

**IN THE ENVIRONMENT COURT
WELLINGTON**

ENV-2019-AKL-

**I MUA I TE KOOTI TAIAO
I TE WHANGANUI-Ā-TARA ROHE**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Clause 14(1) of Schedule 1 of the Act

BETWEEN

FONTERRA LIMITED

Appellant

AND

TARANAKI REGIONAL COUNCIL

Respondent

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST
DECISIONS ON THE PROPOSED COASTAL PLAN FOR TARANAKI**

18 NOVEMBER 2019

**Russell
McAugh**

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To: The Registrar
The Environment Court
WELLINGTON

FONTERRA LIMITED ("Fonterra") appeals against parts of the decisions of Taranaki Regional Council ("**Council**") in respect of the Proposed Coastal Plan for Taranaki ("**Proposed Coastal Plan**").

Background and decision appealed

1. Fonterra made a submission on the Proposed Coastal Plan on 27 April 2018 and a further submission on 3 August 2018. Fonterra presented evidence to the Hearings Panel on a range of matters raised in its submission.
2. Fonterra received notice of the Council's decision on the Proposed Coastal Plan on 5 October 2019 ("**Decision**"), with that notice directing that any appeals should be filed within 30 working days.
3. The part of the Decision being appealed is the decision to accept only in part Fonterra's submission on Policy 34 – Appropriateness of hard protection structures. Fonterra appeals this part of the Decision for the reasons given below.
4. Fonterra is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("**RMA**").

Fonterra's role in the Taranaki Region

5. Fonterra is New Zealand's largest dairy co-operative and the world's leading exporter of dairy products, trading in over 100 countries. It is responsible for more than a third of international dairy trade and comprises more than 25 percent of New Zealand's export earnings.
6. As a co-operative, Fonterra is owned by more than 10,000 shareholder farmers. Fonterra's 17,300 staff work across the dairy spectrum, from advising farmers on sustainable farming and milk production, to ensuring that Fonterra meets exacting quality standards, and delivers dairy nutrition every day in more than 100 markets around the world.
7. Fonterra collects more than 16 billion litres of milk from New Zealand, exporting more than 2.4 million tonnes of dairy product annually. Globally, Fonterra processes more than 22 billion litres of milk each year and owns leading dairy brands in Australasia, Asia, the Middle East and Latin America.
8. Fonterra has four dairy manufacturing sites in the Taranaki Region, located at Whareroa near Hawera, Kapuni, Collingwood Street and Fonterra Brands New Zealand Bridge Street in Eltham. Taranaki is the home of more than 1,800 Fonterra shareholders and dairy farmers.
9. The key site affected by the provisions of the Proposed Plan is the Whareroa Dairy Manufacturing Site ("**Whareroa Site**").

10. Established in 1972, the Whareroa Site collects up to 14 million litres of milk a day and produces the largest volume of dairy ingredients from a single factory anywhere in the world. The site processes a fifth of Fonterra's dairy production in New Zealand. It makes 428,000 tonnes of milk powder, cheese, cream, protein and lactic casein ingredients every year and employs 1,000 people.
11. The Whareroa Site holds a number of resource consents issued by the Council. These include permits to take water, discharge contaminants to air, land and water, including the Tasman Sea, and erect and maintain structures in a waterbody and the coastal marine area. These resource consents enable Fonterra to operate five milk powder plants, two cheese plants, one cream plant, one protein plant and one casein plant at the Whareroa Site.
12. Water for the Whareroa Site comes from the Tawhiti Stream and Tangahoe River. Dairy manufacturing wastewater is treated on-site and discharged to the Tasman Sea via a marine outfall located in the coastal environment. The wastewater discharge infrastructure associated with Fonterra's Whareroa Site is also utilised by South Taranaki District Council ("**District Council**") for the discharge of municipal wastewater from the Hawera township.

General reasons for appeal

13. The Proposed Coastal Plan, in its present form:
 - (a) will not promote the sustainable management of the natural and physical resources in the Taranaki Region, and is therefore contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of the Taranaki Region;
 - (d) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
 - (e) is not the most appropriate way to achieve the objectives of the Proposed Coastal Plan in terms of section 32 of the RMA.
14. In addition to the general reasons outlined above, Fonterra also appeals the Decision for the specific reasons set out below.

Policy 34 – Appropriateness of hard protection structures

15. Fonterra uses a hard protection structure to protect the discharge outfall for the Whareroa Site, which is the only practical means of protecting the outfall.
16. In its original submission, Fonterra therefore sought that Policy 34 be amended to recognise that hard protection structures may be the only practical means to protect nationally and regionally important "industry", in addition to infrastructure, as follows:¹

¹ Fonterra Limited's Submission (Submission 47) on the Proposed Coastal Plan for Taranaki, at page 15.

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 industry and infrastructure.

17. In the Decision, the Council accepted Fonterra's submission in part, and agreed to grant alternative relief that deleted the recognition of regionally important infrastructure and reference to "practical means to protect", with the reasoning that subclause (c) of Policy 34 would cover hard protection structures such as the Whareroa Dairy Plant outfall.² The Decision version of Policy 34 provides:³

Hard protection structures are 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 infrastructure,~~

Appropriateness of hard protection structures must be assessed by the provision of evidence that demonstrates:

...

- (c) the national and regional importance of existing infrastructure, use or value at threat;

18. The Decision provides little justification for not accepting in full the amendments sought by Fonterra except to say that the Council is "seeking to manage the risk of hard protection works becoming more prevalent along the Taranaki coastline..." and that the amendments suggested by Fonterra were not necessary as the policy would "sufficiently provide for" the needs of Fonterra and other submitters under subclauses (a)-(g).⁴

19. As amended by the Council in its Decision, Policy 34 appears to have the effect of discouraging the location of *any* hard protection structures in the coastal environment, due to the deletion of the recognition that some structures are the only practical means of protection.⁵ As a result, Fonterra considers that the Decision version of Policy 34 is not the most appropriate way to give effect to Objective 2 of the Proposed Coastal Plan,⁶ which provides that:

Natural and physical resources of the coastal environment are used efficiently, and activities that have a functional need or an operational need, that depend on the use and development of these resources, are provided for in appropriate locations

(emphasis added)

² Council's Report on Submissions (Decision), at page 209.

³ Proposed Coastal Plan (tracked-changes version), at page 32. We note that the clean version of the Proposed Coastal Plan that incorporates the Decision changes refers to this as Policy 37, while the tracked-changes version refers to it as Policy 34. In this notice of appeal we continue to refer to Policy 34.

⁴ Council's Report on Submissions (Decision), at page 209.

⁵ Evidence of Dean Chrystal, dated 12 July 2019, at [4.19].

⁶ Evidence of Dean Chrystal, dated 12 July 2019, at [4.21].

20. Further, subclause (c) could be interpreted as applying only to "regionally important infrastructure" as defined in the Proposed Coastal Plan. The effect of this in combination with the use of the words "**must** be assessed by the provision of evidence that demonstrates" (emphasis added) prior to the subclause would appear to exclude the Whareroa outfall from Policy 34, given that the outfall does not fall within the Proposed Coastal Plan definition of regionally important infrastructure.⁷ As a result, it would appear that structures such as the Whareroa outfall are not provided for under Policy 34(c).
21. For these reasons, Fonterra continues to seek, as in its original submission, that Policy 34 is restored to recognise that hard protection structures are the only practicable means of protection in some circumstances, with the addition of a reference to nationally or regionally important industry. Alternatively, Fonterra seeks that Policy 34 be amended to include reference to the "functional need or an operational need" for some hard protection structures to be located in the coastal environment, in order to give effect to Objective 2.

Relief sought

22. Fonterra seeks that:
- (a) Policy 34 is amended in one of the following ways:
- Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only ~~practical~~ practicable means to protect existing nationally and regionally important infrastructure and industry.
- or;
- Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may have a functional need or an operational need to be located in the coastal environment ~~be the only practical means to protect existing nationally and regionally important infrastructure~~.
- (b) or such alternative or consequential relief to address Fonterra's concerns.

Attachments

23. The following documents are attached to this notice:
- (a) A copy of the relevant parts of the Decision.
- (b) A copy of Fonterra's submission and further submission.
- (c) A list of relevant names and addresses of persons who lodged submissions who are to be served with a copy of this notice.

⁷ Evidence of Dean Chrystal, dated 12 July 2019, at [4.20].

FONTERRA LIMITED by its solicitors and
authorised agents Russell McVeagh:



Signature: D J Minhinnick / T W Atkins

Date: 18 November 2019

Address for Service: C/- Tom Atkins
Russell McVeagh
Barristers and Solicitors
48 Shortland Street
Vero Centre
PO Box 8/DX CX10085
AUCKLAND

Telephone: (09) 367 8000

Email: tom.atkins@russellmcveagh.com

TO: The Registrar of the Environment Court at Wellington

AND TO: Taranaki Regional Council

AND TO: The relevant submitters on the provision appealed

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) 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
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. 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.
4. 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

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

APPENDIX A

Submitter	Submission point	Submitter's requests	Council's response and decisions
NEW Policy 33A			
43 – Royal Forest and Bird Protection Society	546	<p>Amend</p> <p>Submitter seeks amendment to the Plan to include a similar policy to Policy 33 to address hard protection structures and adverse effect on sites and areas with significant values identified under Policy 14 of the Plan.</p>	<p>Decline</p> <p>The submitter seeks the addition of a new policy to manage the adverse effects of hard protection structures on significant indigenous biodiversity values identified in Policy 14 of the Plan.</p>
Further submissions – Port Taranaki Ltd (32)		<p>Oppose</p>	<p>The Council declines the relief sought. It is suggested that the protection of significant indigenous biodiversity from the adverse effects of hard protection structures are adequately addressed under other provisions of the Plan and do not require repeating. Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of the activity to be authorised and which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i>.</p>
Policy 34 – Appropriateness of hard protection			
47 – Fonterra	547	<p>Amend</p> <p>Submitter seeks to expand Policy 34 to include regionally important “<i>industry</i>” alongside infrastructure in order to encompass the hard protection structures of industries within the region.</p> <p>Submitter seeks amendment to Policy 34 of the Plan to read:</p> <p><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 industry and infrastructure. [...]</i></p>	<p>Grant in kind</p> <p>The Council is seeking to manage the risk of hard protection works becoming more prevalent along the Taranaki coastline with associated risks that coastal natural character, amenity values and public access is degraded over time. Accordingly, Policy 34 seeks to generally discourage the use of hard protection structures in the coastal marine area.</p> <p>The submitter has highlighted an issue whereby the Policy reference to “<i>regionally important infrastructure</i>” is problematic in that it excludes some activities and arguably repeats consideration matters covered in Clause (e), which refer to the national and regional importance of existing infrastructure, use or value at threat.</p> <p>The Council agrees to an alternative relief whereby reference to regionally important infrastructure (and its limited scope) is deleted and instead the Policy will rely on Clause (c) which has a much broader application and would cover the hard protection structure that would encompass protecting the Whareroa discharge outfall.</p> <p>At the hearing, the submitter presented further on Policy 34 and provided two alternative amendment suggestions. The Council considers that the amendments</p>

Submitter	Submission point	Submitter's requests	Council's response and decisions
			suggested are not necessary and that Clause (a) – (g) sufficiently provide for the needs of the submitter (and others).
57 – Heritage New Zealand	548	Amend Submitter seeks amendment to Policy 34 of the Plan to read: <i>(h) the management of adverse effects on historic heritage in accordance with Policy 15.</i>	Decline The submitter identifies that the placement of hard protection structures has the potential to adversely affect historic heritage and wishes to include cross-reference to Policy 15 [Historic heritage] within Policy 34.
Further submissions – Te Rūnanga o Ngāti Ruanui Trust (61)		Support	The Council declines the relief sought as such matters are already adequately addressed under other provisions of the Plan and does not require repeating or selective cross-referencing to particular General Policies. The Council notes that the preamble to Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> .
59 – KiwiRail	549	Support Retain Policy 34(c) of the Plan as notified.	Accept in part Support noted. Policy 34 is retained subject to minor amendments as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
Policies 34 and 35 – Hard protection structures			
43 – Royal Forest and Bird Protection Society	550	Amend Submitter seeks amendment to Policies 34 and 35 of the Plan (or add a new policy) to ensure that hard protection structures avoid adverse effects on indigenous biodiversity to be protected under Policy 14 of the Plan AND Seek amendment to Policy 35 of the Plan to ensure protection is also given under Policies 8 and 9 of the Plan.	Decline The Council declines the relief sought as such matters are already adequately addressed under other provisions of the Plan and do not require repeating. The Council notes that the preamble to Section 5.1 explains that the policies apply to all activities within the coastal environment, regardless of which coastal management area the activity may fall within. Policy 33 must therefore be read in conjunction with each of the other relevant policies, including all the General Policies. Together these policies address the matters covered in the <i>New Zealand Coastal Policy Statement</i> .
Further submissions – Department of Conservation (29), Port Taranaki Ltd (32)		Oppose	

Submitter	Submission point	Submitter's requests	Council's response and decisions
Further submissions – Te Korowai o Ngāruahine Trust (41)		Support	
Policy 35 – Temporary hard protection structures			
60 Te Kaahui o Rauru	551	Amend Submitter seeks amendment to Policy 35 of the Plan to include a definition of "permanent".	Accept The Council agrees to amending Policy 35(c) so that it no longer refers to "permanent". The revised Policy (c) reads as follows: <i>Temporary hard protection structures with a duration of less than five years may be allowed provided that: [...]</i> (c) <i>any</i> adverse effects on the environment <i>resulting</i> from the placement, use and removal of the structure, <i>will be less than minor and transitional</i> .
Policy 36 – Maintenance, repair, replacement and minor upgrading of existing structures			
12 – Chorus New Zealand Ltd	552	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
13 – Spark New Zealand Trading Ltd	553	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
Further submissions – Port Taranaki Ltd (32)		Support	
14 – Vodafone New Zealand Ltd	554	Support Retain Policy 36 of the Plan as notified.	Accept Support noted. Policy 36 is retained subject to minor amendment as requested by another submitter that does not change the policy intent.
43 – Royal Forest and Bird Protection Society	555	Support Submitter seeks amendment to Policy 36 of the Plan to read: <i>Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed:</i>	Accept The Council agrees with the submitter on the importance of ensuring that, in providing for the maintenance, and minor alteration or extension of existing lawful structures and reclamations in the coastal marine area, the scale of effects of those activities

Policy 34: Appropriateness of hard protection structures

Hard protection structures are 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 infrastructure.~~⁽⁴⁷⁾

Appropriateness of hard protection structures must be assessed by the provision of evidence that demonstrates:

- i. an adequate consideration of alternative methods to hard protection structures including non-intervention, natural defences in accordance with Policy 21, 'soft' protection options such as beach re-nourishment and planting, and the relocation or removal of existing development or structures at risk;
- ii. the levels of risk and any likely increase in disaster or risk potential over at least a 100 year time frame;
- iii. the national and regional importance of existing infrastructure, use or value at threat;
- iv. the costs and benefits to people and the community;
- v. that hard protection structures to protect private assets are not located on public land unless there is a significant public or environmental benefit from doing so;
- vi. the ~~structure has works have~~ been designed by a suitably qualified and experienced professional; and
- vii. the degree and significance of actual or potential adverse effects on the environment including consideration of:
 - i. cumulative effects;
 - ii. the sensitivity of the environment; and
 - iii. the efficacy of measures to avoid, remedy or mitigate such effects.

Policy 35: Temporary hard protection structures

Temporary hard protection structures with a duration of less than five years may be allowed provided that:

- i. the protection is temporary in order to provide time to prepare and implement a plan to remove or reduce coastal hazard risk through approaches that do not involve a further hard protection structure;
- ii. the proposed structure is removable; and

- iii. ~~no permanent any~~ adverse effects on the environment ~~will result resulting~~ from the placement, use and removal of the structure, will be less than minor and transitional.⁽⁶⁰⁾

Policy 36: Maintenance, ~~repair, replacement and~~ minor alteration or minor extension of existing structures

Maintenance, ~~repair, replacement and~~ minor alteration or minor extension of existing lawful structures and reclamations will be allowed in order to:

- i. in order to:⁽⁴³⁾
 - i. enable compliance with applicable standards and codes;
 - ii. ensure structural integrity;
 - iii. maintain or improve efficiency; or
 - iv. address health and safety or navigational safety issues; and
 - ii. where it does not increase the scale or intensity of the adverse effects of the activity or structure; and
- subject to the appropriate avoidance, remediation or mitigation management of adverse effects.⁽⁴³⁾

Policy 37: Major alteration or extension of existing structures

Major alteration or extension of existing lawful structures will be allowed in locations where the activity will not have significant adverse effects on other lawfully established structures or⁽⁴³⁾ uses and values and must:

- i. result in greater, more efficient, or multiple use of the structure for marine activities; or
- ii. reduce the need for a new structure elsewhere.

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure ~~will must~~⁽⁵⁸⁾ be considered planned for⁽³²⁾ as part of the initial design and installation and removal will generally be required.

~~Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless~~ When assessing the appropriateness of allowing a structure, a part of a structure, or material associated with a structure to be left in situ or elsewhere in the coastal marine area, at least one of the following must apply one or more of the following applies:⁽³⁷⁾

APPENDIX B

27 April 2018

Basil Chamberlain
Chief Executive Officer
Taranaki Regional Council
Private Bag 713
Stratford 4352

Dear Mr Chamberlain

RE: FONTERRA SUBMISSIONS ON THE PROPOSED COASTAL PLAN FOR TARANAKI

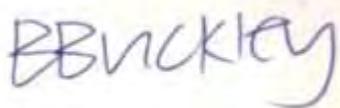
Fonterra Limited (Fonterra) is grateful for the opportunity to lodge a submission on the Proposed Coastal Plan for Taranaki (Proposed Plan).

Fonterra appreciates the time and effort that Taranaki Regional Council has invested in the development of the Proposed Plan, and the constructive way in which Council staff have worked with Fonterra in the development of the Proposed Plan to date. Fonterra looks forward to continuing this constructive and collaborative way of working as the development of the Proposed Plan continues.

Fonterra generally supports the Proposed Plan and the direction it sets for managing, using and protecting the natural and physical resources of Taranaki's coastal environment. The amendments and changes to the Proposed Plan sought by Fonterra are set out in the attached submission. Fonterra considers that the suggested changes in the attached submission will better achieve the sustainable management purpose of the Resource Management Act 1991.

If you have any questions or would like further information, please do not hesitate to contact Brigid Buckley on 027 886 0431 or via email: brigid.buckley@fonterra.com.

Yours sincerely



Brigid Buckley

National Policy and Planning Manager – NZ Milk Products
FONTERRA LIMITED

FONTERRA LIMITED

SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI

To: Taranaki Regional Council
Private Bag 713
STRATFORD 4352

via email: coastal@trc.govt.nz

SUBMITTER: FONTERRA LIMITED

Contact: Brigid Buckley

Address for Service: Fonterra Limited
C/- Russell McVeagh
P O Box 8
AUCKLAND 1140

Attention: Rachel Robilliard

T +64 9 367 8059

E rachel.robilliard@russellmcveagh.com

Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

1. OVERVIEW OF SUBMISSION

- 1.1. Fonterra Limited (Fonterra) generally supports the Proposed Coastal Plan for Taranaki (Proposed Plan). However, Fonterra considers that amendments are required to ensure that its activities are appropriately recognised and provided for; that the New Zealand Coastal Policy Statement (NZCPS) is given effect to; and that certain matters are clarified to improve the usability of the Proposed Plan.

- 1.2. The structure of this submission is as follows:
- Overview of Fonterra's activities and operations (**Section 2**);
 - Specific submissions on the Proposed Plan (**Section 3**);
 - Overall Conclusion

2. FONTERRA IN THE TARANAKI REGION

- 2.1. Fonterra is a global co-operative dairy nutrition company based in New Zealand. It is owned by approximately 10,600 farming families and it is supported by approximately 20,000 employees around the world.
- 2.2. It is the world's leading milk processor and dairy exporter and, through a "grass to glass" supply chain, delivers high quality dairy ingredients and a portfolio of respected consumer brands to customers and consumers around the world.
- 2.3. Fonterra has four dairy manufacturing sites in Taranaki at Whareroa near Hawera, Kapuni, Collingwood Street and Fonterra Brands New Zealand Bridge Street in Eltham. Taranaki is the home of more than 1,800 Fonterra shareholders and dairy farmers.
- 2.4. The key site affected by the provisions of the Proposed Plan is the Whareroa dairy manufacturing site.

WHAREROA DAIRY MANUFACTURING SITE

- 2.5. Established in 1972, the Whareroa manufacturing site collects up to 14 million litres of milk a day and produces the largest volume of dairy ingredients from a single factory anywhere in the world. The site processes a fifth of Fonterra's dairy production in New Zealand. It makes 428,000 tonnes of milk powder, cheese, cream, protein and lactic casein ingredients every year and employs 1,000 people.
- 2.6. The site holds a number of resource consents issued by Taranaki Regional Council (Council). These include permits to take water, discharge contaminants to air, land and water including the Tasman Sea and erect and maintain structures in a waterbody and the coastal marine area (CMA). These resource consents enable Fonterra to operate five milk powder plants, two cheese plants, one cream plant, one protein plant and one casein plant on the site.
- 2.7. Water for the site comes from the Tawhiti Stream and Tangahoe River and dairy manufacturing wastewater is treated on-site and discharged to the Tasman Sea via a marine outfall. The wastewater discharge infrastructure associated with Fonterra's Whareroa site is also utilised by South Taranaki District Council for the discharge of municipal wastewater from the Hawera township.

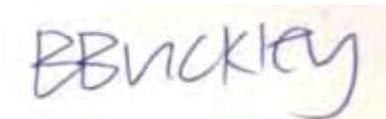
3. SPECIFIC SUBMISSION POINTS

- 3.1. Fonterra's specific submission points are provided in **Attachment A**.
- 3.2. In respect of all of those submission points in **Attachment A**, Fonterra seeks:
- Where specific wording has been proposed, words or provisions to similar effect;
 - All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Proposed Plan maps, and including any cross references in other chapters; and
 - All further relief that is considered necessary to give effect to the concerns described above and in **Appendix A** to follow, and any changes required to give effect to the Taranaki Regional Policy Statement.

4. OVERALL CONCLUSION

- 4.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because without amendment, those provisions:
- will not promote sustainable management of resources and will not achieve the purpose of the RMA;
 - are contrary to Part 2 and other provisions of the RMA;
 - will not enable the social and economic well-being of the community;
 - will not meet the reasonably foreseeable needs of future generations;
 - will not achieve integrated management of the effects of use, development or protection of land and associated resources of the Taranaki region.
 - will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
 - do not represent the most appropriate way to achieve the objectives of the Proposed Plan, in terms of section 32 of the RMA.
- 4.2. Fonterra could not gain an advantage in trade competition through this submission.
- 4.3. Fonterra wishes to be heard in support of this submission.
- 4.4. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 27 April 2018



Brigid Buckley

National Policy and Planning Manager – NZ Milk Products
FONTERRA LIMITED

ATTACHMENT A:

FONTERRA LIMITED'S SUBMISSIONS ON THE PROPOSED COASTAL PLAN FOR TARANAKI

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
SECTION 4 – OBJECTIVES					
1	Objective 1 Integrated Management	17	Support	Fonterra supports Objective 1, which seeks to ensure that the coastal environment is managed in an integrated way.	Retain Objective 1 as notified.
2	Objective 2: Appropriate use and development	17	Support in part	<p>The economic and social wellbeing of Taranaki's communities are reliant on industry, businesses and infrastructure that utilise the coastal marine area. However, of the 12 objectives, only Objective 2 provides for use and development of natural and physical resources, and only in a confined manner. Policy 5 outlines the matters to which regard will be had when determining whether use and development of the coastal environment is appropriate, while Policy 6 provides for activities important to the wellbeing of people and communities, although the content of Policy 6 only refers to infrastructure.</p> <p>It appears that Objective 2 and Policies 5 and 6 are the primary provisions of the Proposed Plan that are intended to give effect to the first two bullet points of Objective 6 of the NZCPS. Objective 6 of the NZCPS and the first two bullet points state:</p> <p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through</i></p>	<p>Amend Objective 2 as follows:</p> <p>Natural and physical resources of the coastal environment are used efficiently, and activities, <u>including regionally important industry and infrastructure</u>, that depend on the use and development of these resources are provided for in appropriate locations.</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p><i>subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> • <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i> • <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i> • ... <p>Fonterra considers that Objective 2, Policy 5 and Policy 6 should be amended to better give effect to the heading and first two bullet points of Objective 6 of the NZCPS.</p> <p>Following recent decisions, such as <i>New Zealand King Salmon</i> and <i>RJ Davison Family Trust</i> and the cases that have followed those decisions, Fonterra considers it critically important to ensure that plans contain provisions that provide for an appropriate balance between enabling people and communities to provide for their economic, social and cultural wellbeing, and appropriate management of adverse effects. Under the above cases, recourse to Part 2 of the RMA in resource consent decision making may be precluded, so it is becoming increasingly important to ensure plans include specific provisions providing for the activities that enable people to provide for their wellbeing.</p>	

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>If plans are not cast appropriately, including such enabling provisions, future resource consent applications could be declined, preventing business and industry from operating or locating in the coastal environment. This could have significant economic and social consequences for the region and its people. Accordingly, it is appropriate that activities that play an important role in the regional economy are recognised. This includes regionally important infrastructure and regionally important industry, such as the dairy industry.</p> <p>The dairy industry has always had a significant presence in Taranaki. The industry currently employs more than 4,000 people and contributes several hundred million dollars to the regional economy annually.¹ In the South Taranaki district alone, the dairy industry provides over 25% of all jobs,¹ and the Whareroa dairy manufacturing site employs more than 1,000 people. The dairy industry is therefore regionally important for Taranaki.</p> <p>Accordingly, Fonterra seeks an amendment to Objective 2 to provide appropriate recognition for significant infrastructure and industry and to better give effect to the first two bullet points of Objective 6 of the NZCPS.</p>	
3	Objective 3 Reverse sensitivity	17	Support	Fonterra supports the protection of existing lawfully established activities from reverse sensitivity effects.	Retain Objective 3 as notified.

¹ Dairy's role in sustaining New Zealand – the sector's contribution to the economy, NZIER, December 2010.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
4	Objective 5 Coastal water quality	17	Support in part	Fonterra does not consider that it is technically possible to both maintain and enhance water quality at the same time. Instead, Fonterra proposes an amendment to Objective 5 to direct the circumstances in which water quality should be maintained or enhanced.	Amend Objective 5 as follows: Water quality in the coastal environment is maintained <u>where it is good</u> , and enhanced <u>where it is degraded</u> .
5	Objective 6	17	Support	Fonterra supports Objective 6, which seeks to protect the natural character of the coastal environment from inappropriate use and development.	Retain Objective 6 as notified.
6	Objective 7	17	Support	Fonterra supports Objective 7, which seeks to protect natural features and landscapes of the coastal environment from inappropriate use and development.	Retain Objective 7 as notified.
7	Objective 12 Public use and enjoyment	17	Support in part	Fonterra supports the general intent of Objective 12, which provides for the maintenance and enhancement of public access to, and within, the coastal environment. However, there may be situations where it may be necessary to limit public access, even if only temporarily. For example, in areas where infrastructure such as coastal outfalls are located, allowing public access could result in a risk to public safety. It is therefore appropriate to amend the objective to allow for access to be restricted in some circumstances. This is consistent with Policy 19(3) of the NZCPS. A further amendment is proposed for clarity, as Fonterra does not consider it is possible to maintain and enhance public access at the same time.	Amend Objective 12 as follows: 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 <u>or</u> enhanced <u>where appropriate</u> .

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
SECTION 5.1 – GENERAL POLICIES					
8	Policy 1 Coastal management areas	20	Support in part	Fonterra supports Policy 1 in part, and seeks an amendment to sub-clause (d) to specifically recognise the presence of infrastructure and activities in the Open Coast that are necessary to enable people and communities to provide for their economic and social wellbeing.	Amend Policy 1 as follows: (d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy characteristically: ... <u>(v) may contain infrastructure, structures and activities that enable people and communities to provide for their economic and social wellbeing.</u>
9	Policy 2 Integrated management	21	Support in part	Fonterra generally supports Policy 2, which recognises the importance of managing the region's coastal resources in a way that provides for social, cultural and economic well-being of the community. Fonterra also supports the recognition provided in Policy 2(f) of the functional and locational constraints of nationally and regionally important infrastructure to locate in the coastal environment but considers that the policy should be extended to include regionally significant industry, such as dairy manufacturing. Fonterra considers that it is appropriate to recognise nationally and regionally important industry to the same extent as infrastructure, given the contribution of significant industry to the social and economic wellbeing of the region.	Amend Policy 2(f) as follows: (f) managing natural and physical coastal resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional and/or location constraints of nationally or regionally important infrastructure <u>and industry</u> ; and
10	Policy 4	21	Support	Fonterra supports Policy 4, which describes the method for determining the inland extent of the coastal environment.	Retain Policy 4 as notified

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	Extent and characteristics of the coastal environment				
11	Policy 5 Appropriate use and development of the coastal environment	22	Support in part	<p>Fonterra generally supports Policy 5, which provides for the appropriate use and development of the coastal environment.</p> <p>Fonterra supports sub-clause (a), but seeks that activities that have an <i>operational requirement</i> to be located in the coastal environment are also provided for, subject to avoiding, remedying or mitigating adverse effects.</p> <p>Fonterra considers that it is appropriate to provide for structures in the CMA where they have an operational requirement to be located there. For example, a road across an estuary may not be functionally required to locate in the CMA - the road could instead follow the coastline around the estuary edge. There could however be significant time and cost savings to both road users and the road controlling authority as a result of constructing a bridge across the estuary. In such circumstances, the operational requirement to provide an efficient and effective transport route may justify the location of a bridge in the CMA.</p> <p>There are a number of other structures that are located in the CMA for operational reasons, including discharge outfalls, power lines and telecommunication cables. Whilst there may not be a functional need for these structures to be located in the CMA, operational requirements or constraints justify their presence there.</p>	<p>Retain Policy 5 as notified except that:</p> <p>Policy 5(a) should be amended as follows:</p> <p>(a) the functional need <u>or operational requirement</u> of the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need <u>or operational requirement</u> to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>This change will also provide specific policy support for the standard set out in Rule 38(a) of the Plan.</p> <p>Fonterra also seeks that sub-clause (b) of Policy 5 is amended to include specific recognition of the contribution that industries, such as dairy processing, make to the economic and social well-being of the region. The inclusion of dairy manufacturing in Policy 5(b) would appropriately recognise the significance of Fonterra's wastewater discharge infrastructure that is necessary for the operation of the Whareroa manufacturing site.</p> <p>Fonterra supports the specific consideration of best practicable option when assessing the appropriateness of the use and development of the coastal environment in Policy 5(c).</p>	<p>Policy 5(b) should be amended as follows:</p> <p>(b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of <u>dairy manufacturing</u>, aquaculture and marine based renewable resources.</p>
12	Policy 6 Activities important to the well-being of people and communities	22	Support in part	<p>Fonterra considers that Policy 6 should be extended to recognise and provide for new and existing industry, such as dairy manufacturing. The wastewater discharge infrastructure associated with Fonterra's Whareroa site is located in the CMA, and utilised by South Taranaki District Council for the discharge of municipal wastewater. It is critical to enabling the social and economic well-being of the local and regional communities. Providing for new, as well as existing, infrastructure and industry would appropriately provide for the expansion or substantial upgrading of necessary infrastructure and industry, while still being subject to appropriate management of adverse environmental effects.</p>	<p>Amend Policy 6 as follows:</p> <p>Recognise and provide for new and existing infrastructure <u>and industry</u> of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				This would also give better effect to the first two bullet points of Policy 6 in the NZCPS as discussed in Submission Point 2 .	
13	Policy 7 Impacts on established operations and activities	22	Support in part	Fonterra supports the implied intent in Policy 7, to give effect to Objective 3 and protect existing lawfully established activities from reverse sensitivity effects. However, as drafted, the policy is unclear and requires amendment.	Amend Policy 7 as follows: Avoid, remedy or mitigate the adverse effects <u>reverse sensitivity effects from</u> of new activities, including reverse sensitivity impacts , on existing lawfully established activities.
14	Policy 11 Coastal water quality	23	Support in part	Fonterra does not consider that it is technically possible to maintain and enhance water quality at the same time and therefore suggests an amendment to Policy 11 to better convey the Council's intent. This would ensure Policy 11 is consistent with the relief sought in Submission Point 4 above.	Amend Policy 11 as follows: Maintain <u>coastal water quality where it is good</u> and enhance coastal water quality <u>where it is degraded</u> by avoiding, remedying and mitigating the adverse effects of activities on: ...
15	Policy 14 Indigenous biodiversity	24	Support	Fonterra supports Policy 14, which seeks to avoid significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biodiversity in the coastal environment.	Retain Policy 14 as notified.
16	Policy 17 Public access	26	Support	Fonterra supports Policy 17 which provides for the maintenance and enhancement of public access to the coastal environment. In particular, Fonterra supports sub-clause (c), which recognises that public access to the coastal environment may not be appropriate in some circumstances, including those where there is a risk to public health and safety, a level of security is required to protect equipment or to reduce conflict	Retain Policy 17 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				between activities, particularly where those activities are incompatible.	
17	Policy 18 Amenity values	26	Support	Fonterra supports Policy 18, which seeks to maintain and enhance significant amenity values in the coastal environment.	Retain Policy 18 as notified.
SECTION 5.2 – ACTIVITY-BASED POLICIES					
18	Policy 22 Discharge of water or contaminants to coastal waters	28	Support in part	<p>Fonterra supports Policy 22 but considers three minor amendments are necessary:</p> <p>Fonterra considers that Policy 22(c) as currently drafted does not sufficiently identify the circumstances in which best practicable option should be implemented, and therefore seeks amendment to clarify that it is the treatment and discharge for which the best practicable option is adopted. This amendment would ensure consistency with the definition of best practicable option in the RMA.</p> <p>Fonterra supports recognition of a reduction in adverse environmental effects through a defined programme of works in Policy 22(d), but considers that it is necessary to make reference to the programme of works occurring over an appropriate timeframe, for example, to allow time to take into account the benefits sought to be achieved and the costs associated with those works.</p> <p>Policy 22(e) should be amended to refer to the adverse effects on life supporting capacity within the mixing zone, in order to maintain consistency with Policy 23(1)(e) and (f) of the NZCPS (which Policy 22(e) of the Proposed Plan closely reflects).</p>	<p>Retain Policy 22 as notified except for the following amendments.</p> <p>Amend Policy 22(c) as follows: Adopt the best practicable option for the treatment and discharge to prevent or minimise adverse effects on the environment...</p> <p>Amend Policy 22(d) as follows: be required, where appropriate, to reduce adverse environmental effects through a defined programme of works over an appropriate timeframe set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;</p> <p>Amend Policy 22(e) as follows: use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>Fonterra specifically supports Policy 22(f), as it allows for sufficient mixing prior to requiring adverse effects to be avoided, remedied or mitigated.</p>	<p>adverse effects <u>on life supporting capacity</u> within the mixing zone; and</p> <p>Retain Policy 22(f) as notified.</p>
19	Policy 26 Improving existing wastewater discharges	29	Support in part	<p>Fonterra supports Policy 26, which requires the improvement of existing wastewater discharges subject to the implementation of the best practicable option.</p>	Retain Policy 26 as notified.
20	Policy 27 Discharge of stormwater	29	Support in part	<p>Fonterra generally supports Policy 27, which requires the appropriate management of stormwater discharges to the coastal marine area.</p> <p>However, Fonterra considers that the policy should also refer to the implementation of the best practicable option for the treatment and discharge of stormwater into the coastal environment.</p>	<p>Retain Policy 27 as notified subject to the addition of a new subclause (d) as follows:</p> <p><u>(d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects.</u></p>
21	Policy 30 Discharges of contaminants to air	30	Support	<p>Fonterra supports Policy 30, in particular the requirement to adopt the best practicable option to prevent or minimise adverse effects on the environment associated with discharges of contaminants to air.</p>	Retain Policy 30 as notified.
22	Policy 32 Placement of structures	30	Support in part	<p>For the reasons discussed in Submission Point 11 above, Fonterra seeks that structures with an operational requirement to be located in the coastal marine area are also provided for in the policy.</p> <p>Fonterra supports subclause (e) and, in particular, the limitations to access where it is not appropriate for safety reasons.</p>	<p>Retain Policy 32 as notified, except for an amendment to subclause (a) as follows:</p> <p>Structures in the coastal marine area:</p> <p>(a) will generally be limited to those that have a functional need <u>or operational requirement</u> to be located in the coastal marine area and that do not</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
					cause duplication of a function for which existing structures or facilities are adequate;
23	Policy 34	31	Oppose in part	Fonterra uses a hard protection structure to protect the discharge outfall for the Whareroa dairy manufacturing site, which is the only practical means of protecting the outfall. Fonterra therefore considers that the first sentence of this policy should be amended to also refer to nationally and regionally important industry.	Amend Policy 34 as follows: 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</u> infrastructure.
24	Policy 36 Maintenance, repair, replacement and minor upgrading of existing structures	31	Support	Fonterra supports Policy 36, which enables the maintenance, repair, replacement and minor upgrading of existing lawful structures in the coastal environment subject to the management of adverse effects.	Retain Policy 36 as notified.
SECTION 8.1 – Rules Discharges					
25	Rule 2 Stormwater Discharges Discretionary Activity	48	Support	Fonterra supports the discretionary activity status for stormwater discharges into water or onto land in the coastal marine area.	Retain Rule 2 as notified.
26	Rule 6 Wastewater treatment plant discharges Discretionary activity	50	Support	Fonterra supports the discretionary activity status for wastewater discharges that contain treated sewage into water or onto land in the coastal marine area.	Retain Rule 6 as notified.
27	Rule 13 Other discharges to water and land not provided for in Rules 1 to 12	53	Support	Fonterra supports the discretionary activity status for "other" wastewater discharges into water or onto land in the coastal marine area.	Retain Rule 13 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	Discretionary activity				
28	Rule 17 Other discharges to air not provided for in Rules 15 and 16 Discretionary activity	55	Support	Fonterra supports the discretionary activity status for "other" discharges of contaminants into air from industrial and trade premises in the coastal marine area.	Retain Rule 17 as notified.
29	Rule 33 Other structure erection or placement not provided for in Rules 18 to 32 Discretionary activity	72	Support	Fonterra supports the discretionary activity status for erection or placement of "other" structures not provided in Rules 18 to 32.	Retain Rule 33 as notified.
30	Rule 35 Structure maintenance, repair or minor alteration Permitted activity	73	Support	Fonterra supports the permitted activity status for the maintenance, repair or minor alteration of existing structures in the coastal environment.	Retain Rule 35 as notified.
31	Rule 38 Structure removal and replacement Permitted activity	77	Support	Fonterra supports the permitted activity status for the removal or replacement of structures in the coastal environment. Fonterra particularly supports permitted activity standard (a), which requires that the structure has a functional need or operational requirement to be located in the coastal marine area.	Retain Rule 38 as notified.
32	Rule 42 Other structure repair, alteration, extension or	81	Support	Fonterra supports the discretionary activity status for the repair, alteration, extension, removal or replacement of structures in the coastal	Retain Rule 42 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	removal and replacement that is not provided for in Rules 35 to 41 Discretionary activity			environment that are not provided for in Rules 35 to 41.	
33	Rule 48 Continued occupation Permitted activity	86	Support	Fonterra supports the permitted activity status for the continued occupation of structures in the coastal environment that were lawfully established and were permitted at the time of placement or erection.	Retain Rule 48 as notified.
34	Rule 49 Continued occupation Controlled activity	87	Support	Fonterra supports the controlled activity status for the continued occupation of structures in the coastal environment that were lawfully established and were a controlled activity at the time of placement or erection.	Retain Rule 49 as notified.
35	Rule 50 Other occupation that is not provided for in Rules 47 to 49 Discretionary activity	88	Support	Fonterra supports the discretionary activity status for occupation activities not otherwise provided for.	Retain Rule 50 as notified.
36	Rule 51 Clearance of outfalls, culverts and intake structures Permitted activity	89	Support in part	Fonterra generally supports the permitted activity rule for the clearance of outfalls, culverts and intakes that involves the disturbance of the foreshore and seabed. Fonterra seeks that the timeframe provided for in permitted activity standard (e) is increased to seven days, to recognise that the clearance activity on a large structure may take longer than one day, due to weather (for example), and that these structures	Retain Rule 51 as notified except that standard (e) should be amended as follows: ... (e) activity does not restrict public access for more than <u>seven days 24 hours</u> .

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				are located in areas where there may be a low level of demand for access.	
37	Rule 60 Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59 Discretionary activity	95	Support	Fonterra supports the discretionary activity status for the disturbance, damage, or destruction of the foreshore and seabed not provided for in Rules 51 to 59.	Retain Rule 60 as notified.
SECTION – DEFINITIONS AND ACRONYMS					
38	Functional need	111	New definition	Fonterra seeks a definition of "functional need" to give effect to the relief sought in Submission Point 11 above.	Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.
39	Operational requirement	114	New definition	Fonterra seeks a definition of "operational requirement" to give effect to the relief sought in Submission Point 11 above	Operational requirement means the requirement for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.
40	Repair	116	Support	Fonterra supports the definition of repair and the clarification that the Proposed Plan authorises both repair and reconstruction.	Retain the definition of Repair as notified.
SECTION – PLAN MAPS					
41	Map 31		Support	Fonterra supports the classification of the coastal marine environment in the vicinity of Whareroa as Open Coast.	Retain the classification of coastal marine environment in the vicinity of Whareroa as notified.

FONTERRA LIMITED

PROPOSED COASTAL PLAN FOR TARANAKI FURTHER SUBMISSIONS

To: Taranaki Regional Council
Via email: coastal@trc.govt.nz

SUBMITTER: FONTERRA LIMITED

Contact: Brigid Buckley

Address for Service: **Fonterra Limited**
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48 Shortland Street
PO Box 8 / DX CX10085
AUCKLAND
Attn: Rachel Robilliard

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Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

1. Fonterra Limited (Fonterra) is a person who has an interest in the Proposed Coastal Plan for Taranaki (Proposed Plan) that is greater than the interest of the general public. Fonterra has significant assets and operational interests within the Taranaki region, including its Whareroa Dairy Manufacturing Site.
2. Fonterra made submissions on the Proposed Plan, listed as Submission 47. The attached schedule sets out Fonterra's further submissions in respect of submission points made by other parties (attached as **Annexure A**).
3. For the original submissions that Fonterra supports, Fonterra considers that those submissions should be allowed as they:
 - promote sustainable management of the region's resources;

- enable the social, economic and cultural wellbeing of the community of the Taranaki Region;
 - achieve the integrated management of the effects of the use, development and protection of air, land and water and associated resources of the Taranaki Region;
 - enable the efficient use and development of Fonterra's assets and operations, and those people and resources which are dependent on, or benefit from, Fonterra's assets and operations;
 - represent the most appropriate means of exercising the Taranaki Regional Council's functions under section 30 of the Resource Management Act 1991 (**RMA**);
 - represent the most appropriate plan provisions under section 32 of the RMA; and
 - are otherwise consistent with the relevant provisions of the RMA, including the purpose and principles of Part 2.
4. For the original submissions that Fonterra opposes, Fonterra considers that those submissions should be disallowed as they:
- will not promote sustainable management of the region's resources;
 - will not enable the social, economic and cultural wellbeing of the community of the Taranaki Region;
 - will not achieve the integrated management of the effects of the use, development and protection of air, land and water and associated resources of the Taranaki Region;
 - will not enable the efficient use and development of Fonterra's assets and operations, and those people and resources which are dependent on, or benefit from, Fonterra's assets and operations;
 - do not represent the most appropriate means of exercising the Taranaki Regional Council's functions under section 30 of the RMA;
 - do not represent the most appropriate plan provisions under section 32 of the RMA; and
 - are otherwise inconsistent with the relevant provisions of the RMA, including the purpose and principles of Part 2.
5. Fonterra wishes to be heard in support of its submission points and would be prepared to consider presenting a joint case with submitters raising similar concerns.
6. I can confirm that copies of this further submission have been served on the person making the original submission.

Dated: 3 August 2018



BRIGID BUCKLEY

National Policy Manager – Global Sustainability and Resources
Fonterra Limited

Annexure A

Names and Addresses for Service of Submitters

SUBMISSION	SUBMITTER NAME	ADDRESS FOR SERVICE
20	Meridian Energy Limited	andrew.feierabend@meridianenergy.co.nz
26	Transpower New Zealand Limited	pauline.whitney@boffamiskell.co.nz
29	Department of Conservation	agray@doc.govt.nz
43	Royal Forest and Bird Protection Society of New Zealand Incorporated	t.kay@forestandbird.org.nz
45	Powerco Limited	mlaurensen@burtonconsultants.co.nz
59	KiwiRail Holdings Limited	rebecca.beals@kiwirail.co.nz

Further Submission Points on the Proposed Coastal Plan for Taranaki

3 August 2018

PAGE #	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
5	Royal Forest and Bird Protection Society	Planning Maps	Seeks that the planning maps are amended to identify the extent of the coastal environment or alternatively identify an indicative extent of the coastal environment.	Support	Fonterra agrees that the identification of the coastal environment on the planning maps will provide greater certainty for activities.	That this submission point be allowed.
9	Transpower Limited NZ	Section 3.1 – Appropriate use and development	Seeks amendment to Section 3.1 to recognise that some activities require a coastal marine location due to their technical, operational or locational constraints.	Support	Fonterra agrees that the Proposed Plan should recognise that there are technical, locational and operational reasons as to why an activity requires a coastal location.	That this submission point be allowed.
13	Transpower Limited NZ	Objective 2	Seeks that the objective is amended to provide for those activities that have a technical, operational or locational need to locate in the coastal environment.	Support	Fonterra agrees that the Proposed Plan should recognise that there are technical, locational and operational reasons as to why an activity requires a coastal location.	That this submission point be allowed.
30	Meridian Energy Limited	Policy 3 – Precautionary approach	Requests that Policy 3 is retained as notified.	Support	For the reasons outlined in Meridian's submission, Fonterra supports the adoption of the precautionary approach where the effects of an activity are uncertain or significant.	That this submission point be allowed.
31	Powerco	Policy 4 – Extent and characteristics of the coastal environment	Delete Policy 4 and refer to a comprehensive map of the coastal environment in its place.	Support in Part	As noted in Fonterra's submission, Fonterra supports the intent of Policy 4 to provide guidance as to how the inland extent of the coastal environment would be determined. However, Fonterra also supports the	This submission point should be allowed in part.

PAGE #	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
					proposal to also identify the inland extent of the coastal environment on the planning maps.	
75	Powerco	Policy 37 – Alteration or extensions of existing structures	Requests that Policy 37 is amended to provide for extension and alterations to all existing lawful structures, not just those that are considered major.	Support in Part	Fonterra supports the amended wording, which enables the alteration and extension of all structures, subject to ensuring that the activity will not have significant adverse effects.	That the submission point be allowed.
77	Powerco	Policy 38 – Removal of coastal structures	Requests that Policy 38 is retained as notified.	Support	As outlined in PowerCo's submission the policy appropriately allows for the removal and occupation of structures within the coastal environment and should be retained as notified.	That the submission point be allowed.
112	KiwiRail	Rule 25 – Hard protection structure	Requests that Rule 25 is retained as notified.	Support	Fonterra agrees that this rule should be retained as notified, and considers that the discretionary activity status is appropriate.	That the submission point be allowed.
128	Department of Conservation	Rule 36 – Maintenance, repair, alteration, extension or removal and replacement of existing lawfully established structures	Requests that Rule 36 is retained as notified.	Support	Fonterra agrees that this rule should be retained as notified, and considers that the discretionary activity status is appropriate.	That the submission point be allowed.
159	Royal Forest and Bird Protection Society	Financial Contributions	Requests the retention of the Financial Contributions policies included in the Proposed Plan, and the note that from	Support in Part	Fonterra also supports the inclusion of the note in Section 9 that acknowledges that financial	That the submission point be allowed in part.

PAGE #	SUBMITTER	SECTION	RELIEF SOUGHT	SUPPORT / OPPOSE	REASONS	DECISION SOUGHT
			2022 Councils will no longer be able to require financial contributions under the RMA.		contributions will cease to be allowed under the Resource Management Act from 2022. However, given that the Proposed Plan is not likely to be operative for some time, this section is likely to have limited relevance and application during the life of the Proposed Plan. Fonterra therefore suggests that this section should be removed from the Proposed Plan.	
162	Powerco	Definition – Coastal environment	Requests that the definition of "coastal environment" be amended to mean the area identified in the comprehensive map of the coastal environment, including the natural and physical resources within it, and the atmosphere above it.	Support	Fonterra supports this submission for the reasons outlined in its further submission in support of Powerco's submission on Policy 4 above.	That the submission point be allowed.
174	Powerco	Schedules 1 and 2 – Coastal management areas and areas of outstanding value	Amend the maps in Schedules 1 and 2 by mapping the coastal environment line and to ensure that the extent of the sensitive coastal management areas are appropriate, having regard to existing infrastructure.	Support	Fonterra agrees that identifying the coastal environment on the relevant planning maps in Schedules 1 and 2 will provide clarity and certainty to plan users, and that the extent of the sensitive coastal management areas are appropriate for existing infrastructure.	That the submission point be allowed.

Further submission ends.

APPENDIX C

Submitter name	Address for service
KiwiRail	Rebecca Beals rebecca.beals@kiwirail.co.nz
Heritage New Zealand	Caroline Rachlin crachlin@heritage.org.nz
Royal Forest and Bird Protection Society	Tom Kay t.kay@forestandbird.org.nz
Te Rūnanga o Ngāti Ruanui Trust	Graham Young Graham.Young@ruanui.co.nz
Port Taranaki Ltd	Guy Roper Guyr@porttaranaki.co.nz
Department of Conservation	David Spiers c/ Angus Gray agray@doc.govt.nz
Te Korowai o Ngāruahine Trust	Louise Tester louise@ngaruahine.iwi.nz