.1 Submission summary

Submitter 180/100 seeks amendments to the maps in Schedule H. The Historic Places Trust seeks better identification and protection of historic heritage in the coastal environment via the maps in Schedule H. Mighty River Power seeks clarification regarding the information contained in the table in Section 3 of Schedule H and where the values identified apply within each river/protection zone.

4.61.2 Evaluation

The river crossing boundaries are defined by “coastal marine area” and “mouth” as set out in s2 RMA. The cma boundary follows the line of MHWS on the open coast and for small rivers/ streams it crosses that river/stream as if the line was continuous along the coast. Where the MHWS line from the open coast meets a larger river (ie. those specified in maps in Schedule H) the cma goes up stream and includes the whole of the river estuarine area up to the indicated line (which is either 1 kilometre or 5 times the width of the river mouth (ie. as required by section 2). In order to work this distance out then the location of the “mouth” needs to be agreed between the Minister of Conservation, the regional council and the territorial authority, and once agreed cannot be changed. (ie. see also section 2). Therefore the amendments to the river boundaries as sought by Ngati Kahungungu cannot be accepted.

NZHPT requests that the maps include location of historic heritage in the cma. Comprehensive information is not currently available to achieve this. This is the reason why the method: Coastal Information under section 9.5 of the POP was included. I consider that it is more important to have accurate and more complete information available rather than attempting to identify additional mapping information through this plan submission process. A process to publicly identify appropriate historic heritage information would also be a more transparent process. Refer also to discussion under General submissions at the beginning of this report.

Schedule H: section 3: provides explanatory material relating to the protection zones. The protection zones are indicated as coloured zones in the maps H11 – H13. Policy 9-2 refers to protection ones and in particular to “ecological and other important values” within each of the zones. Therefore table in section 3 is relating only to the protection zones and providing clarity on what values are important in each of the respective zones. I consider this is clear, however further clarification could be achieved by making further reference to the protection zones.

In reviewing Schedule H it was noted that the cross referencing was incorrect and that references to Chapter 20 should have been to chapter 17. I consider that in accordance with clause 10(2) of Schedule I RMA, these changes are recommended to be made to Schedule H.

4.61.3 Recommendation COA 61

- a) Reject request to amend the river crossings.
- b) Reject request to include historic heritage information on maps.
- c) Accept in part request for further clarification of table on section 3.

- d) Accept recommended change in accordance with clause 10(2) Schedule 1.

4.61.3.1 Recommended changes to provisions

Amend table in section 3 of Schedule H by including the words Protection Zone after each River and Cape Turnagain (as indicated in the left hand boxes of the Table).

Amend cross referencing in Schedule H to refer to Chapter 17 wherever Chapter 20 is otherwise referred to.

4.62 COA 62 – Schedule H Figure H:6 Manawatu River and Hokio Stream Boundaries

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
RAYONIER NZ LIMITED	310	23	Clarification of the implications of this extension of the CMA along the Northern boundary of Waitarere Forest adjacent to the Manawatu River.	Accept in part
	X 501	127	ERNSLAW ONE LTD - Support	Accept in part

4.62.1 Submission summary

The submitter seeks clarification regarding the implications of classifying areas of the Manawatu River as part of the CMA.

4.62.2 Evaluation

The cma has been in this position since the early 1990's when the currently operative Regional Coastal Plan was developed. There have been no changes made to this area. The cma is defined by the RMA ie. in accordance with "coastal marine area" and "mouth" as set out in s2 RMA. The cma boundary follows the line of MHWS on the open coast and for small rivers/streams it crosses that river/stream as if the line was continuous along the coast. Where the MHWS line from the open coast meets a larger river (ie. those specified in maps in Schedule H) the cma goes up stream and includes the whole of the river estuarine area up to the indicated line (which is either 1 kilometre or 5 times the width of the river mouth (ie. as required by section 2). In order to work this distance out then the location of the "mouth" needs to be agreed between the Minister of Conservation, the regional council and the territorial authority, and once agreed cannot be changed (ie. see also section 2). The cma boundary on the edges of the river in these estuarine areas is still the line of MHWS. In the event that this is disputed, case law has indicated that the line would need to be surveyed. The implications are that any activity within the cma is governed by the objectives, policies and rules in chapters 9 and 17, while any activity on the landward side of MHWS is governed by the objectives, policies and rules in the other chapters of the POP.

4.62.3 Recommendation COA 62

- a) Accept in part by providing the above explanation.

4.62.3.1 Recommended changes to provisions

No change recommended.

4.63 COA 63 – Schedule H Figure H:10 Wanganui Port

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision sought	Recommendation
RIVER CITY PORT LTD	258	6	(i) Amend Schedule H: 10 to extend the area of the Port Zone area to include the northern mole.	Reject
			(ii) Any similar amendment (s) to with like effect.	
			(iii) Any consequential amendment(s) that stem from the amendment proposed	
	X 492	458	MINISTER OF CONSERVATION - Oppose	Accept
RIVER CITY PORT LTD	258	7	(i) Amend Schedule H: 10 to show or recognize the location of the third Discharge Area, which is located 1.5km offshore southwest of the river mouth.	Accept
			(ii) Any similar amendment (s) to with like effect.	
			(iii) Any consequential amendment(s) that stem from the amendment proposed	
	X 492	459	MINISTER OF CONSERVATION - Oppose	Reject

4.63.1 Submission summary

River City Port Ltd seeks an extension of the port zone to include the northern mole as well as seeking that a third discharge area is identified.

4.63.2 Evaluation

Extension of the port zone to include the northern mole: The port zone indicated in the light blue colour in map H 10 represents the area which is deemed to be suitable for industrial use as a port and including an opportunity for future use by a recreational marina activity. I do not consider it appropriate to extend the size of the port zone through to and including the northern mole. This has potential implications for the landward land uses. In addition, while the northern mole is a significant structure, maintenance and repair is already covered as a permitted activity under rule 17-6 (assuming it was lawfully established). There does not appear to be any advantage for extending the port zone.

I consider that the extension of the port zone is not required to facilitate management of the structures or of the functioning of the estuarine currents.

Re: discharge area: I consider that this was an oversight. In my opinion the 3rd discharge zone should be recognised as per the other two discharge areas identified in Schedule H10. This aligns the activity with rule 17.23 (ie. being classified as discretionary and not a restricted coastal activity). This area is approximately 1.1 nm southwest of the Whanganui port entrance.

4.63.3 Recommendation COA 63

- a) Reject request to extend the port zone.
- b) Accept request to identify the third discharge zone.

4.63.3.1 Recommended changes to provisions

Add third dredging zone to Schedule H 10 (shown as the following area: within a radius of 0.3 nautical miles of position 39⁰58S 174⁰58E).

4.64 COA 64 – Consequential Changes

4.64.1 Submission summary

Recommendation OVR sought to ensure that the cross referencing in the policies in Chapter 17 were specific (rather than a generic reference being made to a Chapter). In addition as a result of the recommended changes under COA2 of this report, references to Chapter 6 water management issues need to be clarified.

4.64.2 Evaluation

I consider that these consequential changes are appropriate for reasons of consistency through out the document. However I consider it is appropriate to retain the generic reference to Chapter 4 as all matters in this chapter should be considered when making decisions on coastal issues. Generic references to Chapter 9 and the NZCPS are also retained. This provides a holistic approach to referencing the RPS and the relevant NZCPS. Due to the recommended changes to Schedule D and H (COA 2) I consider that in some instances it is more appropriate to spell out the intention of the cross reference rather than continue a reference to Chapter 6. I consider that this provides further clarity.

4.64.3 Recommendation COA 64

- a) Accept consequential changes to be made to Chapter 17 in relation to cross-referencing other chapters.

4.64.3.1 Recommended changes to provisions

Amend Policy 17-4 (b) to read:

(b) ~~the objectives and policies of Chapter 10~~ objective 10-1 and policies 10-4 to 10-6.

Amend Policy 17-7(b) to read:

(b) ~~Policy 6-32~~ avoiding, remedying or mitigating any adverse effects on the water quality values identified in Schedule H.

Amend Policy 17-9(b) to read:

(b) ~~the objectives and policies of Chapter 6, Chapter 10 and Chapter 15 that are relevant to the activity and in particular the water management zones in Schedule D.~~ objective 10-1 and policy 10-6

Add a new sub-clause(c) to Policy 17-9 and consequentially renumber remaining clauses:

(c) avoiding, remedying or mitigating any adverse effects on the water quality values identified Schedule H

Delete Policy 17-10(b) as follows:

(b) ~~the relevant objectives and policies of 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.~~

Amend Policy 17-11(b) to read:

~~(b) the relevant objectives and policies of 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.~~ policy 6-11.

Amend Policy 17-12(b) to read:

~~(b) the relevant objectives and policies of Chapter 8 and Chapter 17 objective 8-1 and policy 8-1.~~

APPENDIX 1: WATER MANAGEMENT AMENDMENTS TO SCHEDULE H

1. Amend the introduction to Schedule H as follows:

Schedule H: Coastal Marine Area, Zones and Protection Areas

Schedule H: Coastal Marine Area: Boundaries, Zones and Water Management

~~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)

Part A: Maps

2. Amend cross referencing ion section 1. and 2. by deleting 20 and replacing with 17.
3. Amend section 3 of Schedule H as follows:

First sentence: This Plan includes 4 ~~3~~-different management zones: Port Zone, Protection zones, ~~and~~ General zone and Water Management zones.

Last bullet point: the values of significance/ importance relating to each protection zone and as referred to in Policy 9-2 are shown in ~~the~~ table Table H1 below:

Add title to table as follows:

Table H1: Values that apply to the Protection Zones

4. Insert a new section into Schedule H (at the end of the existing wording in Schedule H) as follows: (Note for ease of reading I have not underlined the following wording).

Part B: Water Management

4. Water Management Zones and Water Quality Standards

There are two water management zones in the coastal marine area:

- (i) open coastal waters (ie. seawards from MHWS and from the river mouths on the open coastline). Note the river mouth co-ordinates are shown on Maps H 3– H9.
- (ii) river/estuarine waters (ie. from the cross river boundary downstream to the river mouth). Note the cross river boundaries and the river mouth co-ordinates are shown on Maps H 3–H9.

The values that apply to these zones are detailed in Tables H2- H7. The water quality standards are set out in Tables H8 – H11.

5. Values that apply to waters in the coastal marine area

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

Value group		Individual Values	Management Objective	Where it Applies	
Ecosystem Values	LSC	Life-Supporting capacity	The waterbody supports healthy aquatic life / ecosystems	All open coastal waters River/ estuarine waters within the coastal marine area as listed in Table H4 page H [to be inserted]	
	NFS	Native Fish Spawning	The waterbody sustains healthy native fish spawning and fry development	Specified sites / reaches Shown in Map D:13 Page D-40 and listed in Table H5: page H [to be inserted]	
Recreational and Cultural Values	CR	Contact recreation	The waterbody is suitable for contact recreation	All open coastal waters	
	Am	Amenity	The amenity values of the waterbodies and their margins are maintained or improved	Coastal Marine Area as listed in Table H6 page H [to be inserted]	
	NF	Native Fishery	The waterbody sustains populations of native fish that can be harvested in a sustainable manner	Coastal Marine Area as listed in Table H7 page H [to be inserted]	
	MAU	Mauri	The Mauri of the waterbody is maintained or improved	Coastal Marine Area	
	SG	Shellfish Gathering	The waterbody is suitable for shellfish harvesting	Coastal Marine Area	
	SOS-C	Sites of Significance - Cultural	Sites of significance for cultural values are maintained	To be defined	
	Ae	Aesthetics	The aesthetic values of the waterbody and its margins are maintained or improved	Coastal Marine Area	
Social/ Values	Economic	CAP	Capacity to Assimilate Pollution	The capacity of a waterbody to assimilate pollution is not exceeded	Coastal Marine Area
		FC	Flood Control	The integrity of existing flood and river bank erosion protection structures is not compromised	Existing flood/ erosion control schemes in the coastal marine area

Table H3: Values by Zone in the Coastal Marine area**Legend:**

Table Headings: **WQS**: Water Quality Standard; **LSC**: Life Supporting Capacity; **CR**: Contact Recreation; **Am**: Amenity; **SG**: Shellfish Gathering; **Mau**: Mauri;; **SW**: Stockwater; **NS**: Natural State; **SoS-A**: Sites of Significance for Aquatic biodiversity; **SoS-R**: Sites of Significance for Riparian biodiversity; **Ae**: Aesthetics; **NFS**: Native Fish Spawning; **NF**: Native Fishery; **SoS-C**: Sites of Significance for Cultural value; **TS**: Trout Spawning; **CAP**: Capacity to Assimilate Pollution; **WS**: Water Supply; **IA**: Industrial Abstraction; **I**: Irrigation.

Key for LSC Classes: **UHS**: Upland Hard Sedimentary, **UVA**: Upland Volcanic Acidic, **UVM**: Upland Volcanic Mixed, **Uli**: Upland Limestone, **HM**: Hill Mixed, **LM**: Lowland Mixed, **LS**: Lowland Sand, **HSS**: Hillcountry soft sedimentary

Key for Fishery Classes: **I**: Outstanding, **II**: Regionally Significant, **III**: Other Trout Fishery

Note: Further detail of the sub zones are shown in maps D 1 - D 8.

Management Zone	Description	Sub Zone	Zone Wide Values							Site/ Reach Specific Values											
			LSC	CR	Am	SG	Mau	TF	SW	NS	SoS A	SoS R	Ae	NFS	NF	SoS C	TS	CAP	WS	IA	I
Open Coastal waters	Coastal Marine Area – from MHWS on the open coastline and from the river mouth co-ordinates shown on Maps H 3– H9 seawards to 12 nautical miles		Sea	✓	✓	✓	✓							✓	✓			✓			
River/ estuarine waters	Coastal Marine Area – from the cross river boundary downstream to the river mouth co-ordinates as	Coastal Manawatu (Mana_13a)	LM	✓	✓		✓	III	✓		✓	✓		✓	✓			✓	✓		✓
		Tidal Rangitikei (Rang_4b)	LM	✓	✓		✓	III	✓	✓		✓		✓	✓			✓	✓		✓
		Coastal Whanganui (Whai_7b)	LM	✓	✓		✓		✓			✓		✓	✓			✓		✓	

shown on Maps H 3– H9.	Coastal Whangaehu (Whau_4)	HSS	✓	✓		✓		✓			✓		✓	✓			✓			✓	
	Lower Turakina (Tura_1b)	HSS	✓	✓		✓		✓			✓		✓	✓			✓				
	Lower Ohau (Ohau_ba)	HM	✓	✓		✓	III	✓		✓	✓		✓	✓		✓	✓	✓		✓	
	Owahanga (Owha_1)	HSS	✓			✓		✓		✓						✓					
	East Coast (East_1)	HSS	✓	✓		✓		✓		✓	✓					✓					
	Lower Akitio (Akit_1b)	HSS	✓	✓		✓		✓		✓			✓	✓		✓				✓	
	Kai Iwi (West_2)	HSS	✓	✓		✓		✓		✓			✓	✓		✓				✓	
	Mowhanau (West_3)	LM	✓	✓		✓		✓		✓			✓	✓		✓					✓
	Waikawa (West 9)	HM	✓	✓		✓		✓		✓	✓					✓	✓				✓
	Hokio (Hokio 1_b)	LS	✓	✓		✓		✓					✓	✓		✓					

Table H4: Life Supporting Capacity Value by Management Zone/ Sub-zone in the Coastal Marine Area

Management Zone/ Sub-Zone	Description	Life Supporting Capacity Classification
Coastal Manawatu (Mana_13a)	Coastal Marine Area – from the cross river boundary downstream to the river mouth co-ordinates as shown on Maps H 3– H9.	LM
Tidal Rangitikei (Rang_4b)		LM
Coastal Whanganui (Whai_7b)		LM
Coastal Whangaehu (Whau_4)		HSS
Lower Turakina (Tura_1b)		HSS
Lower Ohau (Ohau_ba)		HM
Owahanga (Owha_1)		HSS
East Coast (East_1)		HSS
Lower Akitio (Akit_1b)		HSS
Kai Iwi (West_2)		HSS
Mowhanau (West_3)		LM
Waikawa (West_9)		HM
Hokio (Hokio_1_b)		LS

Table H5: Native Fish Spawning Value in the Coastal Marine Area

Management Zone	Sub-Zone	River/ Stream Name	Reference
Coastal Manawatu	Coastal Manawatu	Manawatu River	Coastal Marine Area – from the cross river boundary downstream to the river mouth co-ordinates as shown on Maps H 3– H9.
Coastal Rangitikei	Tidal Rangitikei	Rangitikei River	
Lower Whanganui	Coastal Whanganui	Whanganui River	
Coastal Whangaehu	Coastal Whangaehu	Whangaehu River	
Turakina	Lower Turakina	Turakina River	
Ohau	Lower Ohau	Ohau River	
Akitio	Lower Akitio	Akitio River	
Kai-Iwi	Kai-Iwi	Kai-Iwi Stream	
Mowhanau	Mowhanau	Mowhanau Stream	
Lake Horowhenua	Hokio	Hokio Stream	

Table H6: Amenity Value in the Coastal Marine Area

Management Zone	Sub-Zone	Site	Description
Coastal Manawatu	Coastal Manawatu	Foxton Beach	At approx NZMS 260 S24:978-806
Coastal Rangitikei	Tidal Rangitikei	Holben Reserve	At approx NZMS 260 S24:989-997
Lower Whanganui	Lower and Coastal Whanganui	Whanganui River	From River Mouth to approx NZMS 260 R22:888-434
	Coastal Whanganui	Castlecliff Beach	At approx NZMS 260 R22:788-388
Coastal Whangaehu	Coastal Whangaehu	Whangaehu Beach	At approx NZMS 260 R23:893-269
East Coast	East Coast	Herbertville Beach	At approx NZMS 260 V24:103-719
Akitio	Lower Akitio	Akitio Beach	At approx NZMS 260 U25.:989-597
Northern Coastal	Northern Coastal	Ototoka Beach	At approx NZMS 260 R22:667-471
Kai Iwi	Kai Iwi	Kai-Iwi Beach	At approx NZMS 260 R22:725-448
Mowhanau	Mowhanau	Mowhanau Stream	At approx NZMS 260 R22:726-448
Northern Manawatu Lakes	Northern Manawatu Lakes	Himatangi Beach	At approx NZMS 260 S24:991-905
Waitarere	Waitarere	Waitarere Beach	At approx NZMS 260 S24:958-701
Lake Horowhenua	Hokio	Hokio Stream @ Hokio Beach	At approx NZMS 260 S25:949-657

Table H7: Native Fishery Value in the Coastal Marine Area

Management Zone	Sub-Zone	River/ Stream Name	Reference
Coastal Manawatu	Coastal Manawatu	Manawatu River	Coastal Marine Area – from the cross river boundary downstream to the river mouth co-ordinates as shown on Maps H 3– H9.
Coastal Rangitikei	Tidal Rangitikei	Rangitikei River	
Lower Whanganui	Lower/ Coastal Whanganui	Whanganui River	
Coastal Whangaehu	Coastal Whangaehu	Whangaehu River	
Turakina	Lower Turakina	Turakina River	
Ohau	Lower Ohau	Ohau River	
Akitio	Lower Akitio	Akitio River	
Kai-Iwi	Kai-Iwi	Kai-Iwi Stream	
Mowhanau	Mowhanau	Mowhanau Stream	
Lake Horowhenua	Hokio	Hokio Stream	

6. Water Quality Standards for the Coastal Marine Area

Table H 8: Water Quality Definitions: River/ Estuarine areas of the Coastal Marine Area

The water quality standards defined in **Table H8** 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 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	Chla (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 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

Table H 9: Water Quality Standards: River/ Estuarine areas of the Coastal Marine Area

The following water quality standards apply to the river/ estuarine waters in the coastal marine area (ie. from the cross river boundary downstream to the river mouth). Note the cross river boundaries and the river mouth co-ordinates are shown on Maps H 3– H9.

Management Zone	Sub zone	pH		Temp (°C)		DO (%SAT)	BOD ₅ (g/m ³)	POM (g/m ³)	Periphyton		DRP (mg/m ³)	SIN (mg/m ³)	QMCI	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)
		Range	Δ	<	Δ	>	<	<	Chla (mg/m ²)	% cover	<	<		<		<	<1/2 m	< m	< 3 xm	Δ
Coastal Manawatu (Mana_13)	Coastal Manawatu (Mana_13a)	7 to 8.5	0.5	24	3	70	2	5	200	30	15	444	5	400	95	2.5		15	30	30
Coastal Rangitikei (Rang_4)	Tidal Rangitikei (Rang_4b)	7 to 8.5	0.5	24	3	70	2	5	200	30	15	167	5	400	95	2.5		15	30	30
Lower Whanganui (Whai_7)	Coastal Whanganui (Whai_7b)	7 to 8.5	0.5	24	3	60	2	5	200	30	15	167	5	400	95		20		30	30
Coastal Whangaeahu (Whau_4)	Coastal Whangaeahu	7 to 8.5 ^(a)	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20 ^(a)		30	30
Turakina (Tura_1)	Lower Turakina (Tura_1b)	7 to 8.5	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20		30	30
Ohau (Ohau_1)	Lower Ohau (Ohau_ba)	7 to 8.5	0.5	22	3	70	2	5	120	30	10	110	5	400	95	2.5		15	30	30
Owahanga (Owha_1)	Owahanga	7 to 8.5	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20		30	30
East Coast (East_1)	East Coast	7 to 8.5	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20		30	30
Akitio (Akit_1)	Lower Akitio (Akit_1b)	7 to 8.5	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20		30	30
Kai Iwi (West_2)	Kai Iwi	7 to 8.5	0.5	22	3	70	2	5	200	30	15	167	5	400	95		20		30	30
Mowhanau (West_3)	Mowhanau	7 to 8.5	0.5	24	3	60	2	5	200	30	15	167	5	400	95			15	30	30
Waikawa (West_9)	Waikawa	7 to 8.5	0.5	22	3	70	2	5	120	30	10	167	5	400	95			15	30	30

Management Zone	Sub zone	pH		Temp (°C)		DO (%SAT)	BOD ₅ (g/m ³)	POM (g/m ³)	Periphyton		DRP (mg/m ³)	SIN (mg/m ³)	QMCI	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)
		Range	Δ	<	Δ	>	<	<	Chla (mg/m ²)	% cover	<	<		<		<1/2 m	< m	< 3 xm	Δ	Δ
Lake Horowhenua (Hoki_1)	Hokio (Hoki_1b)	7 to 8.5	0.5	24	3	60	2	5	200	30	15	167	5	400	95			15	30	30

Table H 10: Water Quality Definitions: Open Coastal areas of the Coastal Marine Area

The water quality standards defined in **Table H10** 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
	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	Chla (mg/m ²)	The average annual algal biomass shall not exceed [...] milligrams of chlorophyll a 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:

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

Table H 11: Water Quality Standards: Open Coastal areas of the Coastal Marine Area

The following water quality standards apply to the open coastal waters in the coastal marine area (ie seawards from MHWS and the river mouths on the open coastline). Note the river mouth co-ordinates are shown on Maps H 3– H9.

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)	QMCI	Ammonia (mg/m ³)	Tox.	Turbidity (NTU)				Clarity (m)
		Range	Δ	<	Δ	>	<	<	Chla (mg/m ²)	% cover	<	<		<		<	<1/2 m	< m	< 3 xm	Δ
Open Coastal waters	CMA – from MHWS and the river mouth on the open coastline	8 to 8.3	0.1		1	90	2		1		10	60		60	99				20%	20%

Additional water quality standards for open coastal waters:

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 31th 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 2: CONSEQUENTIAL WATER MANAGEMENT AMENDMENTS TO SCHEDULE D

1. Table D1: List of Values

1.1 Amend introductory wording as follows:

Schedule D: Values that apply to waterbodies in the Manawatu-Wanganui Region (excluding the coastal marine area)

List of values, management objectives, and indication as to where they apply. Note for waters in the coastal marine area refer to Schedule H.

1.2 Delete from Table D1:

Recreational and Cultural Values: Am: ~~Coastal Marine Area +~~

~~Recreational and Cultural Values: SG: Shellfish gathering: The waterbody is suitable for shellfish harvesting: coastal waters (CMA)~~

2. Table D2: Values by Zones

2.1 Amend the “description” column in the table by changing the wording as follows:

~~delete to mouth~~ and replace with to the coastal marine area cross river boundary in the following sub-zones:

Coastal Manawatu (Mana_13a)

Tidal Rangitikei (Rang_4b)

Coastal Whanganui (Whai_7b)

Coastal Whangaehu (Whau_4)

Lower Turakina (Tura_1b)

Lower Ohau (Ohau_ba)

Owahanga (Owha_1)

East Coast (East_1)

Lower Akitio (Akit_1b)

Kai Iwi (West_2)

Mowhanau (West_3)

Waikawa (West_9)

Hokio (Hokio_1_b)

2.2 Delete Coastal Marine Area – ie. the two full lines at the bottom of table D2.

3. Table D4: Life Supporting Capacity Values

3.1 Amend the “description” column in the table by changing the wording as follows:
delete ~~to mouth~~ and replace with to the coastal marine area cross river boundary in the following sub-zones:

Coastal Manawatu (Mana_13a)
Tidal Rangitikei (Rang_4b)
Coastal Whanganui (Whai_7b)
Coastal Whangaehu (Whau_4)
Lower Turakina (Tura_1b)
Lower Ohau (Ohau_ba)
Owahanga (Owha_1)
East Coast (East_1)
Lower Akitio (Akit_1b)
Kai Iwi (West_2)
Mowhanau (West_3)
Waikawa (West 9)
Hokio (Hokio 1_b)

3.2 Amend all relevant co-ordinates to align with the coastal marine area cross river boundary co-ordinates used in maps H3 – H9

4. Table D5: Aquatic Sites of Significance

4.1 Amend the “map ref” column in the table by changing the wording as follows:
delete ~~from river mouth~~ and replace with from the coastal marine area cross river boundary in the following sub-zones:

Mowhanau Stream
Waikawa Stream

4.2 Amend all relevant co-ordinates to align with the coastal marine area cross river boundary co-ordinates used in maps H3 – H9.

5. Table D6: Riparian Sites of Significance

5.1 Amend the “description” column in the table by changing the wording as follows:
delete ~~from river mouth~~ and replace with from the coastal marine area cross river boundary in the following sub-zones:

Coastal Manawatu
Tidal Rangitikei
Coastal Whanganui
Coastal Whangaehu
Lower Turakina
Lower Ohau

5.2 Amend all relevant co-ordinates to align with the coastal marine area cross river boundary co-ordinates used in maps H3 – H9.

6. Table D 7: Native Fish Spawning Value

6.1 Amend the “reference” column in the table by changing the wording as follows:
delete either ~~from the river mouth~~ or ~~from the stream mouth~~ and replace with from the coastal marine area cross river boundary in the following sub-zones:

Coastal Manawatu – Manawatu River
Tidal Rangitikei – Rangitikei River
Coastal Whanganui – Whanganui River
Coastal Whangaehu – Whangaehu River
Lower Turakina – Turakina River
Lower Ohau – Ohau River
Lower Akitio – Akitio River
Kai-Iwi – Kai – Iwi Stream
Mowhanau – Mowhanau Stream
Hokio – Hokio Stream

6.2 Amend all relevant co-ordinates to align with the coastal marine area cross river boundary co-ordinates used in maps H3 – H9.

7. Table D 8: Amenity Value

Delete the following entries from the Table D 8:

Management Zone	Sub-Zone	Site	Description
Coastal Manawatu	Coastal Manawatu	Foxton Beach	At approx NZMS 260 S24:978-806
Coastal Rangitikei	Tidal Rangitikei	Holben Reserve	At approx NZMS 260 S24:989-997
Lower Whanganui	Lower and Coastal Whanganui	Whanganui River	From River Mouth to approx NZMS 260 R22:888-434
	Coastal Whanganui	Castlecliff Beach	At approx NZMS 260 R22:788-388
Coastal Whangaehu	Coastal Whangaehu	Whangaehu Beach	At approx NZMS 260 R23:893-269
East Coast	East Coast	Herbertville Beach	At approx NZMS 260 V24:103-719
Akitio	Lower Akitio	Akitio Beach	At approx NZMS 260 U25::989-597
Northern Coastal	Northern Coastal	Ototoka Beach	At approx NZMS 260 R22:667-471
Kai Iwi	Kai Iwi	Kai-Iwi Beach	At approx NZMS 260 R22:725-448
Mowhanau	Mowhanau	Mowhanau Stream	At approx NZMS 260 R22:726-448
Northern Manawatu Lakes	Northern Manawatu Lakes	Himatangi Beach	At approx NZMS 260 S24:991-905
Waitarere	Waitarere	Waitarere Beach	At approx NZMS 260 S24:958-701
Lake Horowhenua	Hokio	Hokio Stream @ Hokio Beach	At approx NZMS 260 S25:949-657

7. Table D 9: Native Fishery Value

7.1 Amend the “reference” column in the table by changing the wording as follows:
 delete ~~from the river mouth~~ (or ~~from the stream mouth~~) and replace with from the coastal marine area cross river boundary in the following sub-zones:

Coastal Manawatu – Manawatu River
 Tidal Rangitikei – Rangitikei River
 Lower/ Coastal Whanganui – Whanganui River

Coastal Whangaehu – Whangaehu River
Lower Turakina – Turakina River
Lower Ohau – Ohau River
Lower Akitio – Akitio River
Kai-Iwi – Kai – Iwi Stream
Mowhanau – Mowhanau Stream
Hokio – Hokio Stream

7.2 Amend all relevant co-ordinates to align with the coastal marine area cross river boundary co-ordinates used in maps H3 – H9.

7.3 Amend all distances referred to reflect distance from the coastal marine area boundary and not from the mouth.

8. Water Quality Standards

8.1 Amend introduction to Table D16 as follows:

The Water quality standards defined in Table 2 D.17 shall be read as follows (The numerical values in are indicated by [...])

8.2 Amend introduction to Table D17 as follows:

Water quality standards for rivers and streams in each Water Management Sub-zone (Note: refer to Table D 19 and Table D20 for water quality standards applying to rivers and streams flowing into natural lakes and to Table H9 and Table H11 for water quality standards applying to the coastal marine area).

8.3 Delete in total the last section of Schedule D on page D-92 entitled: Water quality standards for the marine coastal waters. The following standards apply year round to the waters within the Coastal Marine Area.