

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Chapter 32 – Coastal
Environment

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Dated: 7 June 2024

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List of submitters and further submitters addressed in this report

Submitter No	Submitter name	Abbreviation
53	Department of Conservation	DOC
47	Royal Forest and Bird protection Society of New Zealand Incorporated	F&B
10	Waikato Regional Council	WRC
46	Federated Farmers	FF
17	Waka Kotahi NZ Transport Agency	NZTA
31	Transpower New Zealand Limited	Transpower
03	Heritage New Zealand Pouhere Taonga	NZHPT
38	Te Tokanganui-a-noho Whare	TTRMC
50	Te Nehenehenui Trust	TNN
FS03	Department of Conservation	DOC
FS19	PF Olsen	PF Olsen
FS20	Sheryl Paekau	Sheryl Paekau
FS23	Te Nehenehenui	TNN
FS05	Federated Farmers	FF
FS30	Transpower New Zealand Limited	Transpower

1. Introduction

1.1 Qualifications and Experience

1. My name is Alex Bell. I am employed by the Waitomo District Council as the General Manager – Strategy and Environment.
2. I hold the qualifications of Bachelor of Laws, Graduate Diploma in Environmental Planning and am completing my Post Graduate Diploma in Environmental Planning from the University of Waikato.
3. I have been employed in legal and planning roles in private practice, central government and local government for approximately 10 years. I have been employed by Council as the General Manager – Strategy and Environment since June 2021. In this role I am responsible for the Proposed Waitomo District Plan proceeding through the process under Schedule 1 of the RMA and the administration of the Operative Waitomo District Plan.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflicts of interest.

1.4 Preparation of this report

7. This report considers the submissions and further submissions that were received in relation to Chapter 32 – Coastal Environment.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
9. In preparing this report I relied on the expert advice sought from Focus Resource Management Group with regards to Coastal Hazards, and the Natural Character Assessment prepared by Bridget Gilbert.

2. Scope of Report

2.1 Matters addressed by this report

10. This report is prepared in accordance with Section 42A of the Resource Management Act 1991. This report considers submissions and further submissions that were received by the Council in relation to the provisions of Chapter 32 Coastal Environment within the Proposed Waitomo District Plan.
11. The purpose of the coastal environment chapter is to set out the approach to managing the coastal environment in an integrated manner and to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS).
12. Other effects and activities are addressed in various Section 42A reports, such as natural features and landscapes, natural character, network utilities, energy, temporary activities, earthworks, ecosystems and indigenous biodiversity chapters.

2.2 Overview of the topic / chapter

13. The coastal environment chapter sets out the approach to managing the coastal environment in an integrated manner and to give effect to the NZCPS.
14. The chapter also sets out provisions for implementing the Waitomo District **Council's functions and duties in relation to the coastal environment**, including coastal hazards. The Chapter identifies coastal hazards into 3 categories:
 - The Coastal Erosion Hazard Area 1 (CEHA 1) which is the area likely to be affected by coastal erosion within the next 50 years with existing sea level and coastal processes and/or with continuation of existing coastal trends.
 - The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120 assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m.
 - The Coastal Flood Hazard Area (CFHA) which is the extent of land likely to be vulnerable in a rare extreme storm surge event, including the effect of a projected sea level rise (1.0 m to 2120).
15. In accordance with the provisions of the NZCPS, the Chapter also provides for activities within areas of outstanding natural character and areas of very high or high natural character. The Waikato Regional Policy Statement sets out the assessment criteria which have been used to identify the areas of outstanding, high/very high natural character that are protected by the provisions in this plan.

2.3 Statutory Requirements

16. The PDP has been prepared in accordance with the Council's functions under the RMA, specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato **Regional Policy Statement, the Manawatū-Whanganui One Plan**, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

2.4 Procedural matters

17. At the time of writing this Section 42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

3. Consideration of submissions received

3.1 Overview of submissions

18. A total of 55 submissions and 21 further submissions were received. A total of 8 submissions requested that provisions as notified be retained.

3.2 Structure of this report

19. Given the number, nature and extent of the submissions and further submissions received, the Section 42A report structure is based largely on the Chapter 32 Coastal Environment and follows that sequence. The provisions include objectives, policies, rules, rule requirements, matters of control or discretion and schedules. Requested new provisions have been addressed subsequent to related provisions. Where an amendment is recommended the applicable Section 32AA assessment (if required) will follow on from the recommendations section for that issue.

4. Analysis and Recommendations

Topic 1: Coastal Environment – submissions that have sought retention of notified provisions

20. A total of seven submissions and three further submissions supporting various provisions as notified and that have not been challenged.

Submission No	Submitter	Support/ in part/ oppose	Plan Provision	Relief Sought	Recommendation
53.53	Department of Conservation (DOC)	Support	Whole chapter	Retain as notified, except where specific changes are requested below.	Accept in part
03.150	Heritage New Zealand Pouhere Taonga (NZHPT)	Support	CE-P8	That CE-P8 is retained.	Accept
38.80	Te Tokanganui-a-noho Whare (TTRMC)	Support	CE-P8	Retain CE-P8 as notified.	Accept
FS20.109	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
50.23	Te Nehenehenui	Support	CE-P8. Restricted discretionary criteria relating to effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity	Retain the following provisions in the Coastal environment chapter: CE-P8. Retain the restricted discretionary criteria relating to effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity.	Accept
FS20.221	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Nehenehenui Trust be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land	Accept
FS20.237	Sheryl Paekau	Support in part		I seek that this submission be given consideration and take into account the barriers that Maaori must overcome in order to use their land sustainably in the future.	Accept
38.81	TTRMC	Support	CE	Retain the restricted discretionary criteria relating to effects on the relationship of mana whenua and their	Accept.

Submission No	Submitter	Support/ in part/ oppose	Plan Provision	Relief Sought	Recommendation
				culture and traditions with the site and any wāhi tapu or other taonga affected by the activity in the Coastal Environment chapter	
FS20.110	Sheryl Paekau	Support		I seek that the whole of all submissions provided by Te Kohanganui Whare be allowed and to take into account my support in part when applied to limiting numbers of dwellings on Maaori land.	Accept
18.27	Auckland Waikato Fish and Game (AWFG)	Support	CEH-R1 and CEH-R2	Retain as notified.	Accept
17.76	Waka Kotahi	Support	CEH-R6	Retain as notified.	Accept

21. It is recommended that the relief sought by the submitters to retain these provisions as notified is accepted.

22. Section 32AA: No changes are recommended as a result of these submissions. A section 32AA evaluation is not required.

Topic 2: Coastal Environment – Overview

23. A total of four submissions were received on the overview of the Chapter. Two of these submissions supported the overview with amendment, and two requested amendments. No further submissions were received.

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
47.152	F&B	Support with amendment	Overview	Amend the overview of the Coastal Environment chapter to add an explanation of how the plan gives effect to the NZCPS particularly with respect to which chapters address Policies 11, 13, 14 and 15 of the NZCPS. And Make amendments to the overview of the Coastal Environment chapter as needed to give effect to the NZCPS. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
47.153	F&B	Support with amendment	Overview CEHA 2	Amend the wording of CEHA 2 as follows:	Reject.

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				<p>The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m of <u>the projected increase in sea level, as determined by national guidance, but expected to be not less than 1m by 2120.</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	
10.110	WRC	Amend	CEHA-2 (page 2)	<p>Amend the wording so that it is consistent with the wording used in CE-P22.2. For example:</p> <p>"The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact of projected sea level rise of 1.0 m of <u>the projected increase in sea level, as determined by national guidance, but being not less than 1m by 2120.</u>"</p>	Reject
10.111	WRC	Amend	CFHA (page 3)	<p>Provide reasoning for why only a part of the coastal hazard area is considered and included for Awakino.</p> <p>In addition, WRC recommends amending the wording of the following sentence:</p> <p>"In Awakino, Marokopa and Kiritehere the upstream area is also the 1% AEP floodplain is based off the 1% AEP coastal or river flooding extent because ..."</p>	Reject

24. Forest and Bird request the overview is amended to add an explanation of how the plan gives effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), particularly identifying which chapters address Policies 11, 13, 14 and 15 of the NZCPS. It is noted that the Overview specifically states that the chapter has been drafted to give effect to the NZCPS as

follows:

The purpose of the coastal environment chapter is to set out the approach to managing the coastal environment in an integrated manner and to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS)

25. The section 32 document also refers to the sections of the NZCPS which were consider relevant to this topic being Objective 1 – 6, Policies 1 – 7, 13, 14, 18, 19, 21 and 22. Policy 11 is addressed through the provisions of the indigenous biodiversity and ecosystems chapter and Policy 15 though the provisions for natural features and landscapes and the natural character policy and rule framework contained in this chapter. This plan does not provide exclusively for the NZCPS in these provisions. Waitomo has significant coastal, estuarine and harbour environments that are valued by our communities and precious to mana whenua. It is the intent of this plan to ensure that the provisions of the NZCPS and the Waikato Regional Policy Statement (WRPS) are considered as and when appropriate through its provisions. It is considered that it is the role of the section 32 documentation to make this explicit rather than the overview section of this chapter.
26. Forest and Bird also request amendments to the overview of the coastal environment chapter 'as needed to give effect to the NZCPS'. **It's not quite** clear what this entails, but as discussed above it is considered that the appropriate location for this information is in the section 32 document. Addressing the NZCPS when the provisions are being drafted is the most effective and efficient way to ensure this policy document is given effect to.
27. Both Forest and Bird and the Waikato Regional Council have requested amendments to the description of *Coastal Erosion Hazard Area 2 (CEHA 2)* in the overview.
28. Forest and Bird seek:

The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact ~~of projected~~ sea level rise of 1.0 m of the projected increase in sea level, as determined by national guidance, but expected to be not less than 1m by 2120.
29. The Waikato Regional Council seek:

The Coastal Erosion Hazard Area 2 (CEHA 2) which is the area likely to be affected by coastal erosion over the next 100 years to 2120, assuming a continuation of existing coastal trends and the likely impact ~~of projected sea level rise of 1.0 m of the~~ projected increase in sea level, as determined by national guidance, but being not less that 1m by 2120. In Awakino, Marokopa and Kiritehere the upstream area ~~is also the 1% AEP floodplain~~ is based off the 1% AEP coastal or river flooding extent because...
30. For practical purposes, both submitters seek the same relief. It is accepted

that terminology is inconsistent across plans and policy documents in New Zealand. There is nothing mandated at a national or regional level which directs how hazard areas are named, how they are defined (with the exception of high-risk flood zones), described and identified on maps. Even within the Waikato region, the result is a plethora of hazard areas named inconsistently, defined and identified inconsistently and mapped using different symbology. More worrying, these areas are mapped to various representative concentration pathways (RCP), or worse, mapped not using RCPs at all.

31. It is beyond the ability of this plan to address this consistency issue. Preferably this should be addressed at a national level and the proposed National Policy Statement for Natural Hazard Decision-Making offered that opportunity. **Unfortunately, it didn't deliver. Instead,** the approach has been to work with the Waikato Regional Council to ensure that the correct coastal mapping is undertaken to the correct parameters. The advice received in the coastal hazards report and mapping undertaken by Focus Resource Management Group, used the terminology adopted in the plan. There is significant reluctance to amend any definition in a way that might be inconsistent with the parent scientific assessment which underpins this chapter. Even a change in terminology could add confusion when plan users are trying to navigate this complex topic. This similarly applies to the flood mapping for Awakino, Marokopa and Kiritehere undertaken by Tonkin and Taylor.
32. The reports are attached here for reference. Further discussion on this matter is welcomed, but in the interim, these submission points are recommended to be rejected.

<https://www.waitomo.govt.nz/media/azyitffq/coastal-hazards-report-october-2020.pdf>

<https://www.waitomo.govt.nz/media/55xdsdmf/te-kuiti-and-piopio-flood-modelling-report-december-2019.pdf>

Topic 3: Coastal Environment – Objectives and Policies - general comments

33. Three submissions and one further submission were received providing general comments on the objectives and policies of the coastal environment chapter.

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
47.150	F&B	Oppose	General	Amend the CE chapter to include policy direction and rules that avoid significant adverse effects and remedy or mitigate other adverse effects on natural character, landscapes and features in the coastal environment	Reject

Submission No	Submitter	Support / in part / oppose	Plan Provision	Relief Sought	Recommendation
				that are not identified as outstanding or high/very high. And Any consequential changes or alternative relief to achieve the relief sought.	
47.151	F&B	Oppose with amendment	General	Amend the Coastal Environment chapter to combine the objectives and policies so that there is only one set and numbers are consecutive for objectives and then policies. Retain the use of subheadings as relevant. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
46.65	FF	Oppose with amendment	Objectives and policies Coastal Hazards	Amend objectives and policies for Coastal Hazards to recognise and provide for: <ul style="list-style-type: none"> the functional need of certain activities to be in areas where the resource is located; and existing and lawfully established activities to continue to operate. And Any consequential amendments required as a result of the relief sought.	Reject
FS23.235	TNN	Oppose		Oppose where this conflicts with cultural values	Accept

34. Forest and Bird request that the chapter is amended to include policy direction and rules that avoid significant adverse effects and remedy or mitigate other adverse effects on natural character, landscapes and features in the coastal environment that are not identified as outstanding or high/very high. The submitter is referring to Policy 15(b) of the NZCPS:

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

....

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:

35. The matter is provided for in CE-O1 and CE-P1. CE-P1 particularly addresses Policy 15(b)-(e), however the following policy points are of particular note:

CE-P1. When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by:

.....

7. Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline; and

.....

14. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character of the coastal environment:

- (i) Areas in their natural states or close to their natural state; and*
- (ii) Coastal landforms and landscapes; and*
- (iii) Coastal physical processes, including the movement of water and sediment; and*
- (iv) Biodiversity; and*
- (v) Biological processes and patterns; and*
- (vi) Water flows and levels, and water quality; and*
- (vii) The experience of the above elements, patterns and processes*

36. It is considered that the provisions in CE-O1 and CE-P1 give effect to the provisions of Policy 15(b)-(e) of the NZCPS in respect of landscapes and features in the coastal environment that are not identified as outstanding or high/very high. No change is recommended.

37. Forest and Bird request that the chapter combines the objectives and policies so that there is only one set, and the numbers are consecutive for objectives and then policies and to retain the use of subheadings as relevant. The chapter is drafted in a format that is compliant with the National Planning Standards:

If the district has a coastline, a Coastal environment chapter must be provided that:

.....

b. sets out provisions for implementing the local authorities functions and duties in relation to the coastal environment, including coastal hazards

....

38. As shown by the submission point above, grouping the objectives and policies is helpful as it is easy to distinguish where the policy framework is managing the general coastal environment as opposed to areas of identified natural character or coastal hazards. This structural change is not recommended.
39. Federated Farmers requested the objectives and policies are amended to recognise and provide for the functional need of certain activities to be in areas where the resource is located; and existing and allow lawfully established activities to continue to operate. These matters are provided for in CE-P1.3 and CE-P13.5 which both provide for land use or development activities that have a functional and operational to be in the coastal environment or coastal hazard areas. Lawfully established farming activities are provided in CE-P1.13. It is considered that these polices address the relief that the submitter seeks.

Topic 4: CE-O1

40. Two submissions and one further submission were received this Objective.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.54	DOC	Oppose	CE-O1	Replace the proposed CE-O1 with the following or with words to like effect: <u>The natural character of the coastal environment is protected from inappropriate subdivision, use and development</u>	Reject
47.154	F&B	Oppose with amendment	CE-O1	Amend CE-O1 to set out that natural character will be protected. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
FS05.119	FF	Oppose		Decline the relief sought	Accept
FS30.47	Transpower	Oppose in part		Transpower is not opposed to amendment	Accept

				to O1 to give effect to the NZCPS Policy 13, however should the objective be amended, seeks amendment to also refer to 'inappropriate subdivision, use and development	
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41. Both the Department of Conservation and Forest and Bird have requested that the CE-O1 be strengthened to specifically state that natural character of the coastal environment will be protected. It is considered that the current notified wording in CE-O1 provides for the distinction between how **the 'general coastal environment' is treated, and then how areas of natural character** are treated. It is considered that the notified objective is consistent with the NZCPS and the WRPS.
42. The further submission by Federated Farmers and Transpower opposing this relief is accepted, as both submissions from the Department of Conservation and Forest and Bird have been rejected.

Topic 5: CE-O2

43. One submission and no further submissions were received on this objective.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
46.64	FF	Support with amendment	CE-O2	Amend CE-O2 to clarify that the wording encompasses on-going farming operations; And Retain CE-O2 if it encompasses on-going farming operations. Or Amend CE-O2 so that it specifically refers to the on-going operation of existing and lawfully established activities such as farming. And Add a policy for natural character which provides for the on-going operation of existing and lawfully established	Reject

				activities such as farming within natural character areas; And Any consequential amendments required as a result of the relief sought.	
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44. Federated Farmers request more specific wording so the CE-O2 (and an additional policy) provides for lawfully established farming activities within natural character areas. Lawfully established farming activities are provided for under section 10 of the RMA. Further policy protection for farming in identified areas of natural character in the coastal environment is not appropriate. These coastal areas are the most pristine and important landscapes identified in the district. To put the extent of these two landscapes in perspective:

- There is one area of outstanding natural character in the district on the southwestern edge of Kawhia Harbour, which comprises a total of 0.3% of the district.
- 98% of the land area is a nationally significant natural area (SNA) and only 2% of land area of that landscape is developed (most likely to be vegetation clearance around small baches).
- There are pockets of high/very high natural character along the western open coast which comprises a total of 0.8% of the district.
- 22% of that land area is likely to be developed or farmed. The remaining 78% is likely SNA, coastal cliffs or dunelands.

45. These landscapes are identified in SCHED10 and SCHED11. Given the protection afforded by the RMA and the significance of these two landscapes, further policy provision for lawfully established activities is neither required or recommended.

Topic 6: CE-O5

46. One submission and one further submission have been received on this Objective.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.61	DOC	Seeks clarification	CE-O5	Amend CE-O5 as follows or with relief to like effect: Ensure that coastal communities are resilient to the risks that natural hazards <u>and climate change</u> pose on people, property, infrastructure and the environment by providing for subdivision, use and development of land only where these	Reject

				risks are avoided or appropriately mitigated.	
FS19.166	PF Olsen	Support in part		Allow submission points as amended to apply to all primary industry	Reject

47. The Department of Conservation have requested that CE-O5 be amended as follows:

Ensure that coastal communities are resilient to the risks that natural hazards and climate change pose on people, property, infrastructure and the environment by providing for subdivision, use and development of land only where these risks are avoided or appropriately mitigated.

48. It is considered that this relief is already provided for as there is a specific Objective (CE-O8) for managing land use to minimise the potential adverse effects of climate change, and Council has specific powers under section 106(1)(a) which enable it to refuse or grant a subdivision consent subject to conditions, if it considers that there is a significant risk from natural hazards.

Topic 7: CE-P1

49. Nine submissions and three further submissions were received on this policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.55	DOC	Support in part	CE-P1	Amend CE-P1 with following or with words to like effect: When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by: 1. Encouraging any new activities to consolidate within and around existing developments or in locations where the natural character values have already been compromised; and 2. Avoiding the sprawl of development along the coastline; and 3. Assessing the functional and operational need of the activity being located in the coastal environment; and 4. Recognising the potential for	Accept in part

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				<p>restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity; and</p> <p>5. Ensuring sufficient development setbacks are in place; and</p> <p>6. Ensuring any earthworks in close proximity to the coastline are restricted to <u>activities that have a functional or operational need to locate in the coastal environment</u> limited activities and where other earthworks are proposed, ensure they are small scale and are designed and located to minimise effects on the coastal environment; and</p> <p>7. Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline and <u>avoid remedy or mitigate other adverse effects</u>; and</p> <p>8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure; and</p> <p>9. Encouraging alternatives to hard protection structures; and</p> <p>10. Avoiding activities that damage the stability of coastal dune systems; and</p> <p>11. Avoiding developments in locations that are of significance to mana whenua; and</p> <p>12. Ensuring that activities are carried out in a way that</p>	

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				<p>maintains or enhances water quality in the coastal environment; and</p> <p>13. Providing for the continued operation of lawfully established farming activities; and</p> <p>14. Recognising and protecting the following natural elements, patterns, processes and experiential qualities which contribute to natural character of the coastal environment:</p> <p>(i) Areas in their natural states or close to their natural state; and</p> <p>(ii) Coastal landforms and landscapes; and</p> <p>(iii) Coastal physical processes, including the movement of water and sediment; and</p> <p>(iv) Biodiversity; and</p> <p>(v) Biological processes and patterns; and</p> <p>(vi) Water flows and levels, and water quality; and</p> <p>(vii) The experience of the above elements, patterns and processes.</p>	
47.155	F&B	Oppose with amendment	CE-P1	Amend CE-P1 to give effect to Policy 13 of the NZCPS. And Any consequential changes or alternative relief to achieve the relief sought.	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
47.156	F&B	Support with amendment	CE-P1.1	Amend CE-P1.1 as follows: Encouraging any new activities to consolidate within and around existing developments, or, in <u>areas that are identified as not having significant natural values,</u> locations where the natural character values have already been compromised. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
10.112	WRC	Amend	CE-P1.1	Amend the wording to (or similar): "Encouraging any new activities to consolidate within and around existing developments, or in <u>areas that are identified as not possessing significant natural values</u> locations where the natural character values have already been compromised. "	Reject
FS03.49	DOC	Support		Allow	Accept
47.157	F&B	Support with amendment	CE-P1.8	Amend CE-P1.8 as follows: ... where they protect public infrastructure, <u>but not providing seawalls for the protection of private property;</u> and And Any consequential changes or alternative relief to achieve the relief sought.	Reject
10.113	WRC	Amend	CE-P1.8	Amend the wording to (or similar): "8. Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure, <u>but not providing sea walls for the protection of private property; and</u> "	Reject
FS03.50	DOC	Support		Allow	Reject
17.74	Waka Kotahi	Support	CE-P1.8	Retain as notified.	Accept
46.62	FF	Support with amendment	CE-P1	Retain clauses 3 and 13 in CE-P1. And Amend CE-P1 clause 7 to address the issues related to public access across private property	Reject.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				and the related health and safety issues. And Any consequential amendments required as a result of the relief sought.	
31.71	Transpower	Amend	Chapter and CE-P1, P3, P5, P6 and P7	Amend Chapter 32 - Coastal Environment to recognise the National Grid, specifically CE-P1, CE-P3, CE-P5, CE-P6 and CE-P7, to give effect to the NPSET in the event that the specific Chapter 19 National Grid policies do not prevail. And Any consequential amendments.	Reject
FS03.66	DOC	Oppose in part		Disallow in part	Accept

50. The Department of Conservation have requested the following amendments to CE-P1:

When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by:

1. *Encouraging any new activities to consolidate within and around existing developments or in locations where the natural character values have already been compromised; and*
2. *Avoiding the sprawl of development along the coastline; and*
3. *Assessing the functional and operational need of the activity being located in the coastal environment; and*
4. *Recognising the potential for restoration, rehabilitation or enhancement of natural character ~~to mitigate the adverse effects of an activity;~~ and*
5. *Ensuring sufficient development setbacks are in place; and*
6. *Ensuring any earthworks in close proximity to the coastline are restricted to activities that have a functional or operational need to locate in the coastal environment ~~limited activities and where other earthworks are proposed;~~ ensure they are small scale and are designed and located to minimise effects on the coastal environment; and*
7. *Avoiding significant adverse effects of subdivision, use and development where it would damage, diminish or compromise natural character or public access to the coastline and avoid remedy or mitigate other adverse effects; and*

51. The proposed amendment to CE-P1.4 provides for the potential for an applicant to provide for restoration, rehabilitation or enhancement of natural character to mitigate the adverse effects of an activity. It is considered that this approach is consistent with Policy 13 and 14 of the NZCPS. **While the Department's point is taken that all opportunities for restoration, rehabilitation or enhancement should be provided for,** this policy point specifically enables Council to consider how an activity might particularly mitigate its effects when considering a resource consent and this is helpful when the decision to grant or decline an application is being evaluated, along with the imposition of any conditions.

52. It is considered that the requested amendment to CE-P1.6 could be accepted, as 'functional and operational need' has been used in CE-P1.3 and the proposed wording could be considered consistent with this approach. This ensures that any earthworks are both restricted in scale and restricted to having a genuine requirement to locate in the coastal environment. This approach is consistent with the NZCPS.

53. Section 32AA: The proposed amendment clarifies the application of the policy point. As notified, CE-P1.6 ensures any earthworks close to the coastline are **restricted to 'limited activities'**. The proposed change clarifies what these 'limited activities' might be, ie those with a functional or operational need to locate in the coastal environment. The amendment affords a much clearer interpretation of the policy and is consistent with the approach also used in CE-P1.3. The amendment is considered to be minor in nature and scale and a section 32AA evaluation is not required.

54. The proposed amendment to CE-P1.7 not supported. It is considered that the policy point as notified appropriately gives effect to NZCPS Policy 15(b), in conjunction with the remainder of the policy framework provided in CE-P1.

55. Forest and Bird request CE-P1 is amended to give effect to Policy 13 of the NZCPS. Policy 13 seeks to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development. Policy 13 is addressed through both CE-P1 and through the provisions for natural character contained in this chapter. It is not clear what specific relief the submitter is requesting to CE-P1 or in what respect the current policy does not give effect to Policy 13 but the submitter may wish to provide clarity on this point at the hearing. In the interim it is recommended that this point is rejected.
56. Forest and Bird and the Waikato Regional Council have sought similar amendments to CE-P1.1 as follows:
57. Forest and Bird seek:
- Encouraging any new activities to consolidate within and around existing developments, or, in areas that are identified as not having significant natural values, locations where the natural character values have already been compromised.*
58. Waikato Regional Council seeks:
- Encouraging any new activities to consolidate within and around existing developments, or in areas that are identified as not possessing significant natural values, locations where the natural character values have already been compromised.*
59. The relief sought by WRC and Forest and Bird would add 'areas that are identified as not possessing **significant natural values**' to the policy point. CE-P1.1 seeks to consolidate new development in existing areas and areas where natural character values have already been compromised. This plan does not identify '**significant natural values**' and the addition seems rather confusing.
60. The policy itself only applies to the natural character qualities of the coastal environment outside of the areas that are specifically identified as having high levels of outstanding natural character (ie the balance of the coastal environment outside of the mapped areas of outstanding and very high/high natural character). When combined with the governing sentence, the policy point reads: *When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by encouraging any new activities to consolidate within and around existing developments or in locations where the natural character values have already been compromised.*
61. The addition of 'significant natural values' in addition to being terminology **not used in this plan, doesn't really add anything to the policy point once** it is considered in combination with its governing sentence. On balance, it is not considered that the addition is necessary.
62. CE-P1.8 allows for seawall maintenance and repair and enables seawalls where they protect public infrastructure. Forest and Bird and the Waikato Regional Council have both submitted amendments on CE-P1.8 as follows:

Allowing for seawall maintenance and repair and enabling seawalls where they protect public infrastructure, but not providing seawalls for the protection of private property;

63. The policy does not currently enable new seawalls for private property. The policy provides for the maintenance and repair of private seawalls, and new sea walls where they protect public infrastructure. Private seawalls (hard protection structures (See CE-P1.9)) are provided for in the NZCPS. While discouraged, the NZCPS still notes that they are part of protecting private properties. Also, existing seawalls landward of MHWS are likely to be a lawful existing activity, and therefore should be provided for within this policy. Accordingly, the relief sought by Forest and Bird and the Waikato Regional Council is recommended to be rejected. The further submission in support of this amendment from the Department of Conservation is also rejected.
64. Federated Farmers request CE-P1.7 is amended to address public access across private property and the related health and safety issues. It is unclear what relief the submitter is requesting. It is envisaged that this matter relates to people traversing farmland to reach the coastline and their safety in respect of working farm environments? Or possibly securing access across private property by way of an esplanade strip, or similar walking access agreement? The submitter may wish to provide further clarity at the hearing.
65. Transpower have sought that the chapter is amended to provide recognition for the National Grid (specifically CE-P1, CE-P3, CE-P5, CE-P6 and CE-P7).
66. In Waitomo the national grid is located a considerable distance from the coastal environment. However, should Transpower need to locate the national grid in the coastal environment in future, the appropriate place to consider adding to the policy framework is Chapter 18 - National Electricity and Gas Transmission and Chapter 19 - Network Utilities. It is noted that there is specific policy coverage for the national grid in the coastal environment in NU-P22. No amendments are recommended to the coastal environment chapter.
67. The further submission from DOC opposing this submission is accepted, as the relief sought is rejected.

Topic 8: CE-P2

68. Two submissions and one further submission were received on this Policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.56	DOC	Support	CE-P2	Retain as notified.	Accept
46.63	FF	Oppose with amendment	CE-P2	Add a new clause to CE-P2 as follows: <u>6. Engage with private landowners over which public access is sought so that a formal agreement can be</u>	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				<u>reached on what suitable and appropriate public access should be developed.</u> And Any consequential amendments required as a result of the relief sought.	
FS23.234	Te Nehenehenui	Oppose		Oppose where this conflicts with cultural values	Reject

69. Federated Farmers have requested an amendment to CE-P2 to add in an additional policy as follows:

6. Engage with private landowners over which public access is sought, so that a formal agreement can be reached on what suitable and appropriate public access should be developed.

70. It is considered that the requested amendment is not required as public access can only be provided across private property where there is a lawful agreement with the landowner (easement, esplanade reserve etc), or access is provided by other legislative means (i.e. queens chain). This submission was opposed in a further submission by Te Nehenehenui. It is considered that this further submission is accepted, as the proposed amendment is rejected.

71. The Department of Conservation have requested that this provision as notified be retained. This is submission is accepted.

Topic 9: CE-P3

72. Five submissions and two further submissions were received on this policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.57	DOC	Support in part	CE-P3	Amend CE-P3 as follows or with words to like effect: Protect indigenous biodiversity, including <u>but not limited to</u> significant natural areas, located in the coastal environment overlay by: 1. Avoiding adverse effects on: (i) <u>indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</u> (ii) <u>taxa that are listed by the International Union for Conservation of Nature and</u>	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				<p><u>Natural Resources as threatened:</u></p> <ul style="list-style-type: none"> (iii) <u>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare:</u> (iv) <u>habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare:</u> (v) <u>areas containing nationally significant examples of indigenous community types: and</u> (vi) <u>areas set aside for full or partial protection of indigenous biological diversity under other legislation:</u> <p>2. Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ul style="list-style-type: none"> (i) Areas of predominately indigenous vegetation in the coastal environment; and (ii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and (iii) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and (iv) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and (v) <u>Habitat, including areas and routes, important to migratory species: and</u> (vi) Ecological corridors, areas and routes important to indigenous and migratory species. <p>3. Maintaining <u>Protecting</u> or enhancing:</p> <ul style="list-style-type: none"> (i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and (ii) Whitebait spawning areas; 	

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				4. Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling <u>minimising</u> these adverse effects to protect and enhance indigenous biodiversity.	
10.114	WRC	Amend	CE-P3.1(i)	Amend the wording to (or similar): "(i) Areas containing nationally significant examples of indigenous flora or fauna community types; and"	Reject
FS03.51	DOC	Support		Allow	Accept
10.115	WRC	Amend	CE-P3.2(i)	Amend the wording to (or similar): "Areas of predominately indigenous vegetation in the coastal environment; and"	Reject
FS03.52	DOC	Support		Allow	Accept
10.116	WRC	Amend	CE-P3.3(ii)	Amend the wording to (or similar): "(ii) Inanga/Whitebait spawning areas;"	Accept
47.158	F&B	Oppose with amendment		Delete CE-P3. Or Amend CE-P3 to clarify why this is included in the CE chapter when biodiversity is addressed in the ECO chapter. And Any consequential changes or alternative relief to achieve the relief sought.	Reject

73. The Department of Conservation have requested a number of amendments to CE-P3.1 to provide for indigenous taxa, habitat of indigenous ecosystems, vegetation and migratory species etc. On balance, it is considered that the extent of the policy amendments are not distinguished from the existing notified provisions both in this chapter and in the ecosystems and indigenous biodiversity chapter (ECO-O5, ECO-P11-13). While CE-P3 has been drafted to give effect to the NZCPS and WRPS, it is considered that each district plan should be drafted in such a way as to give effect to the relevant higher order policy documents as applicable to the local circumstances - as opposed to simply repeating the provisions of those higher order documents.

74. The Waikato Regional Council have requested the following amendments to CE-P3.1:

Protect indigenous biodiversity, including significant natural areas, located in the coastal environment overlay by:

(i) *Avoiding adverse effects on:*

(i) *Areas containing ~~nationally significant examples of indigenous flora or fauna community types; and~~*

....

(ii) *Avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effect from activities on:*

- (i) Areas of ~~predominately~~ indigenous vegetation in the coastal environment; and
-
- (iii) Maintaining or enhancing:
 - (i) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and
 - (ii) Inanga/Whitebait spawning areas;
 -

75. The amendment to CE-P3.1(i) to remove the words *nationally significant examples* of from this policy is rejected, as this policy has been drafted to be consistent with the WRPS (CE-P2.1.c):

CE-P2 – Safeguard coastal/marine ecosystems

Protect indigenous biodiversity in the coastal environment by:

1. **avoiding adverse effects on:.....;**

- c. areas containing nationally significant examples of indigenous community types;

76. **The request to remove the word 'predominately' from CE-P3.1(ii)** is rejected, as it is noted that areas of indigenous vegetation can benefit from vegetation that is not indigenous, as it may assist in providing habitat or protection of the indigenous vegetation. This policy is also consistent with Policy CE-P2.2(f) of the WRPS.

CE-P2 – Safeguard coastal/marine ecosystems

Protect indigenous biodiversity in the coastal environment by:

2. **maintaining or enhancing:....**

- f. areas of predominately indigenous vegetation in the coastal environment.

77. The request from WRC to have the Inanga added to CE-P3(ii) is accepted, **as this is the Māori translation for whitebait and should be provided for.**

78. Section 32AA: The proposed amendment adds the **Māori translation for whitebait**. The amendment has no bearing on the rule or policy framework and accordingly, a section 32AA evaluation is not required.

79. Forest and Bird have requested that CE-P3 be deleted entirely or clarify why it has been included in the coastal environment chapter. CE-P3 gives effect to the objectives and policies in the NZCPS, as a number of the objectives and policies require that indigenous biological diversity in the coastal environment is provided for or protected and notes the importance of it in the coastal environment (i.e. migratory birds).

Topic 10: CE-P5

80. Two submissions and no further submissions have been received on this

policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
03.149	NZHPT	Support	CE-P5	That CE-P5 is retained.	Accept
53.58	DOC	Support in part	CE-P5	Amend CE-P5 as follows or with words to like effect: Controlling Minimising activities in the coastal environment which would result in outcomes such as: 1. An increased threat from animal and plant pests; and/or 2. An increase in noise, visual and physical disturbance adversely affecting indigenous species; and/or 3. Adverse effects on the cultural values and spiritual relationships of mana whenua	Reject

81. The Department of Conservation have requested that CE-P5 be amended to replace the word controlling with minimising, so the policy would read as *minimising activities in the coastal environment which would result in outcomes such as* It is considered that the wording of the policy as notified is appropriate, as it consistent with the WRPS, specifically CE-M2 and M5, which requires regional and district plans to control the adverse effects, including cumulative effects, of activities within the coastal environment to protect and enhance indigenous biodiversity so as to give effect to CE-CMA-P4 and identify where development controls should be established to allow inland migration of these habitats. NZHPT have requested that the policy be retained as notified. Given that the above submission has been rejected, this submission is accepted.

Topic 11: CE-P6

82. Two submissions and one further submission have been received on this policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.59	DOC	Support in part	CE-P6	Amend CE-P6.6 as follows or with words to like effect: 6. Avoiding or minimising the removal of indigenous vegetation; and	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
FS05.147	FF	Oppose		Decline the relief sought	Accept
47.159	F&B	Oppose with amendment	CE-P6	Amend CE-P6 to include wording of NZPCS Policy 13(1)(a).	Reject

83. Both the Department of Conservation and Forest and Bird have sought amendments to CE-P6. The Department of Conservation have requested that CE-P6.6 be amended as follows:

Ensure the values and character of the areas of outstanding natural character are protected by:

6. ~~Avoiding or minimising~~ *Avoiding the removal of indigenous vegetation; and*

84. It is considered that the wording as notified is appropriate, as Policy 11 of the NZCPS provides for the ability to remedy or mitigate adverse effects on indigenous vegetation. Therefore, it is considered that this Policy as drafted still gives effect to the higher order policy document, and there will be circumstances where an applicant is unable to entirely avoid the removal of indigenous vegetation, but may be able to offset this or use other means of mitigation. As the above relief sought is rejected, the further submission from Federated Farmers opposing this amendment is accepted.

85. Forest and Bird have requested that CE-P6 is amended to give effect to Policy 13(1)(a) of the NZCPS. It is not clear how the policy as notified does not give effect to this Policy. The submitter may wish to clarify this point at the hearing and provide some proposed amendments to enable clarity on their specific relief sought.

Topic 12: CE-P7

86. One submission and no further submissions have been received on this policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
47.160	F&B	Oppose with amendment	CE-P7	Amend CE-P7 to include wording of NZPCS Policy 13(1)(b). And Amend CE-P7 to ensure that policy direction in this respect is extended to all natural character that is not outstanding. And Any consequential changes or alternative relief to achieve the relief sought.	Reject.

87. Forest and Bird have requested that CE-P6 be amended to give effect to Policy 13(1)(b) of the NZCPS. It is not clear how the Policy as notified does not give effect to this Policy. The submitter may wish to clarify this point at the hearing and provide some proposed amendments to enable clarity on their specific relief.

Topic 13: CE-P9

88. Four submissions and one further submission have been received on this Policy.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
03.151	NZHPT	Support	CE-P9	That CE-P9 is retained.	Accept
10.117	WRC	Oppose	CE-P9	Amend the wording to: "Provide for the appropriate use of natural resources <u>assets</u> , including land and water, within areas of outstanding, high and very high natural character by:"	Reject
47.161	F&B	Oppose	CE-P9	Delete CE-P9.	Reject
FS19.97	PF Olsen	Oppose		Disallow submission point	Accept
53.60	DOC	Support in part	CE-P9	Amend CE-P9.3 and CE-P9.4 as follows or with relief to like effect: 3. Allowing for limited vegetation removal for scientific purposes; and Allowing for limited earthworks and vegetation removal for the purposes of track maintenance and establishment of fence lines.	Reject

89. The Waikato Regional Council have sought that CE-P9 be amended as follows:

"Provide** for the appropriate use of natural ~~resources~~ assets, including land and water, within areas of outstanding, high and very high natural character **by:"

90. It is unclear why the term 'assets' would be more appropriate than resources in this CE-P9, as the policy is referring to natural resources, which is consistent with the language used in the RMA, NZCPS and WRPS.

91. Forest and Bird have requested that CE-P9 be deleted, as they consider it does not give effect to the NZCPS. It is not clear how CE-P9 does not give effect to the NZCPS. The submitter may wish to clarify this point at the

hearing. As this submission point has been rejected, the further submission from PF Olsen is accepted.

92. DOC have requested that CE-P9.3 and .4 be deleted in its entirety.

~~3. Allowing for limited vegetation removal for scientific purposes; and
4. Allowing for limited earthworks and vegetation removal for the purposes of track maintenance and establishment of fence lines.~~

93. It is considered that the relief sought by DOC should be rejected, as these are reasonable activities with less than minor effects within this environment. During drafting, these activities were considered and assessed to ensure that they have a less than minor effect on indigenous biodiversity. The rules for clearance of indigenous biodiversity are very strict and this plan also controls the removal of non-significant indigenous biodiversity in the coastal environment (see CE-R15), noting it is a non-complying activity in the areas of outstanding natural character.

Topic 14 : CE-P13, P14, P17, P19

94. Four submissions and one further submission have been received on these policies.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.62	DOC	Support with amendment	CE-P13	The term "coastal edge" , used in clause 5 is not defined in the PDP. The D-G seeks clarification as to it's meaning and requests that it receives a definition, is mapped or otherwise deleted.	Reject
10.118	WRC	Amend	CE-P14.4	Provide a definition for an 'extreme coastal inundation event' or removing the word 'extreme' from the policy: "4. Requiring minimum floor levels and a freeboard suitable to the setting that will provide protection from flooding during an extreme coastal inundation event, including 1.0 m of sea level rise;"	Reject
10.119	WRC	Amend	CE-P17	Amend the wording to: "Provide for the restoration of coastal ecosystems by local authorities <u>or contractors and beachcare groups endorsed by local authorities.</u> Where private organisations or	Accept

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				individuals wish to undertake restoration works, ensure the values of the area are protected by requiring that the works are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer.”	
FS23.52	TNN	Oppose		Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan. Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.	Reject
17.75	Waka Kotahi	Support in part	CE-P19.4	Waka Kotahi seeks clarification on if Council consider that protection of Regionally Significant Infrastructure (i.e. the State Highway) would be considered a public benefit at a regional scale.	Accept

95. The Department of Conservation has requested that the term “*coastal edge*”, used in CE-P13.5 is either defined, mapped, or otherwise deleted. This policy has been drafted to be consistent with CE-M3 of the WRPS for new development and CE-M4 for existing development in the coastal environment. The term coastal edge is not defined in WRPS, and it would not be appropriate for this plan to define it through this process. This is because the WRPS is the higher order policy document, and this plan must give effect to it.

96. The Waikato Regional Council have requested that the term ‘extreme’ when referring to an ‘extreme coastal inundation event’ referred to in CE-P14.4 be deleted or defined. The use of the term extreme coastal

inundation has been used by our experts in the advice received in preparing this plan, and therefore it would not be appropriate to amend this wording.

97. WRC have requested that CE-P17 be amended as follows:

Provide for the restoration of coastal ecosystems by local authorities or contractors and beachcare groups endorsed by local authorities. Where private organisations or individuals wish to undertake restoration works, ensure the values of the area are protected by requiring that the works are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer.

98. The proposed amendment by WRC is accepted and is consistent with the approach Council has taken in other statutory documents (i.e. Waitomo District Comprehensive Reserve Management Plan). The further submission from TNN opposes this relief, as the submission point is accepted, this further submission is rejected.

99. Section 32AA: The proposed amendment clarifies the intent of a policy that contractors and beachcare groups endorsed by local authorities are envisaged as part of the team of people entrusted to undertake restoration works in the coastal environment. In fact, all restoration works are encouraged provided that the works are designed and supervised by an appropriately qualified coastal scientist or coastal engineer. The amendment affords a much clear interpretation of the policy and is consistent with the approach also used in other chapters. The amendment is considered to be minor in nature and scale and a section 32AA evaluation is not required.

100. Waka Kotahi have sought clarification as to whether state highways are provided for in CE-P19.4. The notified wording is as follows:

New hard protection structures and works necessary to protect public infrastructure from coastal hazards must have a public and/or environmental benefit at a regional or national scale; and

101. It is considered that public infrastructure includes state highways as it is infrastructure that is used by the public, and this policy does not provide a distinction between local and national public infrastructure. Therefore, it is considered that no amendment is required to this policy as notified.

Topic 15: CE-Rules General comment

102. One submission and two further submissions have been received on the general comment on the rules provided by Federated Farmers.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
46.66	FF	Oppose with amendment	Rules	Amend rules in Coastal Environment to provide for more realistic building sizes, earthwork volumes etc for existing and	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				lawfully established activities and operations. And Any consequential amendments required as a result of the relief sought.	
FS03.96	DOC	Oppose in part		Disallow	Accept
FS23.236	TNN	Oppose		Oppose where this conflicts with cultural values	Accept

103. Federated Farmers have requested that the rules in coastal environment chapter be amended to provide for more realistic building sizes, earthwork volumes etc for existing and lawfully established activities and operations. It is not clear from this submission point what specific rules the submitter is requesting are amended, and what building sizes, volumes etc they deem to be unrealistic. The submitter may wish to clarify this point at the hearing and provide some proposed amendments. In terms of the point regarding existing lawfully established activities. These are provided for in section 10 of the RMA. The further submissions opposing this relief is accepted, as the above relief sought is rejected.

Topic 16: CE-R6 and R8

104. Three submissions and two further submissions have been received on the rules in the coastal environment chapter.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.63	DOC	Support with amendment	CE-R6	Amend CE-R6 with the following or with relief to like effect: CE-R6 Areas of high/very high natural character RDIS	Reject
27.48	Hort NZ	Oppose with amendment	CE -R8 Earthworks	Amend CE-R8 to include ancillary rural earthworks as a permitted activity.	Reject
FS23.88	Te Nehenehenui	Oppose in part		Te Nehenehenui have stated support for other submitters submission points that may be in conflict with this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.	Accept

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
53.64	DOC	Support with amendment	CE-R8, CE-R9, CE-R10, CE-R12, CE-R13 Matters of discretion	<p>Add a new or amend the relevant matters of discretion with the following or with relief to like effect:</p> <p><u>Measures to avoid significant adverse effects and avoid remedy, or mitigate other adverse effects of activities on...</u></p> <p>This relief is to be added to any matters of discretion that address effects on indigenous biodiversity, vegetation clearance, high or very high natural character and landscape.</p>	Reject.
FS19.48	PF Olsen	Oppose		Disallow submission point	Accept.

105. The Department of Conservation have sought an amendment to CE-R6, which provides for any tank or silo that is less than or equal to 3.2 m in height and/or has a capacity less than or equal to 50,000 litres or less to be elevated from a permitted activity in areas of high/very high natural character to a restricted discretionary activity. All of the properties that are within the areas of high and very high natural character are in the general rural zone or natural open space zone. Around 20% of this landscape is productive farmland. It is considered that this rule makes appropriate provision for tanks which are most likely to be employed for stock drinking water. The properties in this overlay are remote rural land holdings and tanks and silos should be provided for as a permitted activity. These activities also correspond with the level of landscape characteristics needing to be protected. No amendment to this rule is supported.
106. Horticulture New Zealand have requested CE-R8 be amended to include ancillary rural earthworks as a permitted activity. See discussion in the earthworks section 42A report (paras 54-57) regarding the inclusion of ancillary rural earthworks, and why this activity is not required to be provided for.
107. The Department of Conservation have sought that an additional matter of discretion be added to CE-R8, CE-R9, CE-R10, CE-R12, CE-R13 as follows:
- Measures to avoid significant adverse effects and avoid remedy, or mitigate other adverse effects of activities on...
108. It is not quite clear how this addition would be implemented. In any event, consideration is required to be given to avoiding, remedying, or mitigating any adverse effects of activities on the environment as part of the RMA decision making process for resource consents. The submitter may wish to clarify this at the hearing but in the interim it is recommended that this

submission point is rejected.

Topic 17: CE-R15

109. One submission and one further submission have been received on this rule.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
27.49	Hort NZ	Support with amendment	CE-R15 Indigenous vegetation removal	<p>Delete CE- R15. And Add a new rule to the Coastal Environment chapter as follows:</p> <p><u>Activity</u> _____ <u>status:</u> <u>Permitted</u> <u>Where:</u> <u>PER-1</u> <u>The earthworks or indigenous vegetation clearance is:</u></p> <ul style="list-style-type: none"> • <u>required for the repair or maintenance</u> • <u>required to provide for safe and reasonable clearance for existing overhead power lines.</u> • <u>necessary to address a risk to public health and safety.</u> • <u>for removal of unwanted organisms under the Biosecurity Act 1993.</u> • <u>for the sustainable non-commercial harvest of plant material for rongo ā Māori.</u> 	Reject.
FS23.89	Te Nehenehenui	Oppose in part		<p>Te Nehenehenui have stated support for other submitters submission points that may be in conflict with this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for.</p>	Accept

110. Horticulture New Zealand have requested a new rule is added to the coastal environment chapter as follows CE-R15.

Activity status: Permitted

Where:

PER-1

The earthworks or indigenous vegetation clearance is:

- required for the repair or maintenance
- required to provide for safe and reasonable clearance for existing overhead power lines.
- necessary to address a risk to public health and safety.
- for removal of unwanted organisms under the Biosecurity Act 1993.
- for the sustainable non-commercial harvest of plant material for rongoā Māori.

111. In terms of earthworks this is considered and discussed in the section 42A report for chapter 33 - earthworks (see paras 54 to 57). In terms of indigenous biodiversity, this matter will be discussed and considered in the Section 42A chapter 26 - ecosystems and indigenous biodiversity.

Topic 18: New rules

112. Three submissions from the New Zealand Defence Force have been received requesting the addition of 3 new rules.

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
21.14	NZDF	Support with amendment	New Rule CE Table 1 (natural character)	<p>Add new a rule to the Coastal Environment chapter under CE-Table 1 (natural character) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER</u> <u>Where:</u> <u>a. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u> <u>b. No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u></p>	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
21.15	NZDF	Support with amendment	New Rule CEH - Table 1 (setbacks, earthworks and seawall),	<p>Add new Rule to the Coastal Environment chapter under CEH - Table 1 (setbacks, earthworks and seawall) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER</u> <u>Where:</u></p> <p><u>a. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u></p> <p><u>b. No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).</u></p>	Reject
21.16	NZDF	Support with amendment	New Rule CEH Table 2 (coastal hazard areas).	<p>Add new Rule to the Coastal Environment chapter under CEH - Table 2 (coastal hazard areas) as follows:</p> <p><u>CE-Rx: Any building or structure that is associated with Temporary Military Training Activities</u></p> <p><u>Activity status: PER</u> <u>Where:</u></p> <p><u>a. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).</u></p> <p><u>b. No permanent structures are constructed (unless the building or</u></p>	Reject

Submission No	Submitter	Support/ in part /oppose	Plan Provision	Relief Sought	Recommendation
				<u>structure and its use comply with all other permitted activity rules).</u>	

113. The New Zealand Defence Force have requested that the following rule be added to Table 1 for (natural character) and (setbacks, earthworks and seawall) and CEH Table 2 (coastal hazard areas) as follows:

CE-Rx: Any building or structure that is associated with Temporary Military Training Activities

Activity status: PER Where:

- a. The structure is in place for a maximum period of 31 consecutive days (excluding set up and pack down activities).
- b. No permanent structures are constructed (unless the building or structure and its use comply with all other permitted activity rules).

114. Temporary military activities are permitted in this plan under the provisions of TEMP-R7. It is not considered that specific provisions need to be included in the coastal environment chapter to further provide for this matter.

5. Conclusion

115. Submissions have been received in support of, and in opposition to the notified provisions of the Proposed Waitomo District Plan. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, it is recommended that the proposed district plan should be amended as set out in Appendix 1 of this report.

116. For the reasons set out in the section 32AA evaluations included throughout this report, it is consi that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- Achieve the purpose of the Resource Management Act 1991 where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- Achieve the relevant objectives of the proposed district plan, in respect to the proposed provisions.

APPENDIX 1 RECOMMENDED AMENDMENTS

- CE-P3. When considering the appropriateness of subdivision, land use or development activities, ensure the natural character qualities of the coastal environment are preserved by:
6. Ensuring any earthworks in close proximity to the coastline are restricted to activities that have a functional or operational need to locate in the coastal environment ~~limited activities and where other earthworks are proposed~~, ensure they are small scale and are designed and located to minimise effects on the coastal environment; and
- CE-P3. Protect indigenous biodiversity, including significant natural areas, located in the coastal environment overlay by:
- (iv) Avoiding adverse effects on:
 - (ii) Areas containing nationally significant examples of indigenous flora or fauna community types; and
 - (iii) Areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
 - (iv) Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; and
 - (v) Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - (v) Avoiding significant adverse effects and avoiding, remedying or mitigating any other adverse effect from activities on:
 - (ii) Areas of predominately indigenous vegetation in the coastal environment; and
 - (iii) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; and
 - (iv) Indigenous habitats and ecosystems that are unique to the coastal environment and vulnerable to modification and the impacts of climate change, including estuaries, lagoons, coastal wetlands, dunelands and dune lakes, intertidal zones, rocky reef systems, seagrass and saltmarsh; and
 - (v) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
 - (vi) Ecological corridors, areas and routes important to indigenous and migratory species;
 - (vi) Maintaining or enhancing:
 - (iii) The habitats of wading/coastal birds including breeding, feeding, roosting sites; and
 - (iv) Inanga/Whitebait spawning areas;
 - (vii) Recognising that adverse effects on indigenous biodiversity within the coastal environment are cumulative and controlling these adverse effects to protect and enhance indigenous biodiversity.

CE-P17. Provide for the restoration of coastal ecosystems by local authorities [or contractors and beachcare groups endorsed by local authorities](#). Where private organisations or individuals wish to undertake restoration works, ensure the values of the area are protected by requiring that the works are designed and supervised by an appropriately qualified and experienced coastal scientist or coastal engineer.