

**BEFORE THE ENVIRONMENT COURT**

**ENV-2019-AKL-**

**AT AUCKLAND**

**I MUA I TE KOOTI TAIAO**

**I TAMAKI MAKAUROU ROHE**

**IN THE MATTER**

of an appeal under  
Clause 14 of the First  
Schedule of the Resource  
Management Act 1991

**BETWEEN**

**Minister of  
Conservation**  
*Appellant*

**AND**

**Taranaki Regional  
Council**  
*Respondent*

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**NOTICE OF APPEAL BY THE MINISTER OF  
CONSERVATION**

**Dated: 15 November 2019**

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Department of Conservation  
Solicitor acting: M Downing  
Email: mdowning@doc.govt.nz  
Telephone: 027 564 1428

**Notice of appeal to Environment Court against decision on the Proposed  
Coastal Plan for Taranaki**

**Clause 14(1) of Schedule 1, Resource Management Act 1991 (the Act)**

**To:** The Registrar  
Environment Court  
AUCKLAND

1. I, the Minister of Conservation, appeal against parts of a decision of the Taranaki Regional Council (the Council) on the following plan:

1.1. Proposed Coastal Plan for Taranaki (the Plan).

2. I made a submission on the Plan.

3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).

4. I received notice of the decision on 4 October 2019.

5. The decision was made by the Council.

6. The parts of the decision that I am appealing are the parts of the Council's decision regarding:

Section 5 Policies

6.1. Policy 2 – Integrated Management.

6.2. Policy 38 – Removal of Coastal Structures.

Section 8 Regional Rules

6.3. Rule 22 – Placement or erection of a network utility structure.

6.4. Rule 35 – Structure maintenance, minor alteration or minor extension.

6.5. Rule 44 – Removal and demolition of a structure.

Section 6 Methods of Implementation

6.6. The decision to decline the Minister's submission requesting a method that the Council investigate the application of coastal occupation charges.

Section 9 Financial contributions

6.7. The decision to decline the Minister's submission seeking the Council include a statement which contains consideration of whether a coastal occupation charging regime is included in the plan.

List of schedules

6.8. Schedule 4 – Significant indigenous biodiversity.

7. The reasons for the appeal are set out in the third column of Table 1 appended to this Notice of Appeal under the heading "*Reasons*".

8. The parts of the decision appealed do not promote the sustainable management of natural and physical resources as required by Part 2 of the Act.

9. I seek the following relief:

9.1. The relief specified in fourth column of Table 1 appended to this Notice of Appeal under the heading "*Relief sought*"; and

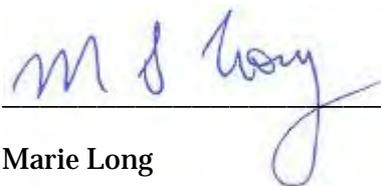
9.2. such further orders, alternative relief, consequential amendments or other amendments as are considered appropriate or necessary to address the concerns set out in this Notice of Appeal.

10. I attach the following documents to this notice:

10.1. a copy of my submission and further submission (**Annexure A**);

10.2. a copy of the decision (**Annexure B**);

10.3. a list of names and addresses of persons to be served with a copy of this notice (**Annexure C**).



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Marie Long

Director, Planning, Permissions and Land  
Department of Conservation

Acting pursuant to delegated authority on behalf of the Minister of Conservation<sup>1</sup>

15 November 2019

*Address for service of appellant:*

**Minister of Conservation**  
Planning Shared Services  
Department of Conservation  
Private Bag 3072, Hamilton 3240

*Contact persons*

Graeme Silver, Senior RMA Planner – Planning Shared Services  
Telephone: 027 564 5767  
Email: [gsilver@doc.govt.nz](mailto:gsilver@doc.govt.nz)

And

May Downing, Solicitor – Legal Services  
Telephone: 027 564 1428  
Email: [mdowning@doc.govt.nz](mailto:mdowning@doc.govt.nz)

**Attachments**

Copies of my submission and further submission and the decision of the Taranaki Regional Council has been forwarded to the Environment Court with this notice of appeal. If any party served with this notice requires a copy of the submission and decision to be served on them, please contact the appellant at the address for service given above and provide an email address so that these documents can be forwarded electronically.

**Advice to recipients of copy of notice**

*How to become a party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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<sup>1</sup> A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House (*Whare Kaupapa Atawhai*, 18-32 Manners Street, Wellington 6011).

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**Table 1: Decisions of the Taranaki Regional Council on the Proposed Coastal Plan for Taranaki which are appealed by the Minister of Conservation**

<b>Appeal point</b>	<b>Provision or decision</b>	<b>Reason(s)</b>	<b>Relief sought</b>
1	Policy 2: Integrated management	<p>The direction to “recognise and provide for” infrastructure and inclusion of “industry” in clause (f) is inappropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>a. it is inconsistent with the New Zealand Coastal Policy Statement 2010 (NZCPS) Policy 6.</li> <li>b. The benefits of the national grid and renewable energy generation may be recognised and provided for by virtue of their respective national policy statements. Other “regionally important infrastructure” and “industry” do not have the same level of recognition in any national policy statement.</li> <li>c. The reference to other regionally important infrastructure and industry in clause (f) is inconsistent with section 6 of the Act.</li> <li>d. The direction to “recognise and provide for” national grid infrastructure in this policy is unnecessary as this is already addressed in Policy 6A of the Plan.</li> </ul>	<p>Amend clause (f) as follows:</p> <p><i>Managing natural and physical resources in a manner that <del>recognises and provides for</del> <b>has regard to</b> the social, economic and cultural objectives and well-being of the community and the functional needs and/or operational needs of regionally important infrastructure and industry;</i></p> <p>Insert a new clause as follows:</p> <p><i>Managing natural and physical resources in a manner that recognises and provides for the functional needs and/or operational needs of renewable energy generation.</i></p>

2	Policy 38: Removal of coastal structures	<p>The inclusion of clause (c) “the structure, or part of the structure, is permanent or has reuse value that is considered appropriate in accordance with Policy 5” is inappropriate and could be interpreted in a way that is inconsistent with NZCPS Policy 6. Clause (c) signals that a consent holder may abandon a structure in the coastal marine area, which can adversely affect public access and natural values. It is also unclear what is meant by “permanent” in this context.</p> <p>Abandoned structures in the coastal marine area can cause a range of adverse effects, including:</p> <ul style="list-style-type: none"> <li>a. Abandoned coastal rockworks and protection structures can lead to increased scour or erosion of adjoining land.</li> <li>b. Abandoned wharves, piles, buoys, ropes and floating structures can create navigation hazards, substrates for the establishment of invasive species, and biosecurity risks.</li> <li>c. Abandoned structures made of plastics and synthetic materials can deteriorate and</li> </ul>	Delete clause (c) from Policy 38.

		<p>produce solid and chemical wastes into the marine environment.</p> <p>d. Abandoned structures that are large, or in accessible or natural locations, can have visual landscape, natural character and amenity impacts.</p>	
3	Rule 22 – Placement or erection of a network utility structure	<p>The burial of pipelines and cables is not appropriate as a controlled activity. The inability to refuse consent for these activities is inconsistent with the New Zealand Coastal Policy Statement, in particular Policy 11, and also inconsistent with the policy direction in the Plan.</p> <p>Rule 22 enables activities to occur which might have adverse or significant adverse effects on sites which trigger NZCPS Policy 11 criteria.</p> <p>A matter of control relating to location is no guarantee of avoidance of adverse effects on NZCPS 11(a) values or avoidance of significant adverse effects on NZCPS 11(b) values, particularly if the pipeline has a functional need to be located within a particular alignment.</p>	<p>Classify the burial of pipelines as a restricted discretionary activity by amending clause (a) under the heading “Activity” of Rule 22 as follows:</p> <p><i>A pipeline that is <del>buried</del> or attached to a bridge, wharf or access structure;</i></p> <p>And</p> <p>Amend clause (d) under the heading “Activity” of Rule 22 as follows:</p> <p><i><b>An aerial</b> communication or electricity cable or line;</i></p>

			Classify the burial of aerial communication or electricity cables or lines as a restricted discretionary activity.
4	Rule 35 – Structure maintenance, minor alteration or minor extension	<p>Fuel spillage poses a threat to marine environments, affecting surface resources and a wide range of subsurface species that are linked in a complex food chain.</p> <p>Prohibiting the storage of fuel and refuelling in the coastal marine area while undertaking this activity is an effective way of minimising risk of harm to ecological systems or indigenous flora and fauna, consistent with NZCPS Policy 11.</p>	Add an additional standard/term/condition: “(i) <i>no fuelling or storage of fuel occurs in the coastal marine area</i> ”.
5	Rule 44 – Removal and demolition of a structure	As above.	Add an additional standard/term/condition: “(h) <i>no fuelling or storage of fuel occurs in the coastal marine area</i> ”.
6	Section 6 Methods of implementation - decision to decline the Minister’s submission	Section 64A of the Act prescribes certain steps for regional councils to follow with respect to imposing a coastal charging regime, including:	Assuming the Council has made a decision not to impose coastal occupation charges, ensure the plan satisfies the requirements of section 64A(2) as follows:

	<p>requesting a method that the Council investigate the application of coastal occupation charges.</p> <p>And</p> <p>Section 9 Financial contribution and environmental compensation - decision to decline the Minister’s submission seeking the Council include a statement which contains consideration of whether a coastal occupation charging regime is included in the plan.</p>	<p>(2) Where the regional council considers that a coastal occupation charging regime should not be included, a statement to that effect must be included in the regional coastal plan.</p> <p>The inclusion of the following note in the Plan is insufficient to satisfy section 64A:</p> <p><i>“Note: The Council is not operating a charging regime for occupation of the coastal area”.</i></p> <p>The note provides no indication as to whether the Council has <i>considered</i> whether to include a charging regime and it is unclear whether the Council has decided on the issue.</p> <p>The Council must be able to demonstrate that it has undergone a decision-making process which lead it to choose not to impose coastal occupation charges.</p> <p>The section 42A report and Council’s report on submissions on the Plan are unclear as to whether any resolution has been passed by the Council to make the decisions required by section 64A. The Section 32 report is silent on the matter.</p>	<p><i>The Council has the power to impose charges for the private occupation of public space in the coastal marine area. Any revenue gathered must be spent on the sustainable management of the coastal marine area.</i></p> <p><i>The Council has decided not to include a charging regime in the regional coastal plan at this time. However, this may occur in the future if considered appropriate following an investigation under Method 6.1.8.</i></p> <p>And include a new method 6.1.8:</p> <p><i>Investigate the application of coastal occupation charges in the Taranaki region, with a view to including such charges in this Plan in the future, if appropriate and feasible.</i></p>
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7	Schedule 4 – Significant indigenous biodiversity	<p>The Plan does not fully implement NZCPS Policy 11. Schedule 4 has identified significant species, some rare and uncommon ecosystem types, and some sensitive marine benthic habitats. However, it is not complete and other areas that trigger NZCPS Policy 11 have been omitted.</p> <p>More is required for the Plan to give effect to NZCPS Policy 11.</p> <p>The Map “Proposed Coastal Plan Amendments 2019” has identified several near shore reefs which have not been included, but need to be referred to, in Schedule 4 of the Plan. Near shore reefs may include rocky reef systems which are recognised under NZCPS Policy 11(b)(iii).</p> <p>A time-bound method should be included in the Plan to direct comprehensive identification of NZCPS Policy 11 sites to be completed within a realistic timeframe so it can be said to be giving effect to the</p>	<p>Include the near shore reefs that have been identified as “significant indigenous biodiversity areas” in the Map “Proposed Coastal Plan Amendments 2019” to Schedule 4 of the Plan so that they are given proper consideration in the Plan’s rule framework.</p> <p>And</p> <p>Include the following method:</p> <p><i>Taranaki Regional Council will work with the Department of Conservation, territorial local authorities, Iwi and other parties as appropriate to:</i></p> <p><i>(a) Identify sites in the coastal marine area within the region that meet the criteria set out in the New Zealand Coastal Policy Statement Policy 11, and</i></p> <p><i>(b) Produce a regional list of these sites for inclusion in the Plan by plan change or variation by 2021.</i></p>

		NZCPS as soon as is practicable, as is required by the Act.	
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## **ANNEXURE A: SUBMISSION AND FURTHER SUBMISSION**

27<sup>th</sup> April 2018

Taranaki Regional Council  
Private Bag 713  
Stratford 4352

### **Proposed Coastal Plan for Taranaki**

Please find enclosed the submission by the Minister of Conservation in respect of the Proposed Coastal Plan for Taranaki.

The Minister would like to acknowledge that the proposed plan is well structured, easy to use and would like to commend the Council for creating such a user-friendly plan.

As outlined in the attached submission, the plan does not however give effect to the New Zealand Coastal Policy Statement 2010 and is not in accordance with the provisions of Part 2 of the RMA. The major areas of concern are that the Taranaki Regional Council has not identified the landward extent of the Coastal Environment or mapped any areas of significant indigenous biodiversity. Amendments have been identified which are intended to address the Minister's concerns.

The amendments, additions and deletions sought in the submission relate to the Minister's statutory functions in relation to the coastal marine area, and the conservation of natural resources. The Minister's submission identifies where new objectives, policies, and rules would meet the requirements of the RMA, and in some cases, has included wording for new policies, objectives and rules.

I would welcome an opportunity to meet with you to discuss a way forward.

Please contact Angus Gray if you wish to discuss any of the matters raised in this submission (027 621 8195, agray@doc.govt.nz).

Yours sincerely



David Spiers

Director Operations

Hauraki-Waikato-Taranaki

1. This is a submission on the following proposed plan (**the proposal**):
  - 1.1. Proposed Coastal Plan for Taranaki
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to are set out in the Submission Table in Attachment A.
4. I oppose the omission of any mapping or spatial identification of any areas, ecosystems, and habitats that have significant indigenous biodiversity values.
5. I oppose the omission of any maps which define the landward extent of the coastal environment.
6. I support in principle the extensive schedule of sites of significance to Māori as part of taking into account the principles of Te Tiriti o Waitangi (the Treaty of Waitangi), depending on the agreement of the iwi o Taranaki.
7. The decisions sought are necessary to ensure that the proposal:
  - 7.1. achieves the purpose and principles of the RMA;
  - 7.2. gives effect to the provisions of the New Zealand Coastal Policy Statement 2010;
  - 7.3. gives effect to the Regional Policy Statement.
8. Further specific reasons are set out in the Submission Table in Attachment A.
9. I seek the following decision from the Council:
  - 9.1. That the provisions of the proposal that I support, as identified in the Submission Table in Attachment A, be retained without amendment.
  - 9.2. That the amendments, additions and deletions to the proposal sought in the Submission Table in Attachment A are made to give effect to the NZCPS, RPS, and the purpose of the RMA.
  - 9.3. Further, consequential or alternative relief to like effect as the relief sought in this submission.

11. I wish to be heard in support of my submission



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David Spiers

Director Operations

Hauraki-Waikato-Taranaki

Signed on behalf of the Minister of Conservation pursuant  
to delegated authority.

27 April 2018

Address for service:

RMA Shared Services

Department of Conservation

Private Bag 3072

Hamilton 3240

Attn: Angus Gray

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at  
Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

## Attachment A – Submission Table on the Proposed Coastal Plan for Taranaki

The following table sets out further details of the Minister’s submission (with reasons) and the decisions sought with respect to the Taranaki Regional Council’s Proposed Coastal Plan for Taranaki.

The general reasons for the submission are that the decisions sought are necessary for the Proposed Coastal Plan for Taranaki to achieve the purpose of the Resource Management Act 1991 (RMA), and to give effect to the provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Regional Policy Statement for Taranaki. Further specific reasons and decisions sought are given in the table below.

The specific parts of the Proposed Coastal Plan for Taranaki to which this submission relates, along with the submission (with reasons) and the relief sought, are set out in the table below.

Where any decision sought in the table below seeks specific wording inserted in a specific place, the decision sought includes the following words: ‘or words to the same effect in any other appropriate locations in the Proposed Coastal Plan for Taranaki’.

The specific provision of the Proposed Coastal Plan for Taranaki that my submission relates to:	My submission on this provision is:		I seek the following relief from the Taranaki Regional Council:
	Support/ Oppose	Reasons for my submission:	
<b>General Points</b>			
General	Oppose	Section 64A of the RMA (Imposition of coastal occupation charges) requires that a regional coastal plan must include some consideration of whether a coastal occupation charging regime should be included, and that if the Council considers that it should not be included, a statement to that effect must be included in the regional coastal plan.	Include a statement which contains consideration of whether a coastal occupation charging regime is included in the plan.
Identification of areas of significant indigenous species, including habitats and ecosystems.	Oppose	To give effect to Section 6(c) of the RMA and the Regional Policy Statement for Taranaki (the RPS (Bio Policies 3 and 4, page 82)) Council must prioritise the protection, enhancement and restoration of ecosystems, habitats, and areas that have significant indigenous biodiversity values. The plan does not map any significant ecosystems, habitats or areas. Instead the plan includes a schedule of significant species and ecosystems.	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values.

		<p>Many of the permitted activities in this plan have a condition which requires that it must not have an adverse effect on the species or ecosystems identified in Schedule 4A. However, for a number of these activities it will be difficult for plan-users to determine the effects without a proper ecological assessment. This may result in activities being undertaken on the assumption that there will be no adverse effects on significant species, without there being any assessment of these effects.</p> <p>Schedule 4A does not give effect to the RPS as it only lists species and ecosystems. Council has omitted habitats and areas that have significant indigenous biodiversity values. These habitats and areas could include coastal bird roosting, feeding, and nesting sites, marine mammal resting, feeding and breeding areas, and migratory routes and corridors. Without mapping these areas, they are not prioritised or afforded any protection in the rules of the plan.</p> <p>I consider that relying on Schedule 4A alone to protect all significant indigenous species, ecosystems, habitats and areas is inadequate, and that this approach will not maintain and enhance indigenous biodiversity and is inconsistent with the RMA, NZCPS, and RPS.</p>	
<b>Objectives</b>			
Objective 5	Oppose	To give effect to policy 21 of the NZCPS, objective 5 needs to include provision for the restoration of water quality where appropriate.	Amend objective 5 to: <i>“Water quality in the coastal environment is maintained and enhanced <u>and where quality of water in the coastal environment has deteriorated , restored where practicable.</u>”</i>
Objective 6	Support	Includes provision for the restoration of natural character and is in line with the NZCPS.	Retain as notified.
Objective 8	Oppose	<p>Objective 8 refers to the protection of areas of significant indigenous biodiversity. Schedule 4A identifies species and ecosystems but the plan does not identify or map any <i>areas</i> of significant biodiversity.</p> <p>In order to effectively protect areas of significant biodiversity, Council needs to map areas of significant</p>	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values.

		indigenous biodiversity (see general submission point above).	
Objective 12	Oppose	To give effect to Policy 18 of the NZCPS and improve consistency with Policy 17 of the Plan, the use of the word 'people's' should be avoided. The word <i>people</i> can include private use and instead it should be replaced with 'The public's'.	Amend objective 12 to:  <i>"The public's people's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced"</i>
<b>Policies</b>			
Policy 1	Oppose	Most of the Taranaki coastal environment is identified in the plan as 'open coast'. The Section 32 Evaluation Report identifies that the coastal waters contain significant marine habitats.  The open coast contains a range of marine biodiversity that none of the other management areas have and should therefore be identified as a characteristic of that area.	Include a new characteristic of the open coast to policy 1(d):  <i>"(v) provide important habitats for marine species"</i>
Policy 2	Oppose	The wording of provision (c) of policy 2 is not clear. The wording is difficult to interpret and requires clarification.	Reword the policy to clarify how provision (c) of policy 2 will provide for integrated management of the coastal environment.
Policy 3	Support	The precautionary approach is supported, when considered with the detailed definition of adaptive management.	Retain as notified
Policy 4	Oppose	The inland boundary of the coastal environment should be defined, delineated and mapped. The plan contains objectives and policies which apply to the coastal environment, including the area landward of the coastal environment but it does not define how far inland these policies apply.  Determining the inland extent of the coastal environment on a case by case consenting level creates uncertainty. Without identifying the geographic extent of the plan's influence, users of the New Plymouth District Plan, South Taranaki District Plan, and other regional plans will not know if the policies and objectives of the Proposed Coastal Plan apply. It is left to the consenting teams of three different councils to determine the landward extent of the coastal environment in isolation from one another.	Identify and map the landward extent of the coastal environment.

		This approach is not an integrated management approach and may result in a lack of consistency when managing coastal resources.	
Policy 8	Oppose	The introductory sentence mentions protecting the areas identified in Schedule 1, but provision a) refers to Schedule 2. For consistency they should both refer Schedule 2.	Amend the introductory sentence to: “Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 <del>1</del> <u>2</u> from inappropriate use and development by...”
Policy 9	Oppose	Policy 9 of the plan refers to “ <i>all other areas not identified in Schedule 2</i> ”, as policy 8 is intended to cover those areas. Policy 9 however, offers a broader, wider range of considerations and policies for the protection of natural character than policy 8, which limits the avoidance of effects to apply to only those values and characteristics identified in Schedule 2. It is inappropriate for coastal areas of outstanding value to have less protection than all other areas. Policy 9 should also apply to coastal areas of outstanding value.	Amend Policy 9 to: “Protect <del>all other areas of</del> <u>the natural character, features, and landscapes of</u> the coastal environment <del>not identified in Schedule 2</del> by:”
Policy 14	Oppose	Policy 14 refers to ‘areas’ of significant indigenous biodiversity, but the plan has not defined or mapped any of these areas. With the same reasoning as the general submission point ‘identification of areas of significant indigenous species, including habitats and ecosystems’, there needs to be mapping of significant indigenous biodiversity.  It is also however inappropriate to protect <i>only</i> those mapped areas. The policy confines biodiversity protection to ‘areas’. To give effect to policy 11 of the NZCPS it must protect all indigenous biodiversity in the coastal environment.	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values, and;  Amend Policy 14 to: “protect <del>areas of</del> significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by...”
Policy 18	Oppose	Policy 18 only applies to surf breaks, coastal areas of outstanding value identified in Schedule 2, and sites with significant amenity value identified in Schedule 6. There is an unnecessary exclusion of the open coast from the policy resulting in there being no protection of the amenity values of the majority of the Taranaki region’s coastal environment. To give effect to policies 6, 13, and 18 of the	Amend policy 18 by including a new provision:  <u>“(e) other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a),(b), (c) and (d).”</u>

		NZCPS, policy 18 should be reworded so that the amenity value of areas not listed in Schedule 2 are recognised.	
Policy 28	Support	Support Policy 28 but with a minor amendment. It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels.	Delete the words "and scraping" from policy 28 (a).
Policy 41	Support	Policy 41 (f) in particular contributes to giving effect to NZCPS policy 12.	Retain as notified
<b>Methods of Implementation</b>			
Method 6.4	Oppose	Include a new method of implementation which addresses the increased number of blue penguin deaths along the beaches of Taranaki by domestic dogs off leashes. District bylaws are likely the primary method for addressing this issue, but regional council can implement its indigenous biodiversity policy by encouraging district councils to enforce their dog control bylaws.	Include new method of implementation under the subsection: 6.4 Natural Heritage: <i><u>"Encourage district councils to <b>enforce dog control bylaws</b> to preserve indigenous biodiversity by reducing the risk of dogs killing or injuring native birds, marine mammals and other indigenous species."</u></i>
Method 6.8, No. 48	Support	Support all of Other Method No.48 but particularly (b) to (e) which contribute to giving effect to NZCPS policy 12.	Retain as notified
<b>Rules</b>			
Rule 1	Oppose	The permitted classification of storm water discharges into the outstanding value coastal management areas and unmodified estuaries is inappropriate. To give effect to policies 13 and 11 of the NZCPS and minimise the potential for adverse effects there needs to be a higher level of control in these areas.	Remove outstanding value and estuaries unmodified from the coastal management area of Rule 1. As a consequence, add a reference to this new rule to rule 3.
New Rule			Include a rule after rule 1 which deals with stormwater discharge in the outstanding value and estuaries unmodified coastal management areas, with a classification of controlled. The matters of control should be to the same effect as the conditions of rule 1.
Rule 5	Support	Prohibiting the discharge of untreated human waste into water or onto land in the coastal environment is supported and gives effect to the NZCPS.	Retain as notified.
Rule 9	Oppose	While rule 9 seeks to be consistent with the Anti-fouling and In-Water Cleaning Guidelines 2013, some amendments are needed to minimise the risk of	i. Delete the words "Sampling, scraping and/or" from the activity description. ii. Insert a new standard (b) "microfouling may be cleaned without capture;"

		<p>introducing or spreading a harmful aquatic organism as follows:</p> <ul style="list-style-type: none"> <li>i. It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels. "Sampling" should also be removed from the activity description so that it is clear that the rule is about the cleaning of biofouling.</li> <li>ii. Three new standards be included after the notified standard (a) and replacing the notified standard (b) providing that: the cleaning of microfouling and goose barnacles can be undertaken without the need for capture and removal of biological material; and only macrofouling less than or equal to LOF 2 on the LOF scale developed by Floerl et al 2005 be allowed to be cleaned but with capture as notified standard (b) required, for the following reasons: <ul style="list-style-type: none"> <li>a. Microfouling (refer new definitions to be included) is impossible to prevent and begins to develop as soon as a vessel or structure enters water. Microfouling is of low biosecurity risk.</li> <li>b. Goose barnacles are also of low biosecurity risk – they are ubiquitous and distinctive from other types of barnacles. They are able to be identified by divers without the need for taxonomic expertise. For these reasons they have been exempted from MPIs Craft Risk Management Standard for vessel biofouling for long stay vessels. Both the IMO (International Maritime Organisation) Guidelines (2011)<sup>1</sup> and the Anti-fouling and In-water Cleaning Guidelines (2013)<sup>2</sup> seek to encourage maintenance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>iii. Insert a new standard (c) "goose barnacles may be cleaned without capture;"</li> <li>iv. Insert new standard (d) "macrofouling (other than goose barnacles) coverage on the ship vessel, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)<sup>3</sup>);</li> <li>v. Insert new standard (e) "all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill; and"</li> <li>vi. Insert new standard (f) "if any person undertaking or responsible for the cleaning, suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps: <ul style="list-style-type: none"> <li>i. any cleaning activities commenced shall cease immediately, and</li> <li>ii. the Taranaki Regional Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and</li> <li>iii. the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organisms or pest species is found, notified to do so by the Ministry for Primary Industries.</li> </ul> </li> <li>vii. Insert new Note "For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013).</li> <li>viii. Insert new Note "International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).</li> </ul>
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<sup>1</sup> International Maritime Organization (2011) Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species. Annex 26. Resolution MEPC.207(62): 25.

<sup>2</sup> Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries (2013) Anti-fouling and In-water Cleaning Guidelines, Department of Agriculture, Fisheries and Forestry, Canberra. CC BY 3.0.

<sup>3</sup> Floerl, O.; Inglis, G. 2005: Starting the invasion pathway: the interaction between source populations and human transport vectors. Biological Invasions 7: 589–606.

		<p>of vessels and moveable structure to maintain biofouling growth at the microfouling.</p> <p>c. Allowing a vessel that has not been outside the region since it was last cleaned to clean any level of fouling without capture and removal from the CMA carries an unacceptable risk. The more developed macrofouling is the higher the risk it could contain a harmful aquatic organism. In addition, it's possible that a vessel that has not left the region could have come into contact with another vessel or moveable structure that does have harmful aquatic organisms on it.</p> <p>d. "treatment" should not be included in a permitted activity rule. It is more appropriate that treatment be considered case by case given the discharge could contain toxic contaminants (i.e. acetic acid, chlorine etc)</p> <p>iii. Amend notified standard (c), now (f) after the 3 new standards referred to above, that better reflects the legislative requirements under the Biosecurity Act 1993 and also requires the Taranaki Regional Council to be notified</p> <p>iv. Include the following "Notes" to assist plan users:</p> <p>a. For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013).</p> <p>b. International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).</p>	<p>Refer to <b>Attachment B – Revised permitted activity Rule 9 for in-water cleaning of biofouling.</b></p>
Rule 10	Oppose	<p>It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels. "Sampling" should also be removed from the activity description so that it is clear that the rule is about the cleaning of biofouling.</p>	<p>Delete the words "Sampling, scraping and/or" from the activity description.</p>

Rule 12	Support	The inclusion of the 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations is supported. This code of conduct is currently undergoing a review. There are currently investigations into a potential whale sanctuary in the Taranaki coastal environment, and Taranaki Regional Council should reconsider this rule if a sanctuary is established.	Retain as notified.
Rule 18	Oppose	To give effect to the NZCPS and the RPS (page 90) there needs to be more control of potential adverse effects in coastal areas of outstanding value and estuaries unmodified. The permitted classification of outfall structures in these coastal management areas is inappropriate. In these areas there needs to be some form of assessment of effects on historic heritage, indigenous biodiversity, and natural character in order to give effect to policies 11, 13, and 17 of the NZCPS.	Remove outstanding value and estuaries unmodified from the coastal management areas of rule 18.
New Rule		A new rule should be included that deals with outfall structures in coastal areas of outstanding value and estuaries unmodified. This activity should have a controlled classification. This will provide certainty and guarantee an assessment of effects on historic heritage, indigenous biodiversity, and natural character.	Insert a new rule after rule 18 which deals with outfall structures in the outstanding value and estuaries unmodified coastal management areas with a classification of controlled.  Conditions (a), (b), (c), and (d) of rule 18 should also be conditions for this new rule. The matters of control should at a minimum, address any effects on natural character, significant species, historic heritage, and any mitigation of effects on these values.
Rule 20	Support	The Department often uses monitoring moorings in the coastal environment during its operations and supports the permitted classification of mooring structure placement for monitoring or sampling equipment.	Retain as notified.
Rule 21	Oppose	The erection of maritime navigation aids should not be a permitted activity for any member of the public. Instead the activity should be permitted for only the Taranaki Regional Council or its agents, Maritime New Zealand or its agents, or Port Taranaki provided that these agencies agree to this responsibility.	A condition should be inserted before condition (a) as follows:  <i><u>"The activity is undertaken by:</u></i> <i>(i) <u>Taranaki Regional Council or its agents; or</u></i> <i>(ii) <u>Port Taranaki; or</u></i> <i>(iii) <u>Maritime New Zealand or its agents."</u></i>
Rule 22	Oppose	The burial of pipes and cables may have significantly different levels and types of effects compared to attaching a pipe to a bridge and should be a discretionary activity.	Remove "a pipeline that is buried" and "a communication or electricity cable that is buried" from the activity description.

New Rule			Insert a new rule which deals with network utility structure erection or placement where the structure is a pipeline that is buried, or a communication or electricity cable that is buried. This rule should have a restricted discretionary classification.
Rule 24	Support	Whitebait is comprised of the juvenile stage of 5 species of fish. Three of these species ( <i>Galaxias argenteus</i> , <i>Galaxias maculatus</i> , <i>Galaxias brevipinnis</i> ) are at risk-declining, and <i>Galaxias postvectis</i> is at-risk – threatened. Prohibiting the erection of whitebaiting structures is supported.	Retain as notified.
Rule 31	Oppose	Temporary military training in the coastal environment could have very significant effects, especially in unmodified estuaries, where military vehicles may cause adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.	Remove “estuaries unmodified” from the applicable coastal management areas.
Rule 32	Oppose	With the same reasoning as above, estuaries unmodified should be removed from this rule due to potentially significant adverse effects, especially as this activity may involve explosives and excavation.  The previous rule (rule 31) includes a condition which limits the occupation for no more than three weeks. This rule (rule 32) refers to <i>temporary</i> military training activities but does not define the time limit for a temporary activity. For consistency this should also be three weeks.  The note should read “...refer to Rule 33 or Rule 34...” instead of Rule 32 and Rule 33.	Remove “estuaries unmodified” from the applicable coastal management areas.  Include a condition after (c): <u>“occupation is for a period of no more than three consecutive weeks”</u>  Amend advice note to: “...refer to Rule <del>32</del> 33 and <del>33</del> 34...” (the exact numbering may change with the insertion of new rules)
New Rule			Include a rule which deals with temporary military training activities that do not come within or comply with rule 31 or rule 32. This rule should have a discretionary activity status.
Rule 35	Oppose	In order to minimise disturbance to the coastal environment and give effect to policy 11 of the NZCPS, conditions need to be included which address possible adverse effects arising from the use of machinery, vehicles, and the storage of materials associated with structure maintenance etc.	Include conditions which address the following matters:  How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).

		<p>Vehicles in the coastal environment can result in adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.</p> <p>Minimising these impacts can be done by such methods as choosing the shortest and least sensitive route, using small &amp; light machinery where necessary, minimising excavation and managing weed risks.</p>	<p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p> <p>The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.</p>
Rule 36	Support	The discretionary classification of this activity is supported.	Retain as notified.
Rule 37	Oppose	There needs to be some control on the functional necessity for the structure to be extended beyond its original size.	Amend the rule to Include a provision about limiting the size of any extension.
Rule 38	Oppose	<p>The removal and replacement of structures in the coastal environment is likely to involve the use of vehicles and machinery in the coastal environment. In order to minimise disturbance to the coastal environment and give effect to policy 11 of the NZCPS, conditions need to be included which address possible adverse effects arising from the use of machinery, vehicles, and the storage of materials when removing and placing structures.</p> <p>Vehicles in the coastal environment can result in adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.</p> <p>Minimising these impacts can be done by such methods as choosing the shortest and least sensitive route, using small &amp; light machinery where necessary, minimising excavation and managing weed risks.</p>	<p>Include conditions which address the following matters:</p> <p>How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).</p> <p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p> <p>The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.</p>
Rule 44	Oppose	<p>The removal or demolition of structures from the coastal environment is likely to involve the use of vehicles and machinery in the coastal environment. With the same reasoning as above (submission on rule 38), there needs to be greater controls around the use of machinery, vehicles, and the storage of materials when removing and demolishing structures.</p>	<p>Include conditions which address the following matters:</p> <p>How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).</p> <p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p>

			The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.
Rule 45	Oppose	The description of the activity reads “...and the activity does not comply with Rule 45...” when it should refer instead to the previous permitted rule 44.	Amend rule 45 activity description to: “...and the activity does not comply with Rule 45 44...” (the exact numbering may change with the insertion of new rules)
Rule 50	Oppose	Rule should say 47 – 49.	Amend rule to: “...and the activity does not come within or comply with Rules 47- <del>50</del> 49”
Rule 51	Oppose	The activity description should specify lawfully established outfalls.	Amend Rule 51 to: “Clearance of lawfully established outfalls, culverts and intake structures...”
Rule 54	Oppose	Most of the marine mammals that the Department buries are dead seals. The frequency of the burial of dead seals means that it will likely be impractical to consult with iwi for every seal burial. Further, the Taranaki Iwi Deed of Settlement (Section 3.1, paragraph 6.2, page 40) adequately covers the requirement for the Department to cooperate with and advise iwi of any marine mammal stranding and burials. An exception should be made for the notification of iwi when the dead animal to be buried is a seal.	Amend Rule 54(e) to: “ <i>except for seals</i> , where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place”
Rule 57	Oppose	Beach replenishment should not allow for material that is significantly different in terms of the particle size of material. To prevent adverse effects on the receiving environment, the rule needs to include some control over the nature of the material, specify a grain size of particle so that the material is similar to that of the receiving environment. Nourishment material should be like-for-like.	Amend activity description to: “deposition of natural <i>marine</i> material...”  Include controls around particle size, and requirements for marine material similar to that of receiving environment.
Rule 58	Support	The discretionary classification of this activity is considered appropriate. Exotic plant species can pose a biosecurity threat to native species and ecosystems and should be avoided where possible.	Retain as notified
Rule 59	Support	The non-complying classification of this activity is considered appropriate. Exotic plant species can pose a biosecurity threat to native species and ecosystems and should be avoided where possible, especially in areas like unmodified estuaries and areas of outstanding value.	Retain as notified.

Rule 62	Support	The non-complying classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
Rule 63	Support	The discretionary classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
Rule 64	Support	The prohibited classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
<b>Definitions</b>			
Adaptive Management	Support	This definition is linked to the effective implementation of policy 3 of the Plan (page 21) and is considered appropriate.	Retain as notified.
Estuary Modified	Oppose	The definition of estuaries should also capture the outlets.	Amend definition to: “means the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiho or Waitara Estuaries <i>and their outlets</i> , and which are surrounded by urban, extensively modified, environments.”
Estuary Unmodified	Oppose	The definition of estuaries should also capture the outlets.	Amend definition to: “refers to estuaries identified in Schedule 1 of the Plan, <i>and their outlets</i> that are permanently open to tidal movements and are characteristically largely unmodified”
New Definition: Microfouling		Insert the definition of “microfouling” from Appendix 5 of the Anti-fouling and In-water Cleaning Guidelines (2013) <sup>4</sup> . This definition is necessary for the new standard requested to be inserted into rule 9.	Insert a new definition: “Microfouling – is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a ‘slime layer’, microfouling can usually be removed by gently passing a finger over the surface.”
New Definition: Macrofouling		Insert a definition of macrofouling.	“Macrofouling - is any organism not included in the definition of microfouling”
Natural feature	Oppose	This definition should include more specific references to the identifying characteristics outlined in Policy 15(c) of the NZCPS.	Amend definition to better reflect policy 15 of the NZCPS.
Natural character	Oppose	This definition should have regard to the specific provisions of policy 13 of the NZCPS.	Amend definition to better reflect policy 13 of the NZCPS.

<sup>4</sup>Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries (2013) Anti-fouling and In-water Cleaning Guidelines, Department of Agriculture, Fisheries and Forestry, Canberra. CC BY 3.0.

## **Attachment B – Revised permitted activity Rule 9 for in-water cleaning of biofouling.**

**Activity:** Cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, resulting in the discharge of a contaminant into water in the coastal marine area and any associated:

- (a) deposition on the foreshore or seabed.

*Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.*

### **Rule: 9**

**Coastal Management Area:** Port

**Classification:** Permitted

#### **Standards/terms/conditions:**

- (a) the anti-foul coating on the ship, moveable structure or navigational aid has not exceeded its planned service life as, specified by the manufacturer, and the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations;
- (b) microfouling may be cleaned without capture;
- (c) goose barnacles may be cleaned without capture;
- (d) macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)<sup>1</sup>);
- (e) all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill; and
- (f) if any person undertaking or responsible for the cleaning, suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps:
  - i. any cleaning activities commenced shall cease immediately, and
  - ii. the Taranaki District Council and the Ministry for Primary Industries shall be notified without unreasonable delay: and
  - iii. the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organisms or pest species is found, notified to do so by the Ministry for Primary Industries.

#### **Notes**

1. For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013).
2. International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).

#### **Footnotes**

- 1 Defined in Floerl et al (2005) as Light Fouling 1-5% of visible surface covered by very patchy macrofouling. Remaining area often covered in microfouling. *Floerl, O.; Inglis, G. 2005: Starting the invasion pathway: the interaction between source populations and human transport vectors. Biological Invasions 7: 589–606.*

3 August 2018

Chief Executive  
Taranaki Regional Council  
Private Bag 713  
Stratford 4352

Attention: Basil Chamberlain

**Further Submission on the Proposed Regional Coastal Plan for Taranaki**

Please find enclosed the further submission by the Minister of Conservation in respect of the Proposed Regional Coastal Plan for Taranaki.

Please contact Angus Gray in the first instance if you wish to discuss any of the matters raised in this further submission – 027 621 8195/ [agray@doc.govt.nz](mailto:agray@doc.govt.nz)

Yours sincerely



Amy Robinson  
Planning and Land Manager  
Hauraki Waikato Taranaki

**FURTHER SUBMISSION IN SUPPORT OR OPPOSITION TO, SUBMISSION ON PUBLICLY NOTIFIED  
PROPOSED COASTAL PLAN FOR TARANAKI**

Clause 8 of Schedule 1, Resource Management Act 1991

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**TO:**           **Taranaki Regional Council**

**NAME:**       **Minister of Conservation**

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1. This is a further submission in support of and in opposition to submissions on the following proposed regional coastal plan:
  - 1.1. Proposed Coastal Plan for Taranaki (“**pCPT**”)
2. I am a person representing a relevant aspect of the public interest for the following reason:
  - 2.1. I have delegated authority in relation to the Minister of Conservation’s statutory responsibilities under the Resource Management Act 1991, including in relation to the New Zealand Coastal Policy Statement 2010.
3. I support or oppose the submissions of those persons and/ or organisations listed in the second column headed “Submitter Name” of Table 1 attached.
4. The particular parts of the submission I support or oppose are identified in the third column headed “Submission” of Table 1.
5. The reasons for my support or opposition are set out under the fifth column headed “Reasons” of Table 1.
6. In relation to those submissions I support I seek that the submission is allowed.
7. In relation to those submissions I oppose I seek that the part of the submission I oppose is disallowed.
8. I wish to be heard in support of my further submission.
9. If others make similar submissions I will consider presenting a joint case with them at the hearing.



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Amy Robinson  
Planning and Land Manager  
Hamilton

Signed on behalf of the Minister of Conservation acting pursuant to delegated authority

Date: 3 August 2018

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

**Address for service of person making further submission:**

RMA Shared Services  
Department of Conservation  
Private Bag 3072  
Hamilton 3240

Contact person: Angus Gray  
Telephone: 027 621 8195  
email: [agray@doc.govt.nz](mailto:agray@doc.govt.nz)

**Table 1: Minister of Conservation Further Submission Points**

INTRODUCTION					
Plan Reference	Submitter Name	Decision Sought	Support/Oppose	Reasons	Relief sought
Section 1.7	Royal Forest and Bird Protection Society	If the coastal management area approach is to be retained, amend Section 1.7 to: <ul style="list-style-type: none"> <li>- clarify how the coastal environment landward of the CMA is considered under this approach</li> <li>- clarify how this relates to the NZCPS and relevant policies in the Plan</li> <li>- amend reference from Schedule 1 to Schedule 2.</li> </ul>	Support	Amendments would increase plan clarity and give effect to the NZCPS.	I seek that the submission is allowed.
OBJECTIVES					
Plan Reference	Submitter Name	Decision Sought	Support/Oppose	Reasons	Relief sought
Objective 3	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	Amend Objective 3 to read: <i>The use and ongoing operation, maintenance, and upgrading of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.</i>	Oppose	Upgrading should not be included as part of the 'lawfully established activity' as an upgrade implies potential future works which may have greater effects than what is lawfully established.	I seek that the submission is disallowed.
Objective 13	Z Energy Ltd, BP Oil Ltd and Mobil Oil NZ Ltd	Amend Objective 13 to read: <i>The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased to unacceptable levels and public health, safety and property is not compromised by use and development of the coastal marine area.</i>	Oppose	An objective should not aim for any level of risk of social, cultural, environmental harm. Amendment is contrary to the RMA 1991, and the NZCPS.	I seek that the submission is disallowed.
PLAN POLICIES					
Plan Reference	Submitter Name	Decision Sought	Support/Oppose	Reasons	Relief sought
Section 5 - Preamble	Royal Forest and Bird Protection Society	Amend the introduction of Section 5.1 of the Plan, on page 20, to add reference to the extent of the coastal environment set out on the planning maps.	Support	Inclusion of reference to the extent of the coastal environment will provide for integrated management of both regional and district council functions, as well as give effect to the NZCPS.	I seek that the submission is allowed.
Policy 5	Trans-Tasman Resources Limited	Seek that the policy is amended to include the benefits of non-renewable resources and mineral extraction activities.	Oppose	The policy is clearly intended to recognise and provide for renewable energy and its benefits. Policy 6(2)(a) of the NZCPS does not provide for non-renewable resources.	I seek that the submission is disallowed.

New Policy 5A	Royal Forest and Bird Protection Society	Amend Plan by: <ul style="list-style-type: none"> <li>- including a new policy that identifies appropriate places for aquaculture; AND</li> <li>- until 'appropriate' places are identified, ensuring Plan provisions: <ul style="list-style-type: none"> <li>- exclude aquaculture activities from Outstanding Value, Estuaries Unmodified, Estuaries Modified coastal management areas</li> <li>- state that consents will not be granted for aquaculture in any area with the values and characteristics set out in Policy 14 of the Plan (as revised to address submitter's relief)</li> <li>- aquaculture proposals must be consistent with General Policies 1 to 21 of the Plan.</li> </ul> </li> </ul>	Support	Amendment will give effect to the NZCPS, including Policy 8.	I seek that the submission is allowed.
New Policy 9A	Royal Forest and Bird Protection Society	Add a new policy to provide a basis or criteria for determining/identifying outstanding or high natural character to achieve Policy 13 of the NZCPS.	Support	The inclusion of a policy which provides criteria for the identification of areas of outstanding natural character would give effect to the NZCPS, including policies 13 and 15.	I seek that the submission is allowed.
		Amend the Plan to include a new Policy to preserve areas of High Natural Character.	Support	New policy would give effect to the NZCPS, policies 13 and 15.	I seek that the submission is allowed.
		Amend the Plan to include a new Policy for other natural character in all areas of the coastal environment.	Support	Amendments would give effect to the NZCPS, including policies 13 and 15.	I seek that the submission is allowed.
		Amend the Plan to include a new Policy to provide a basis for determining outstanding natural features and landscapes.	Support	Amendments would give effect to the NZCPS, including policies 13 and 15.	I seek that the submission is allowed.
		Amend the Plan to include a new Policy for other natural features and landscapes in all areas of the coastal environment.	Support	Amendments would give effect to the NZCPS, including policies 13 and 15.	I seek that the submission is allowed.
Policy 34	Fonterra	Amend Policy 34 to read: <i>Hard protection structures will be discouraged, and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important <u>industry and infrastructure.</u> [...]</i>	Oppose	The protection of 'important industry' with hard protection structures is not provided for in the NZCPS. Any amendments to the wording need to give effect to the NZCPS including Policy 27.	I seek that the submission is disallowed.

Policy 38	New Zealand Petroleum and Minerals	Amend Policy 38 to recognise additional considerations and to read as follows: <i>Structures will be removed from the coastal marine area at the expiry of their authorisation or at the end of their useful life, unless one or more of the following applies: [...] (d) the <u>removal of the structure poses unreasonable costs or is technically unfeasible; or (e) the removal of the structure poses unreasonable risk on human health and safety.</u></i>	Oppose	This policy would effectively allow plan users to abandon structures in the CMA on the basis that its removal would impose unreasonable costs or be technically unfeasible. Under the Marine and Coastal Area (Takutai Moana) Act 2011 these costs would then be imposed on Taranaki Regional Council. Amendments are contrary to the RMA 1991, and the NZCPS, including Policy 6.	I seek that the submission is disallowed.
Policy 43	Trans-Tasman Resources Limited	Seek amendments so that policy refers to dredging activities for ports or nationally or regionally significant infrastructure.	Oppose	The notified policy is aimed to specifically managing the effects of dredging in Port Taranaki. Dredging outside of this area is adequately addressed in policies 40, 41, 42, and 44. Any amendment to policy needs to give effect to the NZCPS.	I seek that the submission is disallowed.
Policy 44	Trans-Tasman Resources Limited	Seek removal of 44(f) relating to the sorting of deposited material.	Oppose	Providing for the deposition of similar sized materials on the foreshore and seabed allows for managing erosion, effects on beach morphodynamics, and reducing adverse effects on indigenous biodiversity. Any amendment to the policy needs to be consistent with the NZCPS including Policy 11.	I seek that the submission is disallowed.
<b>RULES</b>					
<b>Plan Reference</b>	<b>Submitter Name</b>	<b>Decision Sought</b>	<b>Support/Oppose</b>	<b>Reasons</b>	<b>Relief sought</b>
Rule 26	Royal Forest and Bird Protection Society	Amend Rule 26 by amending the Activity classification to make exploration or appraisal of well drilling a Restricted Discretionary Activity (rather than a Controlled Activity).	Support	Amendments give effect to the NZCPS, including policies 11, 13, and 15.	I seek that the submission is allowed.
		Amend Rule 26 by adding matter of discretions to consider effects on indigenous biodiversity and natural character.			
		Amend Rule 26 by identifying areas of significant biodiversity and excluding these from this rule.			
Rule 28	Royal Forest and Bird Protection Society	Amend Rule 28 to make exploration or appraisal of well drilling in the Outstanding Value, Estuaries Unmodified and Estuaries Modified coastal management areas a Prohibited Activity (rather than a Non-complying Activity).	Support	Amendments give effect to the RMA 1991 and the NZCPS, including policies 11, 13, and 15.	I seek that the submission is allowed.

Rule 29	Te Runanga o Ngati Mutunga	Amend Rule 29 to include the addition of the standards/terms/conditions listed for Rule 26 with the alteration from 2,000 m to 6,000 m as outlined for that rule.	Support	Amendments would give effect to the RMA 1991 and NZCPS.	I seek that the submission is allowed.
Rule 30	Climate Justice Taranaki	Amend Rule 30 to be a Prohibited Activity (rather than a Non-complying).	Support	Amendments would give effect to RMA 1991 and NZCPS.	I seek that the submission is allowed.
Rule 34	First Gas Ltd	Amend Rule 34 to make network utility underground pipelines or pipelines attached to existing bridge or access structures in Outstanding Value coastal management area a Controlled Activity (rather than Non-complying).	Oppose	Network utility underground pipelines may have significant adverse effects in the coastal environment. A controlled activity status will not adequately manage these effects.	I seek that the submission is disallowed.
New Rule 34A	Transpower NZ Ltd	Amend Plan to include a new Discretionary Activity rule that provides for Regionally Important Infrastructure (or specific to the National Grid) in coastal management areas: Outstanding Value; Estuaries Unmodified and reads as follows: <i><u>Structure erection or placement associated with Regionally Significant Infrastructure (or the National Grid) and any associated works: (a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32.</u></i>	Oppose	Notified rule 34 adequately addresses the potential adverse effects of structures.	I seek that the submission is disallowed.
Rule 52	Trans-Tasman Resources Limited	Seek amendments to wording to remove “regionally distinctive” and “sensitive marine benthic habitats” and include “declining”.	Oppose	Proposed amendment would allow for adverse effects on sensitive marine benthic habitats and be contrary to NZCPS Policy 11.	I seek that the submission is disallowed.
Rule 60	Te Atiawa	Amend Rule 60 to change the Activity Classification to Non-complying (currently a Discretionary Activity) for the coastal management areas – Estuaries Modified and the Open Coast.	Support	Amendments would give effect to RMA 1991 and NZCPS.	I seek that the submission is allowed.

New Rule 61A	Transpower NZ Ltd	Amend Plan to include a new rule that provides for Regionally Important Infrastructure (or specific to the National Grid) and reads as follows: <u>Rule 61A - Discretionary Activity Coastal management areas: Outstanding Value; Estuaries Unmodified, Other disturbance, damage, destruction, removal or deposition associated with Regionally Significant Infrastructure (or the National Grid) and any associated works: (a) removal of sand, shell, shingle or other natural material; or (b) deposition of material in, on or under the foreshore or seabed that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</u>	Oppose	Notified rule 61 adequately addresses the potential adverse effects of other disturbance, damage or destruction.	I seek that the submission is disallowed.
PLAN SCHEDULES AND					
Plan Reference	Submitter Name	Decision Sought	Support/Oppose	Reasons	Relief sought
Schedule 1	Royal Forest and Bird Protection Society	Amend Schedule 1 by identifying significant indigenous biodiversity areas and add them as individual map links for each site, under the corresponding management area. Include information that sets out the values and characteristics that contribute to the significance of each area.	Support	Inclusion of significant biodiversity areas gives effect to the Regional Policy Statement.	I seek that the submission is allowed.
Schedule 2	Trans-Tasman Resources Limited	Seek that ONC6 – Project Reef be removed from the schedule and maps.	Oppose	The removal of ONC6 will not afford the significant biodiversity and habitat any protection from significant adverse effects. The deletion would be inconsistent with the RMA 1991, and the NZCPS, in particular Policy 11.	I seek that the submission is disallowed.
Schedule 4A:	Trans-Tasman Resources Limited	Seek that Schedule 4A is deleted in its entirety or amended to remove any non-threatened species and any at risk species other than those which are listed as at risk (declining) under the New Zealand Threat Classification System.	Oppose	This will remove any and all protection for biodiversity in the coastal environment. This schedule is referred to in almost all of the rules and is the basis for the management of ecological impacts in the plan. Removing some or all of these species is contrary to the RMA and the NZCPS including Policy 11.	I seek that the submission is disallowed.
Schedule 4B	Trans-Tasman Resources Limited	Amend plan by deleting Schedule 4B in its entirety.	Oppose	Deleting schedule will afford these species no protection. Amendment sought is contrary to the RMA 1991, and the NZCPS, in particular policies 3 and 11.	I seek that the submission is disallowed.