

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

In the matter of the Resource Management Act 1991

and

In the matter of Submissions and further submissions made by
TRUSTPOWER LIMITED to the Manawatu-
Wanganui Regional Council on the Proposed One Plan –
Coastal Provisions.

STATEMENT OF EVIDENCE OF ROBERT JOHN SCHOFIELD
Environmental Planner

29 August 2008

Introduction

- 1.1 My name is Robert John Schofield, and I am a Senior Principal of Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of BA (Hons) and Master of Regional and Resource Planning (Otago). I am a Member of the New Zealand Planning Institute, and a Past President (1998-2000). I have been a planning consultant based in Wellington for over 23 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors.
- 1.2 My experience includes the writing and preparation of Plan Changes for Councils and private clients, as well as work on the preparation of District and Regional Plans, including formulating provisions for infrastructure and energy development and distribution.
- 1.3 In this matter, I have been commissioned by TrustPower Limited ('TrustPower') to prepare its submissions on the Proposed One Plan and to present planning evidence on its points consistent with the purpose and principles of the Resource Management Act 1991 ('RMA' or the 'Act'). I have worked closely with both TrustPower and other generators as part of my involvement in submissions on the Proposed One Plan.
- 1.4 In preparing my evidence, my approach was to:
 - Consider the provisions of the Proposed One Plan of consequence to TrustPower, having regard to the purpose and principles of the RMA and other relevant national policies and strategies; and
 - Recommend appropriate changes that would give effect to the amendments requested by TrustPower in a way that is consistent with the RMA and my duties as an independent planning expert.
- 1.5 I have been engaged by TrustPower to provide an analysis of the Proposed One Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised by TrustPower in relation to the coastal environment. I do not intend to address many of the matters of other submitters' concern in detail, unless specifically relevant. Rather, the purpose of my evidence is to review the principal matters of concern to TrustPower within Chapters 9 & 17 as they relate to the coast and the coastal marine area, against the purpose and principles of the RMA and good planning practice.
- 1.6 My evidence takes into account the section 42A report recommendations on the Coastal-related provisions of the Proposed One Plan.
- 1.7 My evidence is structured according to the following format:
 - Statutory considerations, particularly the purpose and principles of the RMA.
 - An analysis of the section 42A report's recommendations on the submissions, and further submissions on the Proposed One Plan as they relate to the concerns of TrustPower.

1.8 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

2 Primary Issues for TrustPower

2.1 As outlined in its primary submission, TrustPower generally supports the intent of the Proposed One Plan, which seeks to ensure an integrated approach to resource management in the Manawatu-Wanganui Region. In a large measure, TrustPower either supports or does not oppose the general direction and approach of the Proposed One Plan. However, the Proposed One Plan introduces a number of changes to policy that have the potential to adversely affect its ability to maintain and enhance effective and efficient renewable electricity generation within the Region.

2.2 For this hearing on those provisions relating to the coast and the coastal marine area, TrustPower is concerned that the Proposed One Plan does not fully and satisfactorily recognise and take into account the regional and national benefits of renewable energy generation through specific objectives, policies and methods that are consistent with sections 5 and 7 of the RMA or with recent Government policy in relation to renewable energy.

2.3 Similar to TrustPower's primary and further submissions, I consider that the Proposed One Plan needs to provide a framework that explicitly recognises and provides for renewable energy projects in the coastal environment consistent with New Zealand's goal to use its abundant renewable energy resources to ensure long-term sustainability and reduce the global effects of climate change.

2.4 While the Proposed One Plan has introduced some major policy advances, in my opinion, it does not sufficiently take into account these stated Government goals or provide for renewable energy development in a manner that recognises its regional and national benefits. Given the significant wind resources associated with the large, lowly populated areas of the coastline in the Manawatu-Wanganui Region, I consider it appropriate that the Proposed One Plan coastal provisions explicitly recognise and provide for renewable energy generation consistent with these stated Government goals. At present, the provisions of Proposed One Plan would have the opposite effect, or at the least make it more difficult to achieve.

2.5 My earlier planning evidence for TrustPower on the Infrastructure, Energy and Waste Chapter goes into more detail on the benefits of recognising and providing for renewable energy generation. I will not repeat them here, other than to reaffirm to the Committee that these views are a relevant reflection of public opinion in that the great majority of New Zealanders wish to see energy generation provided through renewable resources and particularly wind.¹ It is my opinion that Chapters 9 & 17 of the Proposed One Plan should therefore better reflect those matters.

¹ I note a recent (March 2008) survey carried out for the New Zealand Business Council for Sustainable Development showed that wind power was the most preferred of all electricity generation options, with 77% of respondents stating they believe wind is the best electricity generation source for New Zealand in the next 10 years (when more than one generation option could be selected). Seventy percent of respondents thought New Zealand was not doing enough to encourage renewable energy projects.

3 The Proposed One Plan – Coastal Provisions

- 3.1 First, I would note that if any matter raised in TrustPower’s submission is not discussed in my evidence, then it should be inferred that I agree with the relevant recommendations in the section 42A report.
- 3.2 To assist the Committee, I have attached as Appendix 1 a summary table of TrustPower’s submissions and further submissions, showing whether the officer’s recommendation is to accept or reject these submissions, and my comments on the recommendations in respect of the provisions on the coast and coastal marine area.
- 3.3 Before I address the more detailed recommendations in the section 42A report, I would like to highlight my concern with the general statement in the section 42A report that the *‘the Energy Chapter of the POP has been strengthened, and this helps to address some of their concerns’*.² As outlined in my earlier evidence, I consider that there are a number of issues still to be resolved in Chapter 3, particularly around renewable energy and this Chapter’s primary focus on managing the *effects of infrastructure and energy* when compared to other Chapters of the Proposed One Plan. I therefore would advise the Committee that there are still a large number of concerns still to be resolved with Chapter 3.

Recommendation COA 2

Chapter 9 – Coastal General

- 3.4 TrustPower originally submitted that Chapter 9 be amended to include reference to the wind resource in the Region³, 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.⁴ These submissions were supported by Meridian Energy Limited (‘Meridian’) and Genesis Energy Limited (‘Genesis’). This relief was rejected by the section 42A report which noted that there is no need to repeat provisions in the Coast chapter and stated that *“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”*.⁵
- 3.5 As outlined above, although the section 42A report has recommended some changes to Chapter 3 in relation to renewable energy and recognising the wind resource of the Region, I consider that these are included in a manner that only recognises the effects of renewable energy generation, rather than providing for these activities, and that explicit reference to these activities is therefore needed in the Coast chapter. While I agree that renewable energy generation could be included within the wide range of activities that could be covered by the term “appropriate”, it is my opinion that more explicit references to such activities would be consistent with the Act and would, in my view, serve to explicitly recognise the considerable potential of the resources of the large area of coastline of the Manawatu-Wanganui Region.
- 3.6 For example, the only reference to “appropriate” activity is a port under Issue 9-2, and even the term “appropriate” is not explicitly addressed (although it can be inferred through Policy 9-4 as to include (exclusively?) uses that have a functional

² Refer page 12 of the section 42A report

³ Refer submission 358 67, supported by X 522 281 and X 525 257

⁴ Refer submission 358 68, supported by X 522 282 and X 525 258

⁵ Refer page 26 of the section 42A report

need to be in the coastal marine area, or that facilitate the restoration or rehabilitation of natural features).

3.7 Furthermore, under the discussion on *Future Approach*, the only reference to energy generation is rather negatively framed, under main issues, in the statement “There are new demands and technology, such as aquaculture and “energy farms”, are seeking to locate in the coastal marine area” (page 9-3). Similarly, Issue 9-2 provides no recognition of the benefits of those activities that “rely on coastal resources” in the coastal marine area and is largely focused on the values and processes to be protected.

3.8 In summary, in relation to Chapter 9 generally, TrustPower seeks:

(a) **That Chapter 9 is amended to include reference to the renewable energy resources of the Region’s coastal marine area, and to acknowledge the advancing technologies for electricity generation in the coastal marine area as per TrustPower’s primary submission. For example, replace the last issue under 9.1.3 Future Approach with the following:**

- *The Region’s coastal marine area contains significant potential for aquaculture and energy generation, particularly as technology advances*

Reword the first sentence in Issue 9-2 as follows:

Some activities rely on a coastal resources location to operate and need to be located in the coastal marine area - for example, a port while other activities, such as, renewable energy generation or aquaculture, can sustainably use marine resources, providing significant contribution to the region’s wellbeing. ~~However,~~ The coast is valued and enjoyed by people primarily for its natural character, open space, amenity and recreation values. In managing activities it is important to ensure that these qualities of the coast are retained and that the integrity of natural coastal processes (such as waves, currents, sand movements) are provided for.

Recommendation COA 3

Chapter 9 - Paragraph 9.1.1 Scope

3.9 TrustPower was one of a number of submitters who supported the primary submission of Meridian requesting that better recognition be provided for renewable energy in the coastal marine area through amending Section 9.1 or similar.⁶ Although the section 42A report “accepted in part” these submissions through the inclusion of additional provisions in the Energy and Infrastructure Chapter of the Proposed One Plan, I consider the relief sought by all submitters was focused on obtaining more explicit recognition of renewable energy generation within the coastal provisions of the Proposed One Plan. For the reasons I outlined in Recommendation COA 2, and that there are (and will be) a number of rapidly emerging technologies that need to be taken into account over the life of the Proposed One Plan, I consider that it is appropriate to include some specific reference to renewable energy within the coastal provisions.

⁶ Refer submission 363 125, supported by X 511 367, X 519 289 and X 525 74

3.10 For example, Crest Energy Limited has recently applied for resource consents for establishing and using a tidal energy generation plant at the mouth of the Kaipara Harbour in Northland, involving up to 200 submerged marine tidal turbines. The Councils have just recommended to the Minister of Conservation that the consents be granted. While the Manawatu-Wanganui Region does not contain any significant harbours, its coastal marine area is large, and is likely to contain a range of marine energy generation sources of potential in the future.

3.11 In summary, in relation to Chapter 9 generally, TrustPower seeks:

- (a) **That Paragraph 9.1.1 Scope be amended to include the following additional text (or similar) as per Meridian's primary submission:**

Renewable Energy

The positive benefits that can be derived from renewable energy generation must be recognised when considering policies and rules that may affect its 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.

Of the different renewable energy options, the coastal marine options (tidal, wave and ocean current sources) are moving towards making a valuable contribution to New Zealand's energy supply, as technology and economics develop. The Manawatu-Wanganui Region contains a large coastal marine area (including river estuaries) that has the potential to be developed for renewable energy generation.

Recommendation COA 12

Chapter 9 - Policy 9-1 Integration between the coastal marine area and the wider coastal environment

3.12 TrustPower was one of a number of submitters who supported the primary submission of Mighty River Power seeking an additional sub-clause in Policy 9-1 to have particular regard to the objectives and policies in Chapter 3.⁷ Although I understand the reasoning behind the section 42A report's recommendation to reject these submissions, I consider that more thought has to be given to ensuring better and more consistent cross-referencing between Chapters throughout the Proposed One Plan. For example, numerous policies in Chapter 3 cross-reference to other Chapters, but not vice versa.

3.13 Although I acknowledge that Policy 9-1 is about integrating land use development decisions with the downstream effects that may result in the coastal marine area, I have some concerns with the section 42A report's recommendation to accept the Department of Conservation's submission to amend clause (b) of Policy 9-1 as follows (changes underlined):

Integrated management of coastal resources across the line of mean high water spring will be sought through...(b) provisions in district plans to define the landward limits of the coastal environment and to ensure that any land-use

⁷ Refer submission 359 87, supported by X 511 368, X 522 284 and X 525 113

*activities preserve the natural character and protect the landscape values of the coastal environment....*⁸

- 3.14 I note that the provisions of the Proposed One Plan in relation to landscapes and natural character are still being reconsidered after a large number of submissions on these matters. The requirement to ‘*preserve and protect*’ sets a high threshold that, in my opinion, requires well developed justification, or identification of the values sought to be protected. The Committee would be aware that, currently, under the Proposed One Plan, all of the coastal marine area and a large part of the region’s coastal environment is identified as a regionally significant or outstanding landscape.
- 3.15 More importantly, the recommended changes makes Policy 9-1 a much more stringent target, one that is inconsistent with the policies in Chapter 7, particularly Policy 7-8 that provides for modifications of the coastal environment and its natural character and landscape values.
- 3.16 In summary, in relation to Policy 9-1, TrustPower seeks:
- (a) **That the section 42A report’s recommendation regarding Policy 9-1(b) addressed in paragraph 3.10 of this evidence be rejected or that a cross-reference to Policy 7-8 be inserted.**

Recommendation COA 15

Chapter 9 - Policy 9-4 Appropriate use and development

- 3.17 I support the section 42A report’s recommendation to amend Policy 9-4 to refer ‘*as far as practicable*’ and the addition to clarify those situations where complete avoidance is not practicable.⁹ TrustPower originally supported the submission of the Department of Conservation that sought to replace ‘*as far as practical*’ with ‘*avoid, remedy or mitigate*’ in sub-paragraph (c)”.¹⁰ However, I consider that the use of the term ‘*practicable*’ is appropriate in the coastal area. I also consider that the addition of the clarifier at the end of Policy 9-4 which reads “*Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable*” is consistent with the intent of Part 2 of the Act and recognises that some effects are acceptable so long as they can be suitably mitigated or remedied.
- 3.18 TrustPower also sought that either Policies 9-4(c)(i) to (vii) be deleted or clause (a) be amended to refer to those activities that have a functional need to be located in the coastal environment (as opposed to the coastal marine area).¹¹ This submission was rejected by the section 42A report. As discussed above in relation to the need to explicitly refer to renewable energy generation in the Coastal Chapter, amending the introductory section of Chapter 9 as outlined in the submissions of TrustPower would, in part, serve to address TrustPower’s submission points in relation to Policy 9-4 in terms of recognising those activities that have a functional need to be located in the coastal environment (such as the use of the significant wind resources along the Region’s coastal edges) and specific policy provisions may not be required.

⁸ Refer submission 372 123, opposed by X 511 370 and X 533 37; and submission 460 87, opposed by X 511 369

⁹ Refer submissions 307 21, supported by X 511 373 and X 522 285; submission 359 88, supported by X 511 371 and X 522 288; submission 363 127, supported by X 511 372

¹⁰ Refer submission 372 126, supported by X 511 376, X 522 289 and supported in part by X 518 20

¹¹ Refer submission 358 70, supported by X 519 35 and X 522 287

3.19 In summary, in relation to Policy 9-4, TrustPower seeks:

- (a) **That the section 42A report's recommendation regarding Policy 9-4 is accepted, subject to broader amendments being made to Chapter 9 in relation to the functional needs of renewable energy development to be located in the coastal environment.**

Recommendation COA 18

Chapter 9 - Method Coastal Management Forum

3.20 I support the section 42A report recommendation to amend the Method on the Coastal Management Forum to include representation of infrastructure and energy development interests¹² and consider that this is an appropriate method to implement actions on concerns raised.

3.21 In summary, in relation to Method on the Coastal Management Forum, TrustPower seeks:

- (a) **That the section 42A report's recommendation regarding the Method Coastal Management Forum is accepted.**

Recommendation COA 22

Chapter 9 Method Coastal Advocacy

3.22 TrustPower originally submitted that the Method in relation to the establishment of a Coastal Advocacy Forum be amended to include representation of infrastructure and energy development interests.¹³ Following the section 42A report's clarification as to what is intended by this Method, I support the rejection of this relief. TrustPower's more general relief to ensure infrastructure and energy interests are adequately represented is also addressed by the section 42A report's recommendation COA 18 above.

3.23 In summary, in relation to the Method on Coastal Advocacy, TrustPower seeks:

- (a) **That the section 42A report's recommendation regarding the Method Coastal Advocacy is accepted.**

Recommendation COA 23

Chapter 9 - Anticipated Environmental Results Table

3.24 TrustPower submitted on the Anticipated Environmental Results (AER) Table, seeking amendments to clarify that some changes to water management zones, areas of rare, threatened or at-risk habitat type, areas of outstanding landscapes and natural features in the coastal environment maybe acceptable and indeed appropriate.¹⁴ The intent of this submission was to recognise that some level of development was appropriate in these areas provided any adverse effects could be remedied or mitigated, consistent with the policies and objectives of this and other relevant chapters (particularly Chapters 3, 6 & 7).

¹² Refer submission 358 71, supported by X 525 228; and submission 363 128, supported by X 511 377

¹³ Refer 358 72, supported by X 525 229

¹⁴ Refer submission 358 73

3.25 I support the section 42A report's recommendation to amend the AER for outstanding landscapes and natural features so that it reads (changes underlined):

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 of outstanding landscapes and natural features identified in the coastal marine area (Schedule F) will be in the same (or better) state as assessed prior to this Plan becoming operative¹⁵.

3.26 However, I consider that similar amendments are appropriate for those AER's in relation to water quality and rare, threatened and at-risk species. As I have outlined in my evidence on the biodiversity provisions of the Proposed One Plan, the Schedule E approach to identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna, as required by section 6(c) of the Act, has some major flaws and therefore does not provide the necessary justification of the significance of these areas. Accordingly, I consider that having an AER that allows for no change to these habitats is fundamentally inconsistent with the intent of Part 2. Similarly, not allowing for any changes to water quality in coastal marine area Class A water management zones sets a very high threshold and means that this AER is unlikely to be met over the life of the Proposed One Plan.

3.27 In summary, in relation to the Anticipated Environmental Results Table, TrustPower seeks:

- (a) **That the section 42A report's recommendation regarding the AER on outstanding landscapes and natural features be accepted; and**
- (b) **That the AER's in relation to water quality in coastal marine area Class A water management zones and rare, threatened and at-risk habitats be amended similar to the AER on outstanding landscapes and natural features (as above).**

Recommendation COA 24

Chapter 17 - General

3.28 TrustPower's primary submission on Chapter 17 sought some amendments to more appropriately reflect sections 7(i) and (j) of the Act, which were introduced to reflect Government policy about the benefits of renewable electricity generation, climate change and energy efficiency.¹⁶ TrustPower's submission on the coast and coastal marine area provisions is therefore consistent with the Act's definition of renewable energy as including "energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean current sources".

3.29 TrustPower's submission sought recognition that the coastal marine area has the potential to be used for a range of renewable energy activities, particularly those newly emerging technologies such as tidal, wave and ocean current, and that these activities should be explicitly recognised, consistent with Government strategies on climate change and renewable energy development. It is also important to recognise that renewable energy can be generated in the coastal marine area in a manner that avoids or mitigates any potential adverse environmental effects, while providing a

¹⁵ Refer page 91 of section 42A report

¹⁶ Refer submission 358 129, supported by X 522 363

wide range of local, regional and national benefits. In some circumstances, the adverse effects of renewable energy generation within the coastal marine area may be outweighed by its benefits.

- 3.30 In my experience, such renewable energy projects can provide physical infrastructure of regional significance in a manner that does not compromise the overall sustainable management of resources or other objectives and policies of the Proposed One Plan. I consider that this recognition is needed in the objectives and policies in Chapter 17, and I will discuss this in more detail in the following Recommendations COA 26, 31, 38, 41 and 50.

Recommendation COA 26

Chapter 17 - Policy 17-2 Consent decision making for occupation of space by other activities

- 3.31 TrustPower's primary submission sought the amendment of Policy 17-2 and the rules in Chapter 17 to include reference to Chapter 3 to recognise that the development of infrastructure and energy generation might be appropriate in the coastal environment.¹⁷ TrustPower also supported the submission of Meridian to amend clause (b) to include reference to renewable energy in Chapter 3.¹⁸ I support the section 42A report's acceptance of these submissions and recommendation to insert a new clause (b) to have particular regard to Objective 3-1 and Policies 3-1 to 3-5 and consider this meets the intent of TrustPower's submissions.
- 3.32 In summary, in relation to the Policy 17-2, TrustPower seeks:
- (a) **That the section 42A report's recommendation regarding Policy 17-2 is accepted.**

Recommendation COA 31

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

- 3.33 Policy 17.7 lists a range of matters which the Regional Council is to have particular regard to when making decisions on resource consent applications for the stated activities in the coastal marine area. In respect of clause (f) of this policy, TrustPower opposed the submission of the Department of Conservation that sought the following amendments (changes shown strikethrough and underlined):
- “avoiding any adverse effects on the relationship of Maori with taonga, historic heritage or ~~significant flora or fauna habitat~~ within values identified for any protection zone.”¹⁹*
- 3.34 TrustPower's submission was rejected by the section 42A report. I consider that the decision to amend this clause to refer to 'any value', as outlined in Schedule H, significantly broadens the scope of this policy, particularly given the requirement for 'avoiding any adverse effects' on these values, explicit in the commencing words of clause (f).

¹⁷ Refer submission 358 128, supported by X 492 326, X 519 42, X 522 364 and X 525 233

¹⁸ Refer submission 363 185, supported by X 511 516 and X 525 78

¹⁹ Refer submission 372 183, supported by X 511 517

3.35 If Policy 17-7 is broadened as per the section 42A report's recommendations, I submit that it should be amended to be consistent with the Policies of other Chapters by amending Policy 17-7 to either refer to "avoid or minimise to the extent practicable any adverse effects" or "avoid as far as practicable" rather than the more restrictive term 'avoid' currently provided for by Policy 17-7. As an example of the relatively undefined nature of these values that apply to the Protection Zones in Schedule H, I note that one of the values is 'regionally important for its high degree of naturalness'.

3.36 In summary, in relation to the Policy 17-7, TrustPower seeks:

(a) **That Policy 17-7(g) is retained as notified, or alternatively amended as follows (changes shown underlined):**

"avoiding as far as practicable any adverse effects on the relationship of Maori with taonga, historic heritage, or any value identified within any protection zone, as outlined in Schedule H"

Recommendation COA 38

Chapter 17 - Table 17.1 Standard conditions for permitted and controlled activities in the coastal marine area

3.37 TrustPower submitted in opposition to a number of submissions by the Department of Conservation that sought to amend Table 17-1.²⁰ I support the section 42A report's recommendations for the reasons outlined in the section 42A report. [I note that the table of recommendations on page 137 does not make a specific recommendation to accept or reject either the Department's submission point 372 183 or TrustPower's further submission on this matter.] I also support the section 42A report's recommendation to delete all water management references to the coastal marine area waters from Schedule D and add them to Schedule H, as per the recommended changes and consequential changes in Appendices 1 & 2 of the section 42A report.

3.38 However, although I agree that Schedule H is the more appropriate location for coastal marine area water values, I have a number of concerns at the ambiguous nature of the terms and the relatively large list of values (Ecosystem, Recreational and Cultural, Water Use, Social/Economic) included in the amended Table H2 and the application of these values in subsequent Tables H3 and H4 in Schedule H. I agree with TrustPower's primary submission²¹ that most of these values are arbitrary and potentially limit the future use and potential of these waterbodies by ascribing values that are either not significant or do not require such a high level of regulatory protection. For example, all of the open waters of the coastal marine area are ascribed with "amenity values" and aesthetic values, with the management objective of having the amenity and aesthetic values maintained or improved. I would query the usefulness of such a blanket application of these values to all of the coastal marine area (and its margins).

²⁰ Refer submission 372 173, opposed by X 511 519; submission 372 174, opposed by X 489 6 and X 511 519; and submission 372 207, opposed by X 511 521

²¹ Refer submission point 68 of TrustPower's primary submission

- 3.39 For these reasons, I support the submission of TrustPower seeking that these values be either deleted or amended to clarify the exact limits and extent of where these values apply to waterbodies in the coastal environment.
- 3.40 In summary, in relation to Table 17.1 and Schedule H (as amended by Recommendation COA 38), TrustPower seeks:
- (a) **That Table 17.1 be retained as notified; and**
 - (b) **That the values outlined in Tables H2 and H3 of Schedule H be either deleted or amended to clarify the exact limits and extent of all these values within all waterbodies in the coastal environment.**

Recommendation COA 41

Chapter 17 - Rule 17-5 Occupation of space in protection zones

- 3.41 TrustPower's primary submission sought that Rule 17-5 be deleted or, alternatively, that the activity status for Rule 17-5 be amended from prohibited to discretionary.²² TrustPower also supported a similar submission of Meridian that stated that a prohibited status for these activities is not justified when the technology is still emerging.²³ Both these submissions were rejected by the section 42A report, which stated that the area covered by the protection zones is a very small part of the coastal marine area. While I agree with the section 42A report's recommendation that these are relatively small areas with recognised values, I consider it inappropriate to prohibit such emerging renewable energy technology in these areas, solely because of the uncertain nature of the effects of the specified activities in Rule 17-5. Accordingly, I consider that a discretionary activity status is more appropriate.
- 3.42 In summary, in relation to Rule 17-5, TrustPower seeks:
- (a) **That the activity status of Rule 17-5 be amended from 'prohibited' to 'discretionary'.**

Recommendation 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

- 3.43 I support the section 42A report's recommended changes to delete the word 'marine' from the description of the activity in these rules.²⁴
- 3.44 In summary, in relation to Rules 17-24, 17-25 and 17-26, TrustPower seeks:
- (a) **That the section 42A report's recommendation regarding Rules 17-24, 17-25 and 17-26 be accepted.**

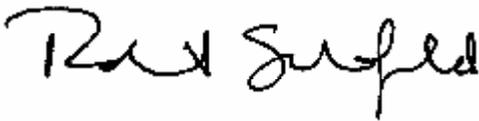
²² Refer submission 358 130

²³ Refer submission 363 187, supported by X 511 518

²⁴ Refer submissions 372 192 and 372 193, opposed by X 511 522 and X 511 523

4 Conclusion

- 4.1 In conclusion, I support the overall intent and approach of the Proposed One Plan to provide a strong framework for promoting the integrated management of the Region's natural and physical resources, focusing on key regional assets and issues.
- 4.2 However, given the national and regional benefits provided by infrastructure and energy and the Government's stated commitment to providing for renewable energy generation consistent with its climate change goals and other related policies, I consider that the One Plan should contain a more appropriate level of recognition of, and provision for, renewable energy generation in the coastal environment.
- 4.3 In particular, it is vital that those provisions of the One Plan as they relate to the coastal environment, recognise the regional and national significance of this resource use, the rapidly emerging technologies associated with renewable energy generation in the coastal environment, and the Region's contribution to their national benefits, consistent with purpose and principles of the RMA.
- 4.4 Accordingly, I would recommend that the relief sought by TrustPower be accepted, according to the manner outlined in my evidence.



Robert Schofield
Senior Principal, Boffa Miskell Limited | Environmental Planner
29 August 2008

**APPENDIX 1: Horizons Proposed One Plan
 COASTAL PROVISIONS
 Summary of primary and further submissions of TrustPower Limited**

| Submitter Submitter | number / | Relief Sought | Officer's recommendation | Comments on Officer's recommendation |
|--|-------------|--|---|---|
| Recommendation COA 2 – Coastal General | | | | |
| 358 67 TrustPower Limited (TPL) X 492 154 Min of Conservation (DOC) (Oppose) X 522 281 Meridian Energy Limited (MEL) (Support in Part) X 525 257 Genesis Energy Limited (Genesis) (Support) | | Amend Chapter 9 of the Proposed Plan to include reference to the wind resource in the Region. 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. | 358 67 Reject X 492 154 Accept X 522 281 Reject X 525 257 Reject | Oppose, although agree that reference to the wind resource in the Region has been amended in Chapter 3, consider explicit reference is needed in the Coast chapter. |
| 358 68 TPL X492 155 DOC (Oppose) X 522 282 MEL (Support in part) X 525 258 Genesis (Support) | | 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. 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. | 358 68 Reject X 492 155 Accept X 522 282 Reject X 525 258 Reject | Oppose, this chapter is focused on preservation rather than the sustainable use of resources in the coastal marine area. Stated objectives and policies in Chapter 6 do not sufficiently consider the potential resource. |
| Recommendation COA 3 – Chapter 9 Paragraph 9.1.1 Scope | | | | |
| 363 125 MEL X 492 156 DOC (Oppose) X 511 367 TPL (Support) X 519 289 Mighty River Power Limited (MRP) (Support) X 525 74 Genesis (Support) | | 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: Renewable Energy 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. 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 | 363 125 Accept in part X 492 156 Accept X 511 367 Accept in part X 519 289 Accept in part X 525 74 Accept in part | Oppose, although agree that reference to renewable energy has been amended in Chapter 3, consider explicit reference is needed in the Coast chapter consistent with the increased wind resource of the coastal environment. |

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| | <p>these options will be commercially viable for renewable energy companies. 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. Any consequential amendments necessary to give effect to this submission</p> | | |
| Recommendation COA 10 – Chapter 9 Objective 9-2 Appropriate protection, use and development in the Coastal Marine Area | | | |
| <p>358 69 TPL X 492 161 DOC (Oppose) X 522 283 MEL (Support in Part)</p> | <p>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.</p> | <p>358 69 Accept in part X 492 161 Accept n part X 522 283 Accept in part</p> | <p>Support the section 42A report's recommendation.</p> |
| Recommendation COA 12 – Chapter 9 Policy 9-1 Integration between the coastal marine area and the wider coastal environment | | | |
| <p>359 87 MRP X 492 164 DOC (Oppose) X 511 368 TPL (Support) X 522 284 MEL (Support) X 525 113 Genesis (Support)</p> | <p>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.</p> | <p>359 87 Reject X 492 164 Accept X 511 368 Reject X 522 284 Reject X 525 113 Reject</p> | <p>Support the section 42A report's confirmation that Chapter 3 on Energy is not to be considered in isolation from Chapter 9, but note that this is inconsistent with other Chapters which cross-reference other Chapters (particularly Chapter 3).</p> |
| <p>372 123 DOC X 511 370 TPL (Oppose) X 533 37 Fed Farm (Oppose)</p> | <p>Policy 9-1 (b) Add "preserve the natural character and protect the landscape values of the coastal environment" after land use activities.</p> | <p>372 123 Accept X 511 370 Reject X 533 37 Reject</p> | <p>Oppose, unless these values have been properly qualified as 'preserve and protect' is a high threshold.</p> |
| <p>460 87 Forest & Bird X 511 369 TPL (Oppose)</p> | <p>(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)</p> | <p>460 87 Accept in part X 511 369 Reject</p> | <p>Oppose, other Chapters of the Proposed One Plan already deal with these matters in detail.</p> |

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| Recommendation COA 15 – Chapter 9 Policy 9-4 Appropriate use and development | | | |
| 307 21 Energy Efficiency and Conservation Authority (ECCA) X 492 166 DOC (Oppose) X 511 373 TPL (Support) X 522 285 MEL (Support) | EECA seeks the following amendments to policy 9-4 (c): Appropriate Use and Development Policy 9-4: Appropriate use and development Any use or development in the coastal marine area shall: (c) Avoid, remedy or mitigate as far as practical any adverse effects on the following regionally important values: | 307 21 Accept X 492 166 Reject X 511 373 Accept X 522 285 Accept | Support |
| 311 53 Water and Env Care Assoc X 511 374 TPL (Oppose) | 9-4 is especially supported. | 311 53 Accept X 511 374 Reject | Support the changes to Policy 9-4. |
| 358 70 TPL X 492 167 DOC (Oppose) X 518 22 Historic Places Trust (HPT) (Oppose in Part) X 519 35 MRP (Support) X 522 287 MEL (Support) | Either delete Policies 9-4(c)(i) to (vii) from the Proposed Plan or amend clause (a) as follows: (a) Have a functional need to be located in the coastal environment. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 9-4 as proposed in this submission. | 358 70 Reject X 492 167 Accept X 518 22 Accept in part X 519 35 Reject X 522 287 Reject | Support, as above |
| 359 88 MRP X 492 168 DOC (Oppose) X 511 371 TPL (Support) X 522 288 MEL (Support) | Amend (c.) to include the ability to remedy or mitigate adverse effects on the values that have been identified. | 359 88 Accept X 492 168 Reject X 511 371 Accept X 522 288 Accept | Support, as above |
| 363 127 MEL X 492 169 DOC (Oppose) X 511 372 TPL (Support) X 518 21 HPT (Oppose in Part) | Meridian opposes Policy 9-4 and requests it is amended as follows, or similar: 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 Any consequential amendments necessary to give effect to this submission | 363 127 Accept in part X 492 169 Reject in part X 511 372 Accept in part X 518 21 Reject in part | Support, as above |
| 372 126 DOC X 511 376 TPL (Support) X 518 20 HPT (Support in Part) X 519 77 MRP (Oppose) X 522 289 MEL (Support) | a) Replace 'as far as practical' with 'avoid, remedy or mitigate' in sub-paragraph (c). b) In subparagraph (c)(ii) replace 'features' with elements and processes' | 372 126 Reject (a) Accept (b) X 511 376 Reject (a)/ Accept (b) X 518 20 Accept in part X 519 77 Accept a) / Reject b) | Support, as above |

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| | | X 522 289 Reject (a)/ Accept (b) | |
| 460 88 Forest & Bird X 511 375 TPL (Oppose) | Submitter supports Policy 9-4: Appropriate use and development. | 460 88 Accept X 511 375 Reject | Support, as above |
| Recommendation COA 18 – Chapter 9 Method Coastal Management Forum | | | |
| 358 71 TPL X 525 228 Genesis (Support) | 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. | 358 771 Accept X 525 228 Accept | Support |
| 363 128 MEL X 511 377 TPL (Support) | Meridian supports the following non regulatory methods: Coastal Management Forum | 363 128 Accept X 511 377 Accept | Support |
| 363 133 MEL X 511 377 TPL (Support) | 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. Any consequential amendments necessary to give effect to this submission | 363 133 Reject X 511 377 Reject | Support the section 42A report's clarification. |
| Recommendation COA 22 – Chapter 9 Method Coastal Advocacy | | | |
| 358 72 TPL X 525 229 Genesis (Support) | 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. | 358 72 Reject X 525 229 Reject | Support the section 42A report's clarification as to what is intended by this Method and point is addressed in Recommendation COA 18 above. |
| Recommendation COA 23 – Chapter 9 Anticipated Environmental Results Table | | | |
| 358 73 TPL X 492 172 DOC (Oppose) | 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: b) Anticipated Environmental Result 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. | 358 73 Reject a) Reject b) Reject c) Accept in part d) Accept e) X 492 172 Accept a), b), c), d) Reject e) | (a) Support (b) Support section 42A evaluation that water used for infrastructure or energy purposes should still be required to meet the |

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| | <p>Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read. c) Anticipated Environmental Result 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. Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read. d) Anticipated Environmental Result Except for change because of natural processes or associated with infrastructure or energy development in the regional or national interest, at 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. Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read. e) Anticipated Environmental Result 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. Link to Policy: Retain as read. Indicator: Retain as read. Data Source: Retain as read. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policy 9.6 as proposed in this submission.</p> | | <p>standards set. (c) Oppose, for the reasons outlined in the evidence on the biodiversity provisions, disagree that these areas are sufficiently identified to provide the requisite clarity and that greater provision for renewable energy should be included. (d) Support (e) Support</p> |
| Recommendation COA 24 – Chapter 17 General | | | |
| 358 129 TPL X 522 363 MEL (Support) | 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. | 358 129 Reject X 522 363 Reject | Support in part, subject to the changes to Chapter 3. |
| Recommendation COA 26 – Chapter 17 Policy 17-2 Consent decision making for occupation of space by other activities | | | |
| 358 128 TPL X 492 326 DOC (Support) | Amend Policy 17-2 and rules in Chapter 17 to include reference to Chapter 3 (Infrastructure, Energy and Waste) and recognise that development of | 358 128 Accept X 492 Accept | Support |

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| X 519 42 MRP (Support) X 522 364 MEL (Support) X 525 233 Genesis (Support) | 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. | X 519 Accept X 522 364 Accept X 525 233 Accept | |
| 363 185 MEL X 511 516 TPL (Support) X 525 78 Genesis (Support) | 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 | 363 185 Accept X 511 516 Accept X 525 78 Accept | Support |
| Recommendation COA 31 – Chapter 17 Policy 17-7 Consent decision making for activities involving disturbance, removal or Deposition | | | |
| 372 183 DOC X 511 517 TPL (Oppose) | In subparagraph (f) delete 'or significant flora or fauna habitat within' and replace with 'or values identified for' | 372 183 Accept X 511 517 Reject | Oppose, this significantly broadens the scope of this policy. |
| Recommendation COA 38 – Chapter 17 Table 17.1 Standard conditions for permitted and controlled activities in the coastal marine Area | | | |
| 372 173 DOC X 511 519 TPL (Oppose) | For certainty state, in Table 17-1 Value description, a reference to the coastal marine area in Tables D1 and D2, or otherwise clarify that Table 17.1 life supporting capacity includes the values applied to the coastal marine area, including the lower reaches of rivers in the coastal marine area, as shown in Tables D1 and D2. Revise the values applied to lower reaches of rivers which are in the coastal marine area, as shown on Schedule H, and the values applied to the coastal marine area, with a view to rationalisation and removal of ambiguity. | 372 173 Missing recommendation – (accept in part) X 511 519 Missing recommendation (Reject in part) | Support in part given the lack of clarity as to which values in Schedule D apply to the coastal marine area. Refer COA 2 and Appendix 1 & 2 of the section 42A report. |
| 372 174 DOC X 489 6 River City Port Ltd (Oppose) X 511 519 TPL (Oppose) | Include as a condition (I) (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'. 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. | 372 174 Reject X 489 6 Accept X 511 519 Accept | Support |
| 372 207 DOC X 511 521 TPL (Oppose) | Add new standard for permitted and controlled activities in Table 17.1: "the activity shall not involve the introduction or planting of any exotic or introduced plant species within the coastal marine area, which is not already present in an area". | 372 207 Reject X 511 521 Accept | Support |
| Recommendation COA 41 – Chapter 17 Rule 17-5 Occupation of space in protection zones | | | |

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| 358 130 TPL X 492 333 DOC (Oppose) | Either delete Rule 17-5; Or, amend the prohibited activity status for Rule 17-5 to discretionary activity status. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of the policies and rules as proposed in this submission. | 358 130 Reject X 492 333 Accept | Support, these are small areas, some of which are already protected or identified for wildlife or other values (e.g. RAMSAR). |
| 363 187 MEL X 492 332 DOC (Oppose) X 511 518 TPL (Support) | 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 | 363 187 Reject X 492 332 M Accept X 511 518 Reject | Support, as above. |
| Recommendation 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 Largescale disturbances, removal and deposition in protection zones | | | |
| 372 192 DOC X 511 522 TPL (Oppose) X 511 523 TPL (Oppose) | Delete the word 'marine' from the description of the activity in these rules. | 372 192 Accept X 511 522 Reject X 511 523 Reject | Support, activities still subject to section 12(1) RMA. |
| 372 193 DOC X 511 522 TPL (Oppose) X 511 523 TPL (Oppose) | Delete the word 'marine' from the description of the activity in these rules. | 372 193 Accept X 511522 Reject X 511523 Reject | Support, activities still subject to section 12(1) RMA. |