

Coastal structures

Recommendations in response to submissions on the Proposed Regional Plan for Northland - Section 42A hearing report

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Purpose and format of the report

1. This report provides the hearing panel the rationale for the recommended changes to the Coastal structures provisions in the Proposed Regional Plan for Northland (the Proposed Plan) in response to submissions. The recommended changes are set out in the document *Proposed Regional Plan for Northland – S42A recommended changes*.
2. The recommendations made in this report are my opinions and are not binding on the hearing panel. It should not be assumed that the hearing panel will reach the same conclusions.
3. My recommendations may change as a result of presentations and evidence provided to the hearing panel. It's expected the hearing panel will ask authors to report any changes to their recommendations at the end of the hearing.
4. The recommendations focus on changes to the Proposed Plan provisions. If there is no recommendation, then it's to be assumed that the recommendation is to retain the wording as notified.
5. Generally, the specific recommended changes to the provisions are *not* set out word-for-word in this report. The specific changes (including scope for changes) are shown in the document *Proposed Regional Plan for Northland – S42A recommended changes*.
6. This report is structured with a focus on the key matters for the coastal structures provisions raised in submissions. The key matters are:
 - Certain existing structures – permitted activities
 - Coastal commercial port zone
 - Hard protection structures associated with regionally significant or core local infrastructure
7. Matters covered by submissions that fall outside the key matters are addressed in the "Other matters" section in less detail.
8. Generally, further submitters are not referred to as they are in support or opposition of original submissions (they cannot go beyond the scope of the original submissions). The exception is where a further submission raises reasons that have not been raised in the submissions and are material to the analysis.

9. The approach of addressing matters raised in submissions (rather than addressing submissions and/or and submission points individually) is consistent with Clause 10 of Schedule 1 to the RMA.
10. This report should be read in conjunction with section 8.4 – *Structures, use and development* in the Section 32 report.

Report author

11. My name is Michael Day and I have overall responsibility for this report. I work as the Resource Management Manager for the Northland Regional Council (regional council). For further details about my qualifications and experience, refer to the S42 report: *General approach*. The following council staff and consultants have assisted me with the preparation of this report:
 - Ben Lee, Policy Development Manager, Northland Regional Council
 - Stuart Savill, Consents Manager, Northland Regional Council
12. Although this is a council hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing this report and I agree to comply with it when giving oral presentations.

About the coastal structures provisions

13. The relevant provisions in the Proposed Regional Plan for *coastal structures* addressed in this report are:

Definitions		
• Aid to navigation	• Functional need	• Structure
• Hard protection structure	• Operational need	
Rules		
• All rules in section C.1.1 – General Structures		
• Coastal works general conditions		
Policies		
• D.5.7 Coastal Commercial Zone		
• D.5.8 Whangarei City Centre Marine Zone		
• D.5.13 Managing the effects of marinas		
• D.5.14 Recognising the benefits of marina development		
• D.5.15 Marina zones – purpose		

- D.5.16 Marina zones – structures
- D.5.17 Marinas and moorings in high demand areas
- D.5.21 Underwater noise
- D.6.1 Appropriateness of hard protection structures
- D.6.2 Design and location of hard protection structures

Maps

- Coastal zones

14. This topic covers:
- rules relating to the placement, use, maintenance and removal of structures in the ‘general coastal zone’, coastal commercial zone, Marina zone and the Whangarei City Centre Zone.
 - hard protection structures above and below the line of mean high water springs.
 - the ‘coastal works general conditions (excluding mangroves)
15. It does not cover structures in Mooring zones (refer to *Moorings and Anchorages s42A report*). It also does not cover aquaculture structures (refer to *Aquaculture s42A report*).

Rule C.1.1.1 Existing structures – permitted activity

Submissions and analysis

16. There were 22 submissions on rule C.1.1.1.
17. Four submitters (including NIWA and NZTA) supported the rule as notified. Kiwirail specifically requested the retention of clauses 1), 2), 4) and 5) as notified. Mangawhai Harbour Restoration Society Inc. requested rule be retained, subject to their requested changes to the coastal works general conditions (section C.1.8).
18. CEP Matauwhi Limited and Royal Forest and Bird Protection Society NZ requested an additional condition with words to the effect that the structure is not located within a significant ecological area or a mapped ‘outstanding/significant’ area. I do not support the relief sought by these submitters. I believe that it is important to note that these structures are existing structures and that significant ecological areas/outstanding natural character areas have been mapped/identified as being ‘significant/outstanding’ with these structures already in place.

19. I think that it is important to take into account Policy 4.6.1(3) of the RPS, which essentially requires that when considering whether there are any adverse effects on the characteristics and qualities of 'significant (outstanding) areas', to recognise that many areas contain ongoing use and development that was present when the areas were identified as outstanding. Similarly, Policy 4.4.1 (4) of the RPS states that when considering whether there are any adverse effects on significant ecological areas, recognise that a minor or transitory effect may not be an adverse effect.
20. I therefore consider that this means that these existing structures will not adversely affect the values and characteristics of significant ecological areas (as they are existing) and I consider that it is appropriate, subject to ongoing compliance with the standards and terms, for these structures to locate within other mapped significant areas.
21. Far North District Council requested the deletion of condition 18). Morrison G & P requested that clause 18a) be amended by inserting the words 'if possible' after 2004. I believe condition 18 is necessary to assist the council with determining when the existing structure was 'placed' in the coastal marine area and therefore whether or not it can comply with the requirements of this rule (and be a permitted activity). Similarly, I do not support the requested relief of Morrison G & P, as I consider that adding 'if possible' to condition 18a) will have the effect of watering down the rule. Ultimately, it will be at the discretion of regional council staff to request owners to provide evidence of how long the structure has been in existence for.
22. GBC Winstone requested the following relief:
- deletion of ~~stormwater~~ from condition 3).
 - Amend condition 14) to include moorings
 - Include the words and attached to in condition 15) before wharves.
23. I do not support the request to include moorings within condition 14) because this section of the plan only relates to structures. All moorings are addressed in section C.1.2 (Moorings and anchorage). However, I do support the requested changes to conditions 3) and 15). I support the change to condition 3) because the submitter raises a valid point that there are other existing outlet structures (such as wastewater outlets or outlet structures that discharge process water into the coastal marine area) with effects similar in scale to stormwater outlet pipes. This will also address the request from Whangarei District Council and Kaipara District to include 'wastewater pipe' outlets in clause 3). I support the change to condition 15) because the submitter again raises a valid point that

there are existing structures attached to wharves and jetties (such as pipelines) and that these should be permitted as well.

24. Landowners Coalition Inc requested that condition 1) is amended by replacing 30 June 2004 with 1 September 2017. I do not support this as the submitter has not provided any reasoning or justification as to why they want the date should be amended.
25. Infrastructure providers (Northpower, Top Energy and Transpower) requested amendments to conditions 6) and 7) relating to electricity lines and telecommunications structures in order to provide for consistency with the relevant definitions of the Electricity and Telecommunications legislation and regulations. I support the relief sought by these submitters and am recommending to amend condition 7) by adding reference to electricity line and telecommunication line structures (including any support structures) and to delete condition 6).
26. Northport requested the inclusion of a new condition 16) to permit all existing structures in their proposed 'Coastal commercial port zone'. I do not support this request. I will discuss my views of this proposed zone later in this report, however I do not consider it appropriate to blankly 'permit' all structures within any zone. The submitter has not provided any justification for this request. This aside, as a consequential amendment, as I do support the request for a 'stand-alone' marine zone at Marsden Point Port, I consider rule C.1.1.1 needs to be amended to refer to this zone (alongside the existing reference to the Coastal Commercial Zone).
27. Refining New Zealand requested to amend condition 9) by deleting reference to 10 square metres and to amend condition 11) by deleting all text after 'slipways'. I do not support their requested amendment to condition 9). This is because in the General coastal zone, this rule has drawn a 'line in the sand' to distinguish between jetties that are *likely* to cause adverse effects and those that are not. This line has been drawn at 10 square metres, with those at or below 10 square metres deemed to not cause adverse (e.g. visual) effects and therefore be treated as permitted activities, with larger jetties requiring resource consent.
28. As an aside, I note that under condition 14), all wharves and jetties in the coastal commercial zone (regardless of their size) are permitted and that the submitters 'main' interest lies with the coastal commercial zone at Marsden Point. I also do not support the submitters request to amend condition 11), primarily for the same reasons as I have

outlined above relating to jetties – the size limit within the proposed rule sets a threshold as to what can be deemed small/minor and therefore can be treated as a permitted activity.

29. Fonterra are requesting to amend condition 3) to include ‘wastewater’ outlets and also ‘tanks’. They are also requesting to amend condition 9) by permitting any structure up to 10 square metres. In response to GBC Winstone, I am recommending to amend condition 3) to refer to any outlet pipes (which will therefore include wastewater outlets). I do not support the submitters request to amend condition 9) so that it applies to ‘any’ structure up to 10 square metres in length.
30. Miru M and Tinopai RMU Limited are requesting the following:
- Amend condition 1 to read the following activities in the coastal marine area that were authorised are permitted activities
 - Inclusion of a new condition 19) to read the structure in not within an Area of Significance to tangata whenua
 - Delete condition 18a).
31. I do not support the request to amend clause 1) so that it only relates to authorised structures and to delete condition 18a). This is primarily because during the, the council embarked on an active programme to identify unauthorised coastal structures throughout the region, follow up on them and then to either get the owner to apply for a resource consent or have the structure removed. As a result of that programme, council had followed up with all the structures that were of concern and where an owner could be found. The remaining structures were generally small and/or deemed to be of no environmental consequence. This is why the operative Regional Coastal Plan already ‘permits’ most of the structures in proposed rule C.1.1.1¹. I am therefore confident that the only structures remaining as at 2004 were minor structures and therefore are appropriate to be treated as permitted activities subject to compliance with standards and terms.
32. I do not support the submitters request for a new condition 19). This is primarily because the rule relates to *existing* structures – it is for the occupation of space in the coastal

¹ Method of Implementation 17.5 (2) of the Regional Coastal Plan for Northland requires council to include rules within the Plan to permit specified existing (listed) structures. All these listed structures have been included within rule C.1.1.1 of the Proposed Regional Plan.

marine area for existing structures (as opposed to the placement of new structures) and the majority of the existing structures within this rule are either infrastructure related (such as bridges or submarine cables) or small scale (such as steps or jetties up to 10 square metres).

Recommendation

33. Amend C.1.1.1 *Existing structures – permitted activity* as follows:

- Amend condition 3) by deleting ‘stormwater’ in front of outlet pipes.
- Delete condition 6) and amend condition 7) to refer to aerial and submarine electricity line and telecommunication line structures, including support structures.
- Amend conditions 14) and 15) to include reference to ‘Marsden Point Port Zone’.
- Amend condition 15) to include reference to structures ‘attached to’ wharves and jetties.

Evaluation of recommended changes

34. Section 32AA, RMA requires an evaluation of proposed changes to the Plan. The changes, while potentially more than minor in effect, are considered to be within the scope of the preferred management option as set out in Section 8.4 of the Section 32 report and therefore do not require further evaluation.

Rule C.1.1.18 - Hard protection structures associated with regionally significant or core local infrastructure

Submissions and analysis

35. There were 12 submissions on rule C.1.1.18. Four submitters (Kiwi Rail, NZTA, Northport and Northpower) supported the rule as notified.

36. Two submitters (CEP Services Matauwhi Limited and Royal Forest and Bird Protection Society NZ) requested that the rule should be amended to add a condition to exclude these structures from significant ecological areas and other significant marine areas.

37. I am of the view that the rule does need amending in order to give effect to relevant provisions of the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland. However, I consider that the rule should only relate to mapped

outstanding natural features and mapped areas of outstanding natural character in the coastal marine area. I do not consider that it should apply to mapped significant ecological areas as the key values of these areas tend to be found in either the intertidal zone (such as shellfish beds) or permanently 'wet' locations (such as rocky reefs). As hard protection structures are generally located around the line of mean high water springs (or even above the line of mean high water springs), the likelihood of adverse effects on Significant Ecological Areas is low.

38. Whangarei District Council and Kaipara District Council have both requested to amend the rule to include 'core local infrastructure' (alongside regionally significant infrastructure). Far North District Council has requested to expand the scope of the rule so that it applies to the 'protection of regionally significant infrastructure' (as opposed to solely being associated with a reclamation for RSI). Similarly, First Gas Limited have both requested to expand the scope of the rule so that it applies to any regionally significant infrastructure.
39. I support the relief sought from the three district councils, specifically the relief sought to expand the scope of the rule so that it relates to hard protection structures directly associated with the 'protection of existing regionally significant infrastructure' and also to expand the scope of the rule to apply to existing 'core local infrastructure'. My reasons include that Policy 27(1)(c) of the NZCPS recognises that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance. Additionally, policy D.6.1 of the Proposed Plan recognises that hard protection structures may be considered appropriate when they are the only practical means to protect regionally significant infrastructure or core local infrastructure. Widening the scope of the rule would therefore include the protection of existing infrastructure such as reserves and local roads.
40. Refining NZ have requested to amend the rule so that any hard protection structures associated with regionally significant infrastructure are 'controlled' activities, whereas Landowners Coalition Inc have requested that any hard protection structures should be 'permitted' activities.
41. I do not support the request relief from the Landowners Coalition Inc. The submitter has not provided any justification as to why the activity should be permitted but in any event, I consider that consent authorities need the ability to decline consent applications for the placement of hard protection structures, as there are often a raft of potential adverse effects associated with hard protection structures. I note that it is also inconsistent with the NZCPS and the direction to 'discourage' hard protection structures.

42. Similarly, I do not support the request from Refining NZ for a 'controlled' activity status for hard protection structures. My reasoning is essentially the same as my response to Landowners Coalition above, in that I consider that council still needs to retain the ability to decline hard protection structures.

Recommendation

43. Amend C.1.1.1 *Hard protection structures for reclamations associated with regionally significant infrastructure – discretionary activity* as follows:

Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity

A hard protection structure that is directly associated with the protection of existing regionally significant infrastructure or core local infrastructure or a reclamation for regionally significant infrastructure is a discretionary activity, provided it is not located within a mapped (refer Maps):

1. *Outstanding Natural Feature in the coastal marine area, or*
2. *Area of Outstanding Natural Character in the coastal marine area.*

Evaluation of recommended changes

44. Section 32AA, RMA requires an evaluation of proposed changes to the Plan. The changes, while potentially more than minor in effect, are considered to be within the scope of the preferred management option as set out in Section 8.4 of the Section 32 report and therefore do not require further evaluation.

Marsden Point Port Zone

Submissions

45. In recognition that the activities of Northport and Refining NZ are the only 'regionally significant infrastructure' in the coastal marine area, Northport Ltd are requesting the re-naming of the Coastal Commercial Zone at Northport/Marsden Point to the Coastal Commercial Port Zone (or something similar). This will allow for amended and additional provisions in the Proposed Regional Plan that are specific to the regionally significant infrastructure.

Analysis

46. Having considered the submission, I agree with the submitter that it is appropriate to include a stand-alone zone at Marsden Point. I acknowledge that the activities of Northport and Refining NZ are classified as regionally significant infrastructure under Appendix 3 of the Regional Policy Statement for Northland (RPS) and that the RPS has recognised the regional importance of such infrastructure through specific objectives and policy guidance. I accept that the activities occurring in the coastal marine area at Marsden Point (because of their commercial, transportation and infrastructure functions, including New Zealand's only oil refinery) are greater in scale than other ports and wharves in the region, yet they are zoned the same. For example, Northport is currently zoned the same as Totara North wharf (both coastal commercial), yet the scale of activities are significantly different.
47. To reflect the uniqueness of the activities at Marsden Point and the fact that they are 'regionally significant', I consider that the Regional Plan maps should be amended to include a 'Marsden Point Port Zone'. Consequently, I consider that all rules that currently refer to the Coastal commercial zone should now also refer to the Marsden point port zone. In response to a submission from GBC Winstone, I am recommending the inclusion of a new rule for 'additions and alterations' to existing structures within the Coastal commercial zone. I consider that this should also apply to the Marsden Point Port zone.
48. I consider that a restricted discretionary status for new structures within this zone is the most appropriate activity status because whilst it does not provide the absolute certainty that a 'controlled' activity status provides, I consider that there may be instances where decision makers may need the option to decline resource consent applications. A restricted discretionary activity status provides this ability, whilst providing a sufficient level of certainty with regards to the matters of discretion (as opposed to a full discretionary activity status).
49. Lastly, rather than providing specific policy guidance for this zone, I consider that Policy D.5.7 (Coastal commercial zone) should be renamed Coastal commercial zone and Marsden Point port zone and that the policy should include a new clause, recognising that new regionally significant infrastructure at the Marsden Point Port zone will generally be considered appropriate. I also note that my colleague Jon Trewin is recommending the inclusion of policies relating to Regionally Significant Infrastructure, which will naturally apply to the activities at the Marsden Point Port zone (that fall within the definition of regionally significant).

50. I consider that the creation of a Marsden Point Port Zone, along with specific recognition of the regional importance of the activities that occur within this zone (through amendments to existing rules, new rules and amendments to policy), will give effect to policy 9 of the NZCPS and also relevant provision of the RPS for Northland.

Recommendation

51. Amend the Proposed Regional Plan by creating a new zone called the Marsden Point Port Zone. Include the following changes to the Plan:
- Amend the following existing rules to include reference to the Marsden Point Port Zone: C.1.1.1, C.1.1.2, C.1.1.5 and C.1.1.13.
 - Include a new controlled activity rule for additions and alterations to existing structures in the Marsden Point Port Zone (this will also apply to the Coastal commercial zone).
 - Include a restricted discretionary activity rule for structures in the Marsden Point Port Zone.
 - Amend Policy D.5.7 (Coastal commercial zone) to refer to the Marsden Point Port Zone and include a new clause within the policy relating to regionally significant infrastructure within this zone.

Evaluation of recommended changes

52. Section 32AA, RMA requires an evaluation of any changes that have been made to, or are proposed for, the plan since the RMA s32 Evaluation Report was completed. I believe that the proposed changes (zone, rules and policy) are that most appropriate way to achieve the high level objectives in Section 8.4 of the Section 32 report, as well as the recommended new 'use and development in the coastal marine area' objective to be included in section F of the plan as well as the regionally significant infrastructure objective. I do not consider that the proposed amendments will result in any additional environmental, economic, social or cultural costs but I do consider that it will lead to beneficial economic and social effects. This is because it will give effect to Policy 9 of the New Zealand Coastal Policy Statement by providing for the efficient and safe operation of regionally significant infrastructure at Marsden Point and assist with the development of capacity for shipping, which will have positive economic benefits for the Northland economy.

Other matters

53. Refer to Appendix A for the summary of submission points, analysis and recommendations made on the coastal structures provisions not addressed in the key matters sections of this report.

Appendix A - Response to other matters raised in submissions

Note – this table does not include the summary of submission points, analysis and recommendations made on the *coastal structures* provisions addressed in the key matters sections of the report.

Provision	Summary of main submission points	Discussion	Recommendation
Definition – aid to navigation	Refining NZ requested to amend the definition as they believe that as drafted, it is unclear as to the full ambit of structures that are intended to fall within the definition.	I have discussed this with Jim Lyle (Northland Regional Council Harbourmaster). Jim recommends the definition is amended to provide consistency with that used by Maritime NZ and the International Association of Marine Aids to Navigation and Lighthouse Authorities. I support his view and recommend amending the definition.	Amend definition as outlined in <i>s42A report</i> .
New definition – core local infrastructure	Whangarei District Council and Kaipara District Council requested a definition of ‘core local infrastructure’.	I agree with the submitters that a definition for ‘core local infrastructure’ is appropriate. The Proposed Plan essentially defined this term within Policy D.6.1, however, I am recommending that this definition is now used within several rules within the plan, meaning a definition is appropriate.	Include definition as outlined in <i>s42A report</i> .
Definition – functional need	There were seven submissions on this definition, which included three in support. First Gas, CEP Services Matauwhi and Royal Forest and Bird Protection Society requested amendments.	Neither CEP Services Matauwhi Limited or First Gas demonstrate why their proposed amendments are more appropriate than the existing definition, meaning I cannot support them. I consider that Forest and Bird raise valid concerns relating to the definition not being clear enough. I support their requested relief, which includes an amendment to include the words ‘ <i>due to its technical or operational requirements</i> ’ as I consider this adds clarity. The result of this amendment is that I am recommending that the definition of ‘operational need’ is deleted as the two definitions are now essentially morphed into one. Transpower have requested to delete reference to the types of structures within the rule as it is not exhaustive and therefore could be open to interpretation. I do agree that the list is not exhaustive and therefore could be open to interpretation but I do consider that it is valuable as it sets out some of the key structures that do not have a functional need to be located in the coastal	Amend definition as outlined in <i>s42A report</i> .

Provision	Summary of main submission points	Discussion	Recommendation
		marine area. I am recommending that this is deleted from the definition and retained in the form of a note after the definition.	
Definition – hard protection structure	Fonterra has requested the definition is amended to refer to ‘infrastructure’ as they consider that sole reference to protection of ‘property’ is too narrow.	I consider the submitter raises a valid point that only referring to protection of ‘property’ might be too narrow. I note that the definition of ‘hard protection structure’ in the New Zealand Coastal Policy Statement refers to protecting an ‘activity’. Other councils around the country have used this definition. I consider that it is preferable to be consistent with the NZCPS. I therefore recommend deleting reference to ‘property’ and inserting ‘activity’, which would encapsulate the relief sought by the submitter.	Amend definition as outlined in <i>s42A report</i> .
Definition – operational need	Seven submitters requested this definition is retained, Royal Forest and Bird requested it is deleted and CEP Services Matuawhi requested amendments.	As outlined in my response to functional need above, I am recommending amendments to the functional need definition to incorporate key aspects of the operation need definition. Consequently, I am recommending to delete the definition of ‘operational need’.	Delete definition as outlined in <i>s42A report</i> .
Definition - structure	Five submitters made submissions on this definition. These ranges from retain as notified through to delete as well as requests to amend text.	I do not support Northpower’s request as I consider that the additional wording they have requested is already encapsulated within the existing definition. I do not support Fonterra’s request to delete the definition as this definition is purposefully different to the one in the RMA. For that reason, I also do not support the submission from First Gas. I do not support the request from CEP Services Matauwhi because land (as defined in the RMA) includes land covered by water, which means that the definition does apply to structures attached to the foreshore or seabed.	No change.
New definition – temporary military training activity	New Zealand Defence Force requested that temporary military training activities are defined.	I agree that as definition of temporary military training is appropriate as it is mentioned several times within the Proposed Plan.	Include definition as outlined in <i>s42A report</i> .
Requests for new coastal objectives	Various submitters requested the inclusion of an objective or specific objectives for coastal activities.	As discussed in the General approach <i>s42A report</i> , the recommendation is to include specific objectives in the Plan. I have recommended including an objective for use and	Include new objective for Use and development in the

Provision	Summary of main submission points	Discussion	Recommendation
		development in the coastal marine area. The objective is based on objective 3.10 of the RPS as well as the objectives contained within the NZCPS 2010. I have based it on these objectives because I believe they are specific enough to direct the policies and rules for the Plan.	coastal marine area as outlined in <i>s42A report</i> .
New rule – hard protection structures	Bay of Islands Planning Limited have requested a new rule to apply to existing hard protection structures that are not located within ‘enclosed waters’.	I agree with the submitter that a new rule for existing hard protection structures that are not located within enclosed waters is appropriate as they are not currently covered by a rule.	Incorporate new rule into coastal structures section of the plan
Hard protection structures rules	Bream Bay Coast Care Trust opposed any hard protection structures within the boundaries of the Ruakaka Wildlife Refuge and all other wildlife refuges in Northland.	The submitter has not actually requested any changes to text – it is rather a statement. I do not have enough information to assess their request and therefore do not recommend any changes.	No change.
General submission	CEP Services Matauwhi Limited have requested to amend all rules applying to mapped historic heritage areas or sites to also apply where there are historic heritage areas or sites in the vicinity of the proposed activity.	This is addressed in a separate report.	See <i>Significant natural and historic heritage s42A report</i>
General submission	CEP Services Matauwhi Limited have requested to add further standards to all permitted activity structure rules to provide protection for ecological, natural character and landscape values.	I do not support the relief sought as I believe that a determination regarding whether or not to add additional standards to rules should be done on a rule by rule basis and not as a ‘catch-all’.	No change.
General submission – new rule	First Gas Limited have requested a new rule as follows: <i>Regionally Significant Infrastructure Structures within a significant marine area – non-complying discretionary activity</i>	I am not convinced that a discretionary activity status is more appropriate than a non-complying activity status for new regionally significant infrastructure structures within significant marine areas. The submitter provides no reasoning other than ‘an enabling consenting framework is critical for infrastructure of regional significance’.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	<p><i>In the coastal marine area any <u>structure which supports the functional need of regionally significant infrastructure, and includes:</u></i> 1) <i>new structure, or...</i></p>	<p>These areas are mapped within the Proposed Regional Plan and their values have been deemed significant/special and, for various reasons, they are sensitive to development (for example, one of the key values of outstanding natural character areas is that they are free from the effects of human construction/structures). I therefore remain of the view that a non-complying activity status is the most appropriate. This aside, I note that the Regional Policy Statement for Northland has specific policy guidance that requires decision makers to have particular regard to the benefits of regionally significant infrastructure (such as Policy 5.3.2) when considering and determining resource consent applications. I also note that when considering applications under s104(1)(a), the consent authority must have regard to any actual and potential effects on the environment of allowing the activity. Put simply, the determination of whether or not the application is appropriate will come down to the level of effects generated by the activity on a site by site, case by case basis. This means that even if the activity status is non-complying, it does not 'rule out' the possibility of the application proceeding – it will merely come down to effects on the environment and the ability to avoid, remedy or mitigate said effects.</p>	
General submission	Fonterra have requested a new restricted discretionary rule for activities that can't comply with rule C.1.1.7 (reconstruction, maintenance or repair of a structure).	I do not support the relief sought by the submitter. I consider that a full discretionary activity status is the most appropriate for activities that cannot comply with rule C.1.1.1 as there may be many reasons why the standards and terms may not be able to be complied with.	No change.
General Submission – new rule	GBC Winstone have requested a new 'controlled activity' rule as follows: <u>Additions and alterations to structures in the Coastal Commercial Zone – Controlled Activity</u>	I support the relief sought by the submitter and consider that its inclusion into the plan is appropriate. I note that the zone in which this rule is proposed is commercial by nature and therefore consider that subject to compliance with standards and conditions, a controlled activity status for additions and alterations to structures is appropriate. On that note, I consider that the requirement for the addition or alteration to	Incorporate proposed rule as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>

Provision	Summary of main submission points	Discussion	Recommendation
	<p><u>Additions and alterations to structures in the Coastal Commercial Zone are controlled activities provided:</u></p> <p><u>1) the structure to be altered or added to is authorised, and</u></p> <p><u>2) the addition or alteration is necessary for the safe or efficient operation of the commercial activity undertaken within the zone, and</u></p> <p><u>3) the activity complies with C.1.8 'Coastal works general conditions.'</u></p>	<p>be necessary for the safe and efficient operation of the commercial activity undertaken within the zone, will ensure that only appropriate activities will be able to use this rule. I am recommending that this rule also applies within the Marsden Point Port zone I am recommending.</p>	
<p>General submission – new rule</p>	<p>Northport Ltd have requested a new 'controlled activity' rule as follows:</p> <p><u>New or replacement structures in the Coastal Commercial Port Zone.</u></p> <p><u>A new or replacement structure in the Coastal Commercial Port Zone and its use that is not a permitted activity under any other rule is a controlled activity provided:</u></p> <p><u>1) the activity complies with C.1.8 'Coastal works general conditions' Matters for control</u></p> <p><u>1) effects on shoreline stability in the vicinity; and</u></p> <p><u>2) adverse interference with natural processes and</u></p> <p><u>3) effects on ecosystem health and</u></p> <p><u>4) public access and effects of disturbance, deposition and discharge associated with construction</u></p>	<p>I do not support the relief sought by the submitter in this instance. I consider that a controlled activity status for new (potentially large scale) structures is not appropriate, as I don't think a controlled activity status is commensurate to the potentially more than minor adverse effects that may arise from the types of structures that could fall under this rule. However, in response to other submitters, I am recommending to include 'replacement' of structures within permitted activity rule C.1.1.7 – so long as the structure is authorised and there is no increase in size of the structure.</p>	<p>No change.</p>

Provision	Summary of main submission points	Discussion	Recommendation
General Submission – new rule	<p>Refining NZ have requested a new rule as follows:</p> <p><u>Existing and new structures in the Coastal Commercial Zone – restricted discretionary activity</u></p> <p><u>A new structure or an existing structure in the Coastal Commercial Zone, that is not a permitted activity or controlled activity under another rule in this Plan, is a restricted discretionary activity, provided:</u></p> <p><u>1) the structure is not within an identified ‘Significant Ecological Area’ or ‘Significant Bird Area’.</u></p> <p><u>Matters of discretion:</u></p> <p><u>1) Effects on natural processes including effects on shoreline stability in the vicinity.</u></p> <p><u>2) Effects on aquatic ecosystem health.</u></p> <p><u>3) Effects on public access to and along the coastal marine area.</u></p> <p><u>4) Use of the structure.</u></p> <p><u>Notification:</u></p> <p><u>Resource consent applications under this rule are precluded from notification (limited or public).</u></p>	<p>I support in-part the relief sought by the submitter, to the extent that I recommend a restricted discretionary activity rule for new and existing structures in the Marsden Point Port Zone (located in the coastal marine area adjacent to Refining NZ and Northport). This recognises the fact that these activities are defined as ‘regionally significant’ in the Regional Policy Statement for Northland.</p>	<p>Incorporate new rule into plan as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>.</p>
General submission	<p>Ruakaka Parish Resident and Ratepayers Association Inc. have requested to amend the rules to better account for large scale structures such as wind farms.</p>	<p>I consider that the proposed rule framework within the coastal structures section is sufficient to account for any type of new structure proposed. A new large-scale structure will generally be a discretionary or non-complying activity and therefore will be able to be assessed on its merits and consent granted or declined.</p>	<p>No change.</p>
General Submission – new rule	<p>Top Energy have requested a new rule as follows:</p>	<p>I do not support the relief sought by the submitter. The main reason is that as the proposed rule is a ‘restricted discretionary’ rule, a consent authority’s power to decline a</p>	<p>No change.</p>

Provision	Summary of main submission points	Discussion	Recommendation
	<p><u><i>New electricity transmission structures and underground cables outside a significant marine area – restricted discretionary activity.</i></u> <u><i>Matters of discretion:</i></u> 1) <u><i>Effects on marine mammals, birds and benthic habitat.</i></u> 2) <u><i>Effects on natural processes including effects on shoreline stability in the vicinity of proposed structures.</i></u> 3) <u><i>Effects on public access to and along the coastal marine area.</i></u> 4) <u><i>Effects on public open space and visual amenity.</i></u> 5) <u><i>Effects of disturbance, deposition and discharge associated with construction, including use of heavy machinery.</i></u> 6) <u><i>Effects on navigation and safety.</i></u> 7) <u><i>Effects on natural character.</i></u></p>	<p>consent, or to grant a consent and to impose conditions on the consent, is restricted to the matters over which discretion is restricted. I am therefore concerned that there may be other matters (such as effects on tangata whenua values or effects on historic heritage or outstanding natural features) which are not included and therefore could not be considered. I consider that a full discretionary activity status is the most appropriate as it allows decision makers to consider any and all potential effects of the activity.</p>	
<p>General submission – new rule</p>	<p>Top Energy have requested a new rule as follows: <u><i>New electricity transmission structures and underground cables within a significant marine area – discretionary activity.</i></u></p>	<p>While I do not support a discretionary activity status for new electricity transmission structures within significant marine areas (because of potentially significant adverse effects on the values and characteristics of these areas), I am recommending a new discretionary activity rule (within any zone) for laying cables. I consider that this is appropriate as cables will be located ‘underwater’, meaning that visually, any potential adverse effects will be minimal as the cables will be on the seafloor.</p>	<p>Incorporate new rule into plan as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i></p>
<p>General Submission – new rule</p>	<p>Whangarei District Council have requested a new rule as follows: <u><i>Structures for core local and regionally significant infrastructure within a significant marine area- discretionary activity</i></u></p>	<p>For the same reasons as set out in my response to First Gas Limited above, I am not convinced that a discretionary activity status is more appropriate than a non-complying activity status for new regionally significant and core local infrastructure structures within significant marine areas.</p>	<p>No change.</p>

Provision	Summary of main submission points	Discussion	Recommendation
General Submission – request for zone renaming	Bay of Islands Planning Limited, Far North Holdings Limited and Carrington Resort Jade LP have requested to rename the ‘General Coastal Zone’ to ‘General Marine Zone’ as the Far North District Plan already has a zone entitled the General Coastal Zone, which could easily lead to confusion for stakeholders.	I agree with the submitter that having the same name for a zone within the Regional Plan as an existing zone in a District Plan may well lead to confusion. I therefore support the request to amend the name of the zone to ‘General Marine Zone’.	Amend all references as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
General Submission – request for zone renaming	Bay of Islands Planning Limited, Far North Holdings Limited and Carrington Resort Jade LP have noted that the proposed plan refers to both the Coastal Commercial Zone and Commercial Coastal Zone and request that the plan is amended to use consistent terminology.	I agree with the submitter that the plan should use consistent terminology. The use of differing terminology in this instance was a drafting error. I therefore recommend deleting all references to Commercial Coastal Zone, meaning that this zone should only be called the ‘Coastal Commercial Zone’.	Amend rules as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
Coastal maps	CEP Services Matauwhi Limited have requested to reduce the extent of the Coastal Commercial Zone at Russell wharf to a line 10 metres outside the footprint of the wharf.	I do not support the requested relief by the submitter. The submitter has not provided any evidence for the request other than stating the extent of the zone is excessive given the historic heritage values of Russell waterfront. I consider that it is important to note that the extent of the Coastal Commercial Zone at Russell wharf is the same as the Marine 6 (Wharf) Management Area in the Operative Regional Coastal Plan (the size of the zone has not increased).	No change.
C.1.1.2	GBC Winstone has requested that the rule allows for dolphin moorings in the Coastal Commercial Zone	Rule C.1.1.2 is intended to provide for structures on top of existing structures – such as a building on top of an existing wharf. I consider that dolphin moorings should not be permitted activities under rule C.1.1.2, as they can be quite large and therefore have the potential to generate more than minor adverse effects.	No change.
C.1.1.2	Miru M and Tinopai RMU Limited requested a new condition that the	I do not support this requested amendment. This rule provides for minor structures that are attached to existing structures within certain highly modified environments	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	structure is not within an Area of Significance to Tangata Whenua.	(coastal commercial zone and Whangarei city centre marine zone).	
C.1.1.2	Royal Forest and Bird Protection Society NZ are requesting a new condition that activities must not be within an identified significant ecological area or high or outstanding natural character area or outstanding natural landscape.	I do not support the relief sought by the submitter. I consider that the conditions attached to this rule are sufficient for it to be essentially a 'small scale' permitted activity rule that will not result in adverse effects on special/significant areas. I also note that this rule only applies within certain coastal 'development' zones, which generally already have reduced levels of natural character.	No change.
C.1.1.2	Whangarei District Council are requesting a new condition that there is no restriction on public use of the structure.	I do not support the relief sought because I do not consider it necessary to include this condition. This is because within the coastal marine area, it has been determined (through Case law) that unless coastal permits expressly exclude public from using structures, that the presumption is that the public are entitled to access and use structures within the coastal marine area (so long as such use does not impede permits holders use or exclusion is necessary for reasons of public safety).	No change.
C.1.1.3 C.1.1.4	CEP Services Matauwhi Limited request a new standard that the structure is not located in a mapped special area or any area which meets any criteria of significance in Appendix 5 of the RPS for Northland	I do not support the requested relief. I consider that the conditions attached to rule C.1.1.3, such as height and size restriction as well as the limit on how long the structure can be placed in the coastal marine area, will minimise the potential for adverse effects on significant/special places to occur. I also note that any effects could be called 'transitory' as the structure is limited to a maximum of 30 days during a 12-month period. Regarding navigation aids, as they tend to be relatively small structures, I consider that they will not have any adverse effects on the values and characteristics of significant areas.	No change.
C.1.1.3(9) C.1.1.4(2)	Heritage NZ requested these rules are modified by excluding these structures from locating within mapped Historic Heritage Sites (alongside Sites or Areas of Significance to tangata whenua.)	I do not support the relief sought. Regarding temporary structures, I do not consider that they will adversely affect Historic Heritage Sites because of the size and time limits applied to this permitted activity rule. I have already expressed my views on navigation aids in my response to CEP Services Matauwhi above.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.3(2) C.1.1.4(3)	Two submitters (Miru M and Tinopai RMU Limited) requested an amendment to include tangata whenua in the notification requirements.	I do not support the relief sought by the submitters. I note that both rules have a requirement that the structure is not located within a mapped Site or Area of Significance to Tangata Whenua. I do not consider that tangata whenua need to be notified every time one of these structures is proposed, noting that temporary structures can only stay in the CMA for up to 30 days and that navigation aids are essential maritime infrastructure. As an aside, the submitters have not provided reasons as to why they wish to be notified.	No change.
C.1.1.3	New Zealand Transport Agency have requested an amendment to condition 8) to provide an exemption to this condition for structures necessary for maintenance of infrastructure. They are also requesting an amendment to condition 6) for structures associated with maintenance of regionally significant infrastructure to be in place for up to 40 days.	I do not support the requested amendments by the submitter as the submitter has not provided any evidence or justification as to why the proposed amendments are more appropriate than the existing wording.	No change.
C.1.1.3	Refining New Zealand are requesting an amendment to condition 3) as follows: <i>it does not exceed an area of 10 square metres (excluding any anchor(s) and anchor line(s) and any structure being used for construction or maintenance purposes); or the area of <u>an existing legally authorised structure plus 5 percent, with a maximum area of 5 percent of the area of the existing structure being outside the horizontal footprint of the existing structure (if the temporary structure is located on</u></i>	I do not support the request to amend condition 3 as I consider that it could result in large and visually dominant temporary structures that could cause adverse effects (and should therefore be subject to the resource consent process). However, I do support the request to add clarity to condition 4. The submitter is requesting the inclusion of 'on the spring tide'. After liaising with the NRC Harbourmasters' Office, I consider a more appropriate response would be to add 'at mean high water springs', as this is a commonly referred to maritime phrase and relatively easy to measure.	Amend rule C.1.1.5 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>

Provision	Summary of main submission points	Discussion	Recommendation
	<i>and/or adjacent to an existing authorised structure),</i> They are also requesting condition 4) is amended by including the words 'on the spring tide' after foreshore.		
C.1.1.3	Royal Forest and Bird Protection Society requested a new condition that the activity is not within an identified significant ecological area or important bird area.	I do not support the requested relief. I consider that the conditions attached to the rule, such as height and size restriction as well as the limit on how long the structure can be placed in the coastal marine area (a maximum of 30 days during any 12-month period) will ensure that adverse effects will be avoided. I also note that any potential adverse effects could be described as 'transitory' because of the time restriction.	No change.
C.1.1.4	Miru M and Tinopai RMU Limited requested the insertion of a new condition 5) to read 'any structure (aid) does not exceed 10 square metres.	I do not support the requested relief from the submitters. In coming to my conclusion, I sought advice from the Regional Harbourmaster and the Northland Regional Council Maritime team. They informed me that while the vast majority of navigation aids are smaller than 10 square metres, depending on the location and depth of water, there are times where aids are required (for navigation and safety reasons) to be larger than 10 square metres.	No change to rule.
C.1.1.4	Royal Forest and Bird Protection Society requested the rule is amended to consider effects on birds and to change to rule to a restricted discretionary activity.	I do not support the requested amendments as the submitter has not provided any evidence that navigation aids can (or do) have adverse effects on birds.	No change.
C.1.1.5	Eastern Bay of Islands Preservation Society and Bay of Islands Maritime Park Inc) requested the rule is amended to allow for ecological protection and education signs.	I recommend changing condition 1) to insert the words 'or their agent'. I consider this will provide an opportunity for central government agencies or local government to work closely with community groups regarding the erection of signs to display information or safety matters. This could therefore include signs relating to a rahui or other environmental related matters.	Amend rule C.1.1.5 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.5	Far North Holdings Limited requested a new condition to allow for signs	I support the relief sought by the submitter and agree that it is appropriate to permit the placement of signs by operators of	Amend rule C.1.1.5 as outlined in

Provision	Summary of main submission points	Discussion	Recommendation
	placed by operators of facilities in the Coastal Commercial Zone or Marina Zone so long as they display safety information.	facilities with the Coastal commercial zone or a marina within a Marina zone, if the signage relates to information and safety material relating to the safe and efficient operation of the facility.	<i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.5	Landowners Coalition Inc requested the maximum size of signs is increased to 4m ² and the total combined area of signs on structures must not exceed 10m ² .	The submitter has not provided any reasoning or justification for the request. I am therefore unable to assess this request.	No change.
C.1.1.5	New Zealand Transport Agency requested an amendment to condition 6)b) to state 'except for road signage installed by a road controlling authority', the sign.	The submitter makes a valid point that road safety signage is often required to be reflective in order for it to operate effectively. I therefore support the relief sought.	Amend rule C.1.1.5 as outlined in s42A report.
C.1.1.5	Royal Forest and Bird Protection Society NZ requested a new condition to exclude lighting of signs except for safety reasons using up/down lights only. They have also requested an amendment to condition 6) e) to reduce the total size of signs to limit effects on natural character.	The submitter has not provided any reasoning or justification for the request. I am therefore unable to assess this request.	No change.
C.1.1.5	Top Energy requested an amendment to condition 2) by inserting 'including cable markers on the sea floor'.	I support the relief sought by the submitter in so far as I consider it beneficial to clarify that this rule also applies to cable markers on the seafloor. However, I do not consider that condition 2 is the most appropriate place for this.	Amend rule C.1.1.5 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.6	Miru M and Tinopai RMU Limited requested an amendment to condition 9) to add tangata whenua to the notification list. They also request the deletion of 'and must include' at the end of condition 9).	I do not support the requested amendment. I consider that the notification requirements of this rule relate to the deployment of monitoring and sampling equipment and therefore to navigational safety matters. In this instance, I do not consider it necessary to notify tangata whenua.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.6	National Institute of Water and Atmospheric Research Limited have requested an amendment to condition 1) to state 'it is not for <u>marine based</u> aquaculture.	I support in-part the relief sought by the submitter. I note that s68A of the RMA states that no rule may be included in a regional coastal plan which authorises as a permitted activity, any aquaculture activity in the coastal marine area. I therefore am recommending that this condition is amended to state 'it is not an aquaculture activity', which, in my opinion, would still allow monitoring structures <i>associated</i> with aquaculture to be placed as permitted activities.	Amend rule C.1.1.6 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.6	Northport Ltd requested an amendment to condition 2) to add the following at the end of the condition (<u>excluding telemetry equipment associated with regionally significant infrastructure</u>)	I do not support the relief sought because I consider that the conditions of the rule as notified will ensure that any potential adverse effects of the activity will be no more than minor and therefore ensure that the activity can be carried out as a 'permitted' activity. The submitter's relief would open the door to potentially larger and more visually dominant structures, which I do not believe should be considered as 'permitted' activities.	No change.
C.1.1.6	Whangarei District Council requested an amendment to condition 6) to delete the requirement to provide a 24 hour free phone contact number.	I sought the advice of Jim Lyle, Regional Harbourmaster, with regards to this request. Jim confirmed that the Harbourmasters office does not have an objection to deleting the free phone contact number. I therefore support the request.	Amend rule C.1.1.6 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.6 C.1.1.8 C.1.1.9	Royal Forest and Bird Protection Society NZ requested the addition of conditions to: <ul style="list-style-type: none"> • Prevent disturbance of birds during breeding periods • Prevent disturbance of the sea floor or indigenous vegetation in significant ecological areas • Prevent impacts on outstanding natural character, features and landscape values. 	I support in part the relief sought by the submitter. I note that rule C.1.5.1 (activities on foreshore areas and use of vehicles on beaches) requires that there is no disturbance of indigenous or migratory bird nesting or roosting sites. There is a similar provision in the coastal general conditions applying to mangrove removal but not for the placement of all structures and general disturbance activities. I consider that this condition should apply to all activities and therefore I am recommending to delete it from the mangrove specific section and elevate it to apply to all coastal activities. I also note that condition 8) of the coastal general conditions requires that there must be no damage to shellfish beds and	Amend coastal general conditions as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .

Provision	Summary of main submission points	Discussion	Recommendation
		do disturbance or damage to saltmarsh or seagrass meadows within mapped Significant ecological areas. The submitter has not demonstrated why other requested changes are appropriate and I therefore am unable to consider them.	
C.1.1.6	Yachting NZ requested an amendment to state that monitoring and sampling equipment shall not be established in a recognised anchorage or recognised recreational anchorage. They should be non-complying in these locations.	The submitter has not provided any reasoning or justification for the request. I am therefore unable to assess this request.	No change.
C.1.1.7 C.1.1.8	Fonterra requested the following changes to conditions 2 and 3: <i>2) there is no increase in the structure's footprint, length, width, and height is not increased by more than 5%, and</i> <i>3) there is no change to the location of the structure does not change by more than 5% and there is no change to form of the structure, and</i>	I do not support the relief sought by the submitter as I consider that 'opening the door' to any increase in footprint, height, length etc of structures will increase the risk of the rule being used to provide for additions and alterations to structures. I consider that this is outside the scope of what these rules anticipate, which is merely repair, maintenance etc of structures.	No change.
C.1.1.7	GBC Winstone requested changes: <i>6) any upgrading and minor alterations including removal works to structures in the Coastal Commercial Zone that does not materially increase the footprint, height, or external envelope of the structure.</i> <i>6) 7) the reconstruction, maintenance or repair complies with C.1.8 'Coastal works general conditions'.</i>	I do not support the relief sought by the submitter. I note that works (including removal) relating to historic heritage sites are covered in the <i>Significant natural and historic heritage</i> s42A report. In response to another submission point by the submitter, I am recommending the inclusion of a controlled activity rule for additions and alterations to structures within the Coastal Commercial Zone. However, I do not support the request that upgrading and minor alterations of structures should be a permitted activity because the submitter has not demonstrated why this is appropriate.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.7	Johnston J requested that the activity status is amended to 'discretionary'.	The submitter has not demonstrated why a discretionary activity status is more appropriate than a permitted activity.	No change.
C.1.1.7	Mangawhai Harbour Restoration Society Inc have requested the following amendments to conditions 1 – 3: 1) <i>The structure is (or was, when first constructed) authorised; and</i> 2) <i>There is no increase in the structure's original footprint, length, width and height; and</i> 3) <i>There is no change to the original location and form of the structure; and...</i>	I do not support the request to amend condition 1). I consider that for clarity, the structure needs to either be authorised (as defined by the plan) or not. However, I recognise that there are instances when old/historical structures may erode or deteriorate. Rather than 'original', I am recommending inserting 'authorised' into conditions 2) and 3) to provide clarity and assist with interpreting the rule.	Amend rule C.1.1.7 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.7	Miru M and Tinopai RMU Limited requested a new condition 7) stating <i>the structure is not within an Area of Significance to Tangata Whenua</i>	No reasons are provided why this relief is sought. However, as this rule only applies to reconstruction or maintenance of existing authorised structures, with conditions including no increase in the authorised structure's footprint, length or height, I do not support the requested relief.	No change.
C.1.1.7	Northpower and Top Energy have requested that the rule also refers to the ' <u>replacement</u> ' of structures	After considering this request, I am of the view that amending the rule to include the 'replacement' of structures will not generate additional adverse effects to what is anticipated by the other activities. In fact, it could be said that the 'replacement' of a structure would generate less potential adverse effects than the 'reconstruction' of a structure, as a reconstruction would likely involve a greater level of disturbance to the foreshore and seabed.	Amend rule C.1.1.7 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
C.1.1.7	Refining New Zealand requested the following amendments: <i>C.1.1.7 Reconstruction, maintenance, <u>minor upgrade</u> or repair of a structure – permitted activity</i> <i>The reconstruction, maintenance, <u>minor upgrade</u> or repair</i>	I do not support the relief sought by the submitter. I have addressed the issue of minor upgrading/increase by up to 5% in my response to Fonterra above and I have nothing further to add here. I note that temporary scaffolding will be covered under the temporary structure rule, which allows for structures to be located in the coastal marine area for up to 30 days. I do not support the request for scaffolding to be included in this rule.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	<p><i>of a structure... is a permitted activity, provided:</i></p> <p><i>1) the structure is authorised, and</i></p> <p><i>2) there is no <u>more than a 5%</u> increase in the structure's footprint, length, width, and height <u>from that existing at 5 September 2017</u>, and</i></p> <p><i>3) there is no <u>material</u> change to the location and form of the structure, and</i></p> <p><i>...</i></p> <p><i><u>Note: The reconstruction, maintenance, minor upgrade or repair works authorised by this rule shall include the construction and retention of temporary scaffolding and weather protection wrap for the duration of the reconstruction, maintenance, minor upgrade or repair works.</u></i></p>		
C.1.1.7	<p>Royal Forest and Bird Protection Society NZ requested the following changes:</p> <ul style="list-style-type: none"> • Amend condition 4) <i>“it is not a reconstruction of Historic Heritage Site (refer I ‘Map’, and”</i> • Add a new condition specifying that access to the site for reconstruction, maintenance or repair works must not cause any modification to an outstanding landscape, natural character or significant ecological area. 	<p>I do not support the requested relief. Regarding historic heritage, I note that the coastal works general conditions state that activities must not alter, damage or destroy a Historic Heritage Site (not just limited to mapped sites). I consider that subject to compliance with the standards and conditions, this activity can be carried out within significant ecological areas while avoiding adverse effects on the values of the area. This also includes compliance with the coastal works general conditions, specifically conditions 9 and 10. Condition 9 requires that within mapped significant ecological areas, there is no damage to shellfish beds and no disturbance or damage to seagrass meadows, while condition 10 requires any visible disturbance of the foreshore to be remedied or restored within 48 hours. I therefore do not support a more restrictive activity status.</p>	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	<ul style="list-style-type: none"> • Add a new condition to exclude the activity in significant ecological areas. Non-compliance with this condition leads to a restricted or full discretionary activity. 		
C.1.1.7	<p>Heritage NZ requested additional considerations, relevant to the repair and maintenance of historic heritage, be inserted into point 5) of this rule. These considerations would trigger a consent requirement if breached. They are as follows:</p> <p><i>‘...repair and maintenance...must not result in any of the following:</i></p> <p><i>(a) changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously un-rendered surface;</i></p> <p><i>(b) the use of abrasive or high-pressure cleaning methods, such as sand or water blasting;</i></p> <p><i>(c) the affixing of scaffolding to the building or structure;</i></p> <p><i>(d) changes to the design, texture, or form of the fabric;</i></p> <p><i>(e) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure;</i></p> <p><i>(f) the use of materials other than those the same as the original or most significant fabric, or the closest equivalent; or</i></p>	<p>I appreciate that there is a longer list of considerations with regard to repair and maintenance of structures compared to the wording in the Proposed Plan. The present wording in the Proposed Plan is confined to the materials used for repair and maintenance being the same in form and appearance. As such I agree with the submitter that the wording should be expanded to their proposed wording. The exception being a minor change to the proposed wording of (g) restricting earthworks or disturbance of land or the foreshore and seabed being undertaken where archaeological site controls apply.</p> <p>I believe the reference to land should be deleted as this lies outside the functions of the regional council with regard to historic heritage.</p>	<p>Amend rule C.1.1.7 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i></p>

Provision	Summary of main submission points	Discussion	Recommendation
	<i>(g) earthworks or disturbance of land or the foreshore or seabed being undertaken where archaeological site controls apply,</i>		
C.1.1.8	Kiwirail requested an amendment to condition 1) so that it only applies to the removal of the structure.	I do not support the submitters request as I consider that prior notification should be required for any maintenance repair or removal of hard protection structures (in order to be able to be considered as a permitted activity). I have sought the opinion of Ricky Eyre, Coastal Monitoring Manager at Northland Regional Council regarding the submitter's request. Ricky also considers that for hard protection structures, it is definitely preferable to include a condition requiring prior council notification, as maintenance, repair or removal of these structures often requires the use of heavy machinery on foreshore areas.	No change.
C.1.1.8	Hayes I requested to amend the rule to refer to existing structures (as opposed to authorised) and to remove the requirement for giving 10 working days notice.	I consider that the submitter raises a valid point in that there are hard protection type structures in existence today that have been around for several decades (or longer) and if they are located on land, there is a high chance that they were never authorised. I therefore recommend amending the rule to apply to 'existing' had protection structures and adding in a new condition that if the hard protection structure is located in the coastal marine area then it needs to be authorised. I do not support the request to delete the prior notification requirement.	Amend rule C.1.1.8 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>
C.1.1.8	Miru M and Tinopai RMU Limited requested to amend clause 1) to include tangata whenua in the notification list.	I do not support the submitters requested relief, primarily because this rule applies to the maintenance, repair or removal of existing hard protection structures – as opposed to the placement of new structures. I therefore do not consider it necessary for tangata whenua to be notified before work commences.	No change.
C.1.1.8	Morrison G & P have requested to amend the rule to allow the size of stopbanks to be changed to respond to	My response to the submitters relief is essentially the same as that to Fonterra at rule C.1.1.7 above. I do not support any increase in the size of stopbanks as a permitted activity.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	tidal rise. This should be a permitted activity		
C.1.1.8	New Zealand Transport Agency have requested an amendment to condition 3) to read <i>there is no increase in <u>footprint, length.</u></i>	I support the relief sought by the submitter as it will result in consistency with the same condition in rule C.1.1.7.	Amend rule C.1.1.8 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>
C.1.1.8	Northport Ltd requested an amendment to condition 1) to include the Harbourmaster with the notification requirements.	I do not support the request to include the Harbourmaster within the notification requirements for this rule because the vast majority of hard protection structures are located around the line of mean high water springs or further landward. They tend not to cause navigational safety concerns.	No change to rule
C.1.1.8	Refining New Zealand requested an amendment to condition 3) to allow for up to a 5% increase in length, width or height of the existing authorised structure	I do not support the requested relief. My views are the same as my response to the submitters relief sought for rule C.1.1.7 above.	No change.
C.1.1.9	First Gas Limited requested that 'pipelines and ancillary equipment' are added to the list of structures	The submitter has not demonstrated why their proposed amendment is appropriate. I am unable to assess the merits of the request.	No change.
C.1.1.9	Miru M and Tinopai RMU Limited requested the inclusion of the following two conditions: 7) <u>the structure is not within an Area of Significance to tangata whenua, and</u> 8) <u>the structure complies with New Zealand standards</u>	I do not support the relief sought by the submitters. I note that they have not provided any evidence or justification for the request and therefore I am unable to assess the merits of the request.	No change
C.1.1.9	New Zealand Transport Agency requested an amendment to condition 3) to add <u>and network utility structures</u>	The submitter has not provided any reasoning or justification for the request. I am therefore unable to assess this request.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.9	Northpower requested amendments to condition 1) to refer to aerial telecommunication <u>line</u> cables and to delete the word transmission . The submitter also requests amendments to condition 1b) as follows <u>..will not require additional support structures as a result of an increase..</u>	I support the relief sought by the submitter as it ensures that the definition of the assets is consistent with Electricity and Telecommunications legislation and regulations. I also support the requested amendment to clause 1) a) as I consider from an environmental effects perspective, the threshold should focus on whether or not the activity requires additional support structures (compared to whether or not there is an increase in voltage).	Amend rule C.1.1.9 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
C.1.1.9	Northport requested that condition 1) is amended by including ‘submarine’ telecommunication cables and ‘submarine’ transmission lines.	I support the relief sought by the submitter and consider that submarine cables should be able to be considered in the same manner as aerial cables.	Amend rule C.1.1.9 as outlined in in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.9	Royal Forest and Bird Protection Society NZ requested to restrict the structures under condition 3) to no change in footprint or increase in light spread.	The submitter has not provided any evidence as to why they believe that condition 3) should be amended. I am therefore unable to support the request.	No change.
C.1.1.9	Top Energy have requested a new condition 2) as follows: <u>underground cables, provided the additions or alterations will not result in an increase in the design voltage.</u>	Support in part – see response to Northport’s requested relief for rule C.1.1.9 above.	Amend rule C.1.1.9 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.9	Transpower have requested to delete condition 1b) and to provide specific reference to Regulation 10 of the NESETA via a note under the rule.	I support the inclusion of a note referencing Regulation 10 of the National Environmental Standard for Electricity Transmission Assets, as this will provide clarity to plan users with regards to consenting requirements. I do not support the request to delete condition 1b) as there might be instances where the NES does not apply.	Amend rule C.1.1.9 as outlined in s42A report in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.10	Fonterra and GBC Winstone requested the title is amended to read <u>Demolition or removal.</u>	I support the relief sought as it adds clarity as to what the scope of the rule entails.	Amend rule C.1.1.10 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>
C.1.1.10	Heritage NZ have requested an amendment to condition 2) by adding <u>or in a Historic Heritage Area</u>	I do not support the relief sought as this rule relates to the removal of structures. I therefore consider that it does not matter whether or not the activity is occurring within a Historic Heritage Site because condition 2) does not allow for the removal of any historic heritage structures.	No change.
C.1.1.10	Miru M and Tinopai RMU Limited requested the inclusion of the following two conditions: 3) <u>the structure is not within an Area of Significance to tangata whenua, and</u> 4) <u>if it is located within an Area of Significance, tangata whenua are to be notified for consultation prior to any removal.</u>	I do not support the relief sought by the submitters as this relates to the removal of structures (as opposed to the placement of new structures). I also consider that the requirements in the general conditions that activities must not alter, damage or destroy a Historic Heritage Site, would apply to sites of significance to tangata whenua, as they fall within the definition of 'historic heritage' under the Resource Management Act.	No change.
C.1.1.10	Refining New Zealand requested the rule is amended by inserting the following <u>including the disturbance and discharge directly associated with the works, is a permitted.</u>	I do not support the relief sought by the submitter as this rule already provides for any disturbance to the foreshore and seabed associated with the removal activity (refer to the RMA activities this rule covers at bottom of the rule).	No change.
C.1.1.10	Royal Forest and Bird Protection Society NZ requested a condition to prevent activities during the bird breeding period and to address access to the site. They also request that condition 2) is amended to read: it is not a reconstruction of Historic Heritage.	I have addressed the submitters request relating to bird breeding periods in my response to rule C.1.1.6 above. I do not support amending condition 2 as the submitter has not demonstrated why it is appropriate.	No change to rule.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.11	CEP Services Matauwhi Limited requested the rule is amended to a restricted discretionary rule with the matters of control amended to matters of discretion.	The submitter has not provided any reasoning as to the requested amendment. I am therefore unable to assess its merits.	No change.
C.1.1.11	Heritage NZ requested the following: 3) <i>It is not in a mapped Site or Area of Significance to Tangata Whenua or a Historic Heritage Area (refer I 'Maps'), and</i> 4) f) <i>Historic heritage areas.</i>	I do not support the relief sought by the submitter because I consider that the small size of the structures (requirement to be no greater than 10 square metres) will mean that they can be considered appropriate to locate within historic heritage areas, subject to compliance with the appropriate matters of control.	No change.
C.1.1.11	Royal Forest and Bird Protection Society NZ requested amending the rule to a discretionary activity or exclude the activities in Significant and Outstanding areas so that any activity within those areas requires a discretionary or non-complying consent. Add a condition to prevent construction activities during the during bird breeding period.	I do not support the request to change the activity status as the submitter has not demonstrated why it is more appropriate than the proposed rule. See response to submitter in rule C.1.1.10 above relating to mitigating effects on birds.	No change.
C.1.1.11	Yachting NZ requested to change the definition of regionally significant anchorages to recognised anchorages. They also requested that any structure for scientific research etc within a recognised anchorage should be a non-complying activity.	This matter is addressed in the <i>Moorings and Anchorages s42A report</i> .	See <i>Moorings and Anchorages s42A report</i> .
C.1.1.12	CEP Services Matauwhi Limited requested the rule is amended to a restricted discretionary rule with the	I do not support the relief sought by the submitter. I note that this rule only applies to a limit number of structures, which I would describe as 'public good' structures. I also note that one of the provisions of the rule is that there is no restriction	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	matters of control amended to matters of discretion.	on public use of the structure. I consider that the Whangarei City Centre Marine Zone is a modified environment and that a controlled activity is the most appropriate activity status for these structures.	
C.1.1.12	Royal Forest and Bird Protection Society NZ requested additional matters of control for effects on significant indigenous biodiversity and effects on natural character.	I do not support the relief sought by the submitter. I note that the Whangarei City Centre Marine Zone can be considered a 'modified' urban coastal environment and does not contain any mapped significant ecological areas.	No change.
C.1.1.13	CEP Matauwhi Limited requested to amend the rule to a restricted discretionary activity, with the matters of control becoming matters of discretion.	I do not support the relief sought by the submitter. I note that this rule applies to existing authorised structures (which have already therefore been deemed to be appropriate) in what can be described as 'development' zones. I consider that a controlled activity status is the most appropriate.	No change.
C.1.1.13	Far North Holdings Limited and Bay of Islands Planning Limited requested to amend the rules to include facilities in a marina zone provided for public use as a permitted activity.	I do not support the relief sought by the submitter because I consider that a controlled activity is the most appropriate activity status for structures in marina zones. This is because it gives the marina owners a high level of certainty that the structures will be approved, whilst enabling appropriate conditions of consent to be placed on the structures to manage potential adverse effects.	No change.
C.1.1.13	Northport Ltd requested to amend the rule by adding reference to the Coastal Commercial Port Zone that they have requested.	As discussed above, I am recommending that the Coastal Commercial Zone at Northport/Refinery be renamed as the Coastal Commercial Port Zone. I therefore recommend including reference to the Coastal commercial port zone in this rule.	Amend rule C.1.1.13 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended</i>
C.1.1.13	Refining New Zealand requested that the word 'authorised' is deleted from the rule.	I do not support this relief sought because I consider that one of the key determinants in this rule being a controlled activity is that the structures have to be 'authorised'. This means that they have previously been through the consenting process and their potential adverse effects have been considered appropriate. Deleting reference to authorised means that unconsented structures would be controlled and there would be no ability to decline the consent.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.13	<p>Royal Forest and Bird Protection Society NZ requested to amend the rule as follows:</p> <ul style="list-style-type: none"> • Clarify in rule title that it only applies to authorised structures • Add matter of control for effects on significant indigenous biodiversity • Add matter of control for effects on natural character. 	<p>I support the first request as this is essentially a technical clarification.</p> <p>I do not however support the remaining two requested amendments. The primary reason is because these are existing structures and the rule does not provide for any increase in size/dimensions of structures. I also note that this rule only applies to certain 'development' zones, which do not contain any mapped significant ecological areas.</p>	<p>Amend rule C.1.1.13 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended.</i></p>
C.1.1.14	<p>Bay of Islands Planning Limited and Far North Holdings Limited requested an amendment to provide for new structures in the general coastal or mooring zones.</p>	<p>New structures in the general coastal zone or within mooring zones are covered by rule C.1.1.16 of the Proposed Plan.</p>	<p>No change.</p>
C.1.1.14	<p>Bay of Islands Planning Limited and Far North Holdings Limited requested an amendment to make replacement, additions or alterations and removal of authorised structures, including refuelling facilities in the Coastal commercial zone that are not permitted activities, a restricted discretionary activity.</p>	<p>I do not support the requested relief but note that in response to another submission, I am recommending that additions and alterations to structures in the coastal commercial zone should be a controlled activity.</p>	<p>No change.</p>
C.1.1.14	<p>GBC Winstone requested the rule is amended to a restricted discretionary activity, with the matters of discretion restricted to:</p> <p><u>1) Effects in natural processes including effects on shoreline stability in the vicinity;</u></p> <p><u>2) Effects on aquatic ecosystem health;</u></p>	<p>I do not support the requested amendment to the rule because I consider that a full discretionary activity is more appropriate in this instance. However, I note that existing structures in the coastal commercial zone will either be permitted or controlled activities and that in response to another submission, I am recommending that additions and alterations to structures in the coastal commercial zone should also be a controlled activity.</p>	<p>No change.</p>

Provision	Summary of main submission points	Discussion	Recommendation
	<p><u>3) Effects on public access to and along the coastal marine area;</u></p> <p><u>4) Use of the structure.</u></p>		
C.1.1.14 C.1.1.15	Northport Ltd requested to amend these rules to refer to the Coastal commercial port zone they have requested.	In response to this submitter I am recommending the inclusion of a 'Marsden point port zone'. However, these rules (C.1.1.14 and C.1.1.15) would not apply to this new zone and therefore I do not support the requested change.	No change.
C.1.1.14	<p>Royal Forest and Bird Protection Society NZ have requested to amend the rule as follows:</p> <ul style="list-style-type: none"> • Exclude new marinas in Mangawhai harbour • Include policies which set out the protection required in Important Bird Areas and for the NZ Fairy Tern required under Policy 11 of the NZCPS. • Provide a non-complying activity status for new marinas in these areas. 	In regards to these submission points, I note that this rule applies to the Coastal Commercial Zone, Whangarei City Centre Marine Zone and Marina Zones – none of these zones exist within Mangawhai harbour, therefore this rule does not apply within Mangawhai harbour. New marinas would therefore be processed under separate rules as they would technically not be a 'marina zone'. There are existing policies within the Proposed Plan that recognise significant bird areas and seek to manage adverse effects on indigenous biodiversity within such areas. No changes are therefore recommended.	No change.
C.1.1.14 C.1.1.15	<p>Top Energy requests recognition of the new restricted discretionary activity rule they are promoting within these two rules</p> <p>...</p> <p><u>restricted discretionary activity under C.1.1.XX.</u></p>	As mentioned earlier in this Appendix, I do not support the submitters request for a new restricted discretionary activity rule, therefore I do not support this.	No change.
C.1.1.14	Upperton T requested to ensure that impacts on public interests are part of the evaluation.	As this rule is a discretionary activity, all potential impacts (including public interests) can be considered at the consent application stage.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.15	Fonterra have requested to delete clause 6) relating to a permitted activity under rule C.1.1.7.	As mentioned earlier in this Appendix, I do not support the submitters request for a new restricted discretionary activity rule, therefore I do not support this.	No change.
C.1.1.15	Larcombe M states that an illegal structure was given retrospective resource consent in Opuia	The submitter has not actually requested any amendment to the rule	No change.
C.1.1.15	Royal Forest and Bird Protection Society NZ requested to amend the rule title by inserting <u>authorised</u> .	I do not support this request as the rule is clear that it applies to existing authorised structures..	No change
C.1.1.16	CEP Services Matauwhi Limited requested the addition of further special areas in clause 11, including significant ecological areas, significant bird areas, significant marine mammal areas, high natural character areas, and any area which meets any of the criteria for significance in Appendix 4 of the RPS.	I do not support the relief sought by the submitter, noting that the submitter has not demonstrated why the relief sought is more appropriate. I consider that the placement of new structures within the areas outlined by the submitter are appropriate as discretionary activities. I note that new structures will still need to be assessed against relevant policies (including those relating to managing adverse effects on indigenous biodiversity) to determine their appropriateness.	No change.
C.1.1.16	Heritage NZ requested an amendment to condition 12) by inserting <u>partial demolition</u> after demolition.	I support the submitters request as I consider it will assist with giving effect to s6(f) of the RMA, relating to the protection of historic heritage from inappropriate use and development.	Amend rule C.1.1.16 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>
C.1.1.16	New Zealand Transport Agency have requested an amendment to the rule title to read C.1.1.16 <u>New</u> Structures outside...	I do not support the requested relief because this rule applies to new structures and existing structures. I do not consider it appropriate that this rule only applies to new structures.	No change.
C.1.1.16	Royal Forest and Bird Protection Society NZ requested to include significant ecological areas in clause 11) and to delete reference to 'operational need' in condition 13).	I do not support the relief sought by the submitter. My reasoning is the same as that for CEP Services Matauwhi Limited above. In response to the submitters submission, I have recommended to delete the definition of 'operational need'. I	Amend rule C.1.1.16 as outlined in <i>Proposed Regional Plan for Northland –</i>

Provision	Summary of main submission points	Discussion	Recommendation
		therefore support the request to delete reference to it within this rule.	<i>S42A recommended changes</i>
C.1.1.16	Transpower e requested to rename condition 13) condition 10a)	I am unsure why the submitter has requested to re-locate condition 13) to a new home at condition 10a). However, I do not support the request because I consider the rule reads better where it currently sits.	No change.
C.1.1.16	Upperton T requested that new structures outside permitted zones are publicly notified.	I do not support the requested relief because I consider that the decision whether to notify a resource consent application should be made on a case by case basis. I note that applications under this rule are not precluded from notification.	No change.
C.1.1.16	Yachting NZ have requested to delete reference to 'regionally significant anchorage' in condition 11) and replace with <u>recognised anchorages</u> and <u>recognised recreational anchorages</u>	See Section 42a report titled <i>Mooring and Anchorage</i> for discussion.	No change.
C.1.1.17	Bay of Islands Maritime Park requested to add high natural character areas and significant ecological areas to the list of areas excluded from this rule. Royal Forest and Bird Protection Society NZ have also requested to add significant ecological areas to the list of excluded areas.	I do not support the requested relief. Starting with high natural character areas, for the purposes of this rule, I do not believe that they should be considered the same as 'outstanding' natural character areas. I note that policy 13 of the NZCPS requires the avoidance of adverse effects on outstanding natural character areas, while there is a requirement to avoid 'significant' adverse effects on other (high) natural character areas. Turning to significant ecological areas, I note that these can generally be categorised as either 'open coast' or 'estuary/harbour' sites. The key values and characteristics of the open coast sites tend to be associated with reefs and the marine life that they support. Hard protection structures will not be placed on off-shore reefs. Broadly speaking, the significant values of the estuary and harbour sites tend to either be the ecological importance of	No change.

Provision	Summary of main submission points	Discussion	Recommendation
		the entire estuarine system (viewed as a whole) or associated with mangrove saltmarshes, seagrass meadows or shellfish beds on tidal flats. I therefore consider that it is appropriate for hard protection structures to be considered as 'discretionary' activities within these areas, noting that these will generally be placed at/above the line of mean high water springs or further landward.	
C.1.1.17	CEP Services Matauwhi Limited requested to amend the rule to a non-complying activity status.	I do not support the requested relief. I consider that discretionary activity is the most appropriate for hard protection structures outside mapped 'significant' areas. The submitter has not demonstrated why non-complying is more appropriate.	No change.
C.1.1.17	Far North District and Kaipara District Council requested to insert assessment criteria or amend policy D.6.2 requiring consideration of the effects of the structure on land not owned by the applicant.	I do not support the requested relief. As this is a discretionary activity rule, when applications are considered by consent authorities under s104 of the RMA, they must have regard to <i>any actual or potential effects on the environment of allowing the activity(1)(a)</i> , as well as <i>any other matter the consent authority considers relevant and reasonably necessary to determine the application(1)(c)</i> . I consider that effects on land not owned by the applicant can therefore be sufficiently considered at the resource consent stage without amending this rule.	No change.
C.1.1.17 C.1.1.19	Landowners Coalition Inc requested that these rules are amended to permitted activities.	I do not support the requested relief. The submitter has not provided any justification as to why the activity should be permitted but in any event, I consider that consent authorities need the ability to decline consent applications if potential adverse effects of the structure are undue. I therefore do not consider that the placement of new hard protection structures should be a permitted activity.	No change.
C.1.1.17	Refining New Zealand requested to amend the note at the end of the rule by deleting specific reference to reclamations.	I support the relief sought by the submitter. Refer to discussion in the key matter section above relating to hard protection structures associated with regionally significant infrastructure and core local infrastructure.	Amend rule C.1.1.17 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>

Provision	Summary of main submission points	Discussion	Recommendation
C.1.1.19	Royal Forest and Bird Protection Society NZ requested to retain the rule but ensure that it covers new structures in significant ecological areas (as per their submission on rule C.1.1.17 above).	As discussed in my response to rule C.1.1.17 above, I do not consider that significant ecological areas should be included within the list of mapped areas excluded from the rule. I therefore do not support this request.	No change.
C.1.1.20	GBC Winstone request the removal of the old coal wharf at Portland from the mapping of historic heritage sites. Allied to this, the submitter has requested that this rule and others be changed to permit ongoing structural safety works (including removal and demolition works).	This is addressed in the report <i>S42a Significant natural and historic heritage</i> .	No change.
C.1.1.20	<p>Heritage NZ have requested to retain the rule but modify as follows: <i>Removal, demolition, <u>partial demolition</u> or replacement of a Historic Heritage Site – non-complying activity</i> <i>The replacement, removal (including relocation) or demolition (including <u>partial demolition</u>) of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I ‘Maps’), is a non-complying activity.</i></p> <p>Assuming that Category A and B items are accepted through the HNZPT submission, then Rule C.1.1.20 should include consideration of Prohibited Activity status for Category A items with non-complying for Category B.</p>	I agree that these changes should be made consistent with the recommendations in the report <i>S42a Significant natural and historic heritage</i> . I do not agree that prohibited activity status is appropriate as there may occasions (albeit in very limited circumstances) when historic heritage needs to be demolished.	Amend rule C.1.1.20 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
C.1.1.21	Royal Forest and Bird Protection Society NZ requested to retain the rule	I do not support the relief sought by the submitter. They have not provided any reasoning/justification as to why it is	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	but to limit it to functional need (therefore deleting reference to operation need).	appropriate to delete reference to operational need, meaning I cannot consider it.	
C.1.1.22	Far North District Council and Kaipara District Council requested to amend the rule by excluding structures for district council/core local infrastructure and regionally significant infrastructure from this rule.	I do not support the relief sought by the submitter. In response to submissions, I am recommending to amend rule C.1.1.18, regarding the placement of hard protection structures associated with regionally significant and core local infrastructure. However, I do not consider other structures should benefit from a lower activity status, noting that Policy 26 of the NZCPS specifically requires councils to recognise that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance. However, this does not extend to other structures.	No change.
C.1.1.22	Royal Forest and Bird Protection Society NZ have requested to amend the rule by adding a new clause 13) and 14) for significant ecological areas and important bird areas. They have also requested the inclusion of a condition 23) referring to prohibited activity status aquaculture activities.	I do not support the relief sought by the submitter. I do not consider it appropriate to refer to structures within important bird areas within this rule (as they extend over the majority of the coastal marine area and it is likely that many structures could be located and designed in a way that will have no adverse effects on the values of significant bird areas, meaning a discretionary activity is appropriate). Nor do I consider that significant ecological areas should be included within this (non-complying) rule. My reasoning is that while reclamations or capital dredging activities tend to generate large scale or irreversible adverse effects, I consider that the effects associated with the placement of structures within significant ecological areas is not of the same scale or magnitude. I consider that a discretionary activity for the placement of new structures within significant ecological areas is appropriate because applicants will still need to demonstrate that their activities are consistent with relevant policies, which include policies relating to managing adverse effects on indigenous biodiversity.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
		I do not support the request to refer to prohibited activity aquaculture activities under this rule because this entire section does not address aquaculture activities – they are addressed in C.1.3.	
C.1.1.22	Top Energy requested to add two new conditions 23) and 24) referring to new restricted discretionary and discretionary activity rules they have proposed.	I have addressed the two new rules that the submitter has proposed in the general submission section earlier in this Appendix. I have not recommended including them into the plan and therefore I do not recommend amending the rule as requested.	No change.
C.1.1.22	Yachting NZ requested to amend the rule by deleting reference to regionally significant anchorages in condition 8) and replacing this with <u>recognised anchorages and recognised recreational anchorages.</u>	See Section 42a report titled <i>Mooring and Anchorage</i> for discussion.	No change.

Appendix B - Response to submissions on coastal works general conditions

The following table addresses the submissions on *C.1.8 Coastal works general conditions*, with the exception of:

- The mangrove removal conditions (14 – 21) which are addressed in the s42A report: *Mangrove management*.

Provision	Summary of main submission points	Discussion	Recommendation
C.1.8 – requests for changes with no evidence	<p>Various submitters have requested changes to C.1.8 without providing any evidence or only limited evidence:</p> <ul style="list-style-type: none"> Add controls on vessel noise (Bay of Islands Maritime Park Inc) Add controls on lighting (Bay of Islands Maritime Park Inc). Note – there are already lighting controls in condition 22. CEP Services Matauwhi Limited's requests to change conditions 4,8,22 and a further condition prohibiting use of explosives. 	I am unable to assess these proposed changes without any reasons or evidence to support the change:	No change.
Exemption for emergency works under Electricity Act 1992.	Top Energy suggests adding a general exemption of the application of C.1.8 to emergency works required under s23(c) of the Electricity Act 1992.	It's not clear why Top Energy want this exemption. Also S23(c) of the Electricity Act 1992 appears to relate to excusing the need to give notice to enter land during an emergency – and I'm not clear of the link between this and the proposed exemption to C.1.8.	No change.
Note relating to modification or destruction of	Heritage NZ have requested a change of wording to the note that details the protocol that takes place when archaeological remains are	I agree that the proposed wording is clearer, however I do not feel it is necessary to include the full wording proposed by the submitter, as this	Amend as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .

Provision	Summary of main submission points	Discussion	Recommendation
archaeological sites.	uncovered. The change of wording contains more detail about when an archaeological site might be disturbed	contains too much detail and/or is covered in other parts of the Proposed Plan.	
New condition – evidence of approval from land owner where structure spans CMA boundary	Far North, Kaipara and Whangarei district council suggest adding a condition requiring structure owners to provide evidence of approval from landowners for any part of the structure on land above the CMA. The reason is that there are many structures which are on the submitters' administered land without the necessary approval.	There is no need for such a condition. If there are parts of a structure which don't have the appropriate approval, then adding a condition to C.1.8 doesn't change this fact. While I appreciate that adding such a condition may encourage structure owners to seek approval from the relevant land owner, it's not a good resource management reason. Also, if such a condition is added, it may give the impression that it is the only additional approval needed. The structure may also require a building consent for example. If there are issues with these structures, then the councils have the powers to be able to address them (they don't need a new condition).	No change.
C.1.8(2)	New Zealand Transport Agency recommend some amendments with regards to fish passage and culverts.	I consider the submitter raises valid points in their submission. I am recommending amendments to the condition relating to culverts and to ensure there is no perched entry or exit that prevents fish passage.	Amend condition 2 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
C.1.8(5)	Kiwirail suggest amending the condition to allow for maintenance outside of daylight hours because some of their maintenance can only occur at night when there is the least disruption to rail services. La Bonte A and R and Mangawhai Harbour Restoration Society suggest the condition should be amended to	I accept Kiwirail's concern but I suggest an alternative amendment to make it specific to the circumstances outlined by Kiwirail. The trade-off of allowing works beyond 7pm is the potential to adversely affect amenity for adjacent property owners. In situations involving a structure (for example) it is generally for a private benefit. However, in the case of the removal of nuisance marine plant debris, there is a wider public benefit.	Amend condition 5 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .

Provision	Summary of main submission points	Discussion	Recommendation
	<p>allow for the removal of nuisance algae during all daylight hours (beyond 7pm in summer) to maximise the ability to work around the tides. Morrison G & P suggest deleting this condition as this type of maintenance work is governed by tides and may fall outside these times. Northport Ltd suggest excluding structures in the Coastal Commercial Port Zone from the condition.</p>	<p>Consequently, I accept that this tips the balance in favour of allowing this kind of activity after 7pm (but sill during daylight hours). I'm not convinced that just because it may be more convenient to undertake work outside these times (because of tides) warrants deleting the condition. Northport Ltd do not give any reasons for their proposed change so I'm unable to assess it.</p>	
C.1.8(8)	<p>La Bonte A and R and Mangawhai Harbour Restoration Society suggest "shellfish beds" should be defined. La Bonte A and R also request the condition be limited to <u>commercially viable</u> shellfish beds. The Minister of Conservation requests the requirement to not damage seagrass meadows and shellfish beds to apply in all areas (not just Significant Ecological Areas) because they are highly sensitive and important. Refining NZ suggest a change to the condition to allow for disturbance to seagrass and shellfish beds for navigation aid installation (which is a permitted activity).</p>	<p>The definition of "shellfish beds" is addressed in the s42A report: <i>Dredging, disturbance and disposal</i>. It's not clear to me what the purpose is to limit shellfish beds to commercially viable ones, nor how one would determine what a commercially viable shellfish bed is. I do not think the requirement to avoid damage to shellfish and seagrass meadows outside Significant Ecological Areas is necessary. My concern with making the change is that it would restrict the ability to carry out minor works and I consider this restriction is greater than the possible impacts on shellfish beds and seagrass meadows. I agree with Refining NZ that "<i>such an approach is appropriate...because of the very limited area of disturbance to the seabed during the navigation aid installation process; the necessity of navigation aids to be positioned in particular (precise) locations; and the overall environmental and marine safety benefits achieved from the</i></p>	<p>Amend condition to exempt it applying to the installation of navigation aids as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i>.</p>

Provision	Summary of main submission points	Discussion	Recommendation
		<p><i>installation of the aids</i>". Also, given that any disturbance is likely to be very limited, the condition will still give effect to the requirement of RPS policy 4.4.1 as the disturbance will avoid adverse effects on the <u>area</u> of indigenous vegetation. In other words, there may be impacts on individual shellfish, but the impacts on the shellfish bed will be negligible.</p>	
C.1.8(9)	<p>La Bonte A and R and Mangawai Harbour Restoration Society suggest the condition be amended to exclude application when the purpose of the activity is to restore the area or feature.</p>	<p>La Bonte A and R refer to a consent held in Mangawai Harbour which allows the deposition of material on to the sand spit. It's unclear what the link is between the condition and the resource consent. The condition doesn't impact on the exercise of the current resource consent. It may be that the concern is the effect it will have in future consent applications where C.1.8 may apply – but this is not clear.</p>	No change.
C.1.8(10)	<p>La Bonte A and R and the Mangawai Harbour Restoration Society suggest that an exemption be added to the condition when adverse circumstances arise, allowing an additional 10 working days to carry out the works after the end of the adverse circumstances. The reason being it is accepted practice when working in the CMA and it is not always possible for visible disturbances (to the foreshore and</p>	<p>The submitters don't provide any details of the proposed amendment being accepted practice and I'm not aware of this being the case. Nor is it clear what the adverse circumstances might be (e.g. does it include financial constraints, machinery failure or just weather events?) or why 10 days is required after an event rather than seven days in the absence of an event.</p>	No change.

Provision	Summary of main submission points	Discussion	Recommendation
	seabed) to be remedied or restored within seven days as weather can be a factor.		
C.1.8(11)	Whangarei and Kaipara district councils suggest that any modifications to coastal structures (e.g. repairs) will almost certainly not comply with 11(a), as construction activities will create at least some minor erosion in the short term.	The requirement for no erosion is of banks – it's not a general requirement. I suspect the submitter may have overlooked this. I would have thought many coastal structures could be modified without erosion to the bank.	No change.
C.1.8(12)	La Bonte A and R and the Mangawhai Harbour Restoration Society suggest this condition be deleted. Whangarei District Council question the application of the condition. Refining New Zealand propose adding "...following reasonable mixing".	Ben Tait has recommended changes to the way the coastal water quality standards apply to permitted activities in his s42 report: <i>Water quality management</i> . The result is the recommendation that the condition be deleted.	Delete condition as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
C.1.8 (13)	La Bonte A and R and the Mangawhai Harbour Restoration Society suggest various amendments to this water quality standards condition.	Refer to s42A report: <i>Water quality management – general matters</i> , for a discussion about water quality standards.	Amend condition 13 as follows: <u>The discharges of sediment to water from any activity must not:</u> a) occur for more than five consecutive days, and for more than 12 hours per day, or b) cause any conspicuous change in the colour of water in the receiving water or any change in horizontal visibility greater than 30% (after reasonable mixing) for more than 24 hours

Provision	Summary of main submission points	Discussion	Recommendation
			<p>after the completion of the activity.</p> <p><u>b) cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:</u></p> <p><u>i) the production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or</u></p> <p><u>ii) any conspicuous change in the colour or visual clarity, or</u></p> <p><u>iii) an emission of objectionable odour, or</u></p> <p><u>v) a significant adverse effect on aquatic life.</u></p>
Noise conditions C.1.8(23 – 26)	The New Zealand Defence Force, the New Zealand Transport Agency, Whangarei District Council, Refining NZ and Styles Group Acoustics and Vibration Consultants all sought various changes to the noise conditions.	The changes proposed by the submitters are generally consistent with each other and I agree with the general thrust as they will make the provisions more workable and internally consistent.	I recommend various changes, including a definition for “noise sensitive activity” based on the definition used in the Auckland Unitary Plan as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>

Appendix C - Response to submissions on coastal policies

Note – this table does not include responses to the following coastal policies:

- Aquaculture
- Moorings and anchorages
- Mangroves
- Dredging and disposal
- Marine pests
- Reclamations

Provision	Summary of main submission points	Discussion	Recommendation
New policy - coastal regionally significant infrastructure	Northport Ltd and First Gas Limited sought new policies for regionally significant infrastructure in the Coastal Commercial Port Zone and coastal environment respectively.	Staff are recommending the inclusion of a general policy for regionally significant infrastructure – refer s42A report: <i>General approach</i>	Add new policy for regionally significant infrastructure as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
New policy - requiring coastal structures to consider heritage precincts	Donald A suggested the inclusion of policies related to coastal structures, requiring the consideration of the townscape character of adjacent heritage precincts.	Staff are recommending the inclusion of a general policy regarding the consideration of effects from coastal activities on the adjacent land – refer s42A report: <i>Significant natural and historic heritage</i> .	Add new policy regarding the consideration of effects from coastal activities on the adjacent land as outlined in <i>Proposed Regional Plan for Northland – S42A</i>

Provision	Summary of main submission points	Discussion	Recommendation
			<i>recommended changes.</i>
New policy - noise	Bay of Islands Maritime Park Inc want the Plan to Include a policy addressing above water noise in the CMA including impacts on other organisms and residents/users.	The submitter did not provide any proposed wording and it isn't immediately obvious what a policy might look like.	No change.
New policy – temporary use	NZ Defence Force sought new policy relating to the requirements of temporary military training.	The submitter did not provide any proposed wording and it isn't immediately obvious what a policy might look like.	No change.
New policy – adverse effects of marinas	Tautari R and Patuharakeke Te Iwi Trust Board Inc. requested a policy that acknowledges the potential adverse effects of marinas and require that such effects be avoided.	Policy D.5.13 <i>Managing the effects of marinas</i> is intended to highlight potential issues arising from marina development and direct management of those issues. In addition to this policy, policies on water quality, marine pests, general policies, tangata whenua, indigenous biodiversity, and any other relevant policies should be taken into account when considering a proposal for a new marina. Additionally, the New Zealand Coastal Policy Statement is clear that applications for activities in the coastal environment are required to avoid adverse effects on the values and characteristics of significant ecological areas, outstanding natural character areas, areas of outstanding natural features and landscapes as well as nationally significant surf breaks. For these reasons, I do not support the request for a new policy to avoid adverse effects of marinas.	No change.
Policy D.5.7 Coastal commercial zone	Refining NZ supported the policy. GBC Winstone wanted the policy to provide clearer direction on the appropriate activities within the zone and the outcomes intended for the Coastal Commercial Zone. However, they didn't provide any specific	In the absence of specific wording from GBC Winstone I am unable to make any recommendations. I accept the change sought by Northport Ltd, except that the addition of regionally significant infrastructure being an appropriate in-zone activity only applying to the staff recommended Marsden Point Port Zone.	Amend policy as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes.</i>

Provision	Summary of main submission points	Discussion	Recommendation
	wording changes. Northport Ltd sought amendments to have the policy apply to the new commercial port zone they are proposing for the port activities at Marsden Point and to add regionally significant infrastructure to the list of appropriate in-zone activities		
Policy D.5.8 Whangarei City Centre Marine Zone	Whangarei District Council supports policy but considers that the policy as proposed is not as prescriptive as other policies in the plan and does not provide decision makers with sufficient guidance when assessing applications for discretionary activities within this zone. LaBonte' A & R propose changes to expand the policy to recognise their proposed Mangawhai Harbour and Estuary Marine Zone.	While I am open to Whangarei District Council's suggestion of making the policy more prescriptive, they have offered no proposed wording changes. The zone complements development on the adjacent land, which the Whangarei District Council regulates in their district plan – hence I would welcome any suggestions. I am unable to assess the Labonte request without the detail of the specific changes sought (Mangawhai Harbour Zone). The submitter may wish to provide more detail at the hearing.	No change.
Policy D.5.13 Managing the effects of marinas	Bay of Islands Maritime Park Inc have requested to move the policy to the rule section and that there should be a provision recognising marinas as potential sources for pest species.	It is unclear how the submitter wishes the Proposed Plan to recognise marinas as potential sources for pest species or why Policy D.5.25 Marine Pests is inadequate.	No change.
Policy D.5.13 Managing the effects of marinas	CEP Services Matauwhi requested to amend the policy to include fundamental adverse effects and to recognise and provide for matters of national importance.	The submission does not provide any detail on which policies of the New Zealand Coastal Policy Statement 2010 the submitter believes the policy does not give effect to, nor does it provide any suggestions on how to rectify these issues. I am therefore unable to assess its merits.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
Policies D.5.13 – D.5.17 Marina Policies	Royal Forest and Bird Protection Society NZ have provided a generic response to the five marina based policies, suggesting that these activities should not be anticipated in areas with significant indigenous biodiversity. New structures should not be anticipated in outstanding natural character, features or landscape areas.	<p>The submitter provides no evidence in support of the request. I do not consider it appropriate to make a blanket statement (through policies) that marinas are not appropriate in the ‘significant’ areas referred to, as there could be circumstances where a marina may be able to locate in such areas and avoid all adverse effects.</p> <p>I note that decision makers are required to consider all applicable policies when making decisions on applications for marinas and their appropriateness. In the case of an application within areas of significant indigenous biodiversity this would include consideration of the following policies:</p> <ul style="list-style-type: none"> • <i>Managing adverse effects on indigenous biodiversity</i>, and • <i>Precautionary approach to managing effects on significant indigenous biodiversity</i>. <p>These policies require that applications ‘avoid’ adverse effects on the values and characteristics of these areas.</p>	No change.
Policy D.5.14 Recognising the benefits of marina development	CEP Services Matauwhi Limited requested to delete Policy D.5.14.	The submission does not provide any detail on which policies of the New Zealand Coastal Policy Statement 2010 the submitter believes the policy D.5.14 does not give effect to or provide any suggestions on how to rectify these issues.	No change.
Policy D.5.17 Marinas and moorings in high demand areas	CEP Services Matauwhi Limited stated that the policy does not give effect to Policy 7 of the New Zealand Coastal Policy Statement (NZCPS).	D.5.17 is a general policy signalling that there is no room to increase the space dedicated to mooring vessels in the listed locations. Therefore, if the decision is taken to increase the number of vessels stored on the water then intensification of some sort is likely to be the only option. It does not pave the way for intensification, rather it signals that there is an issue regarding limited space. I do not believe there is any conflict between Policy 7 of the NZCPS and Policy D.5.17.	No change.

Provision	Summary of main submission points	Discussion	Recommendation
Policy D.5.17	<p>A number of submitters have stated that they oppose the designation or creation of a marina in Mangawhai Harbour and seek amendments to Policy D.5.17 to delete references to Mangawhai or make other amendments to prohibit marina development in Mangawhai Harbour. Submitters site a variety of reasons for this including potential impacts on ecological values, impacts on Regionally Significant Surfbreaks and safety issues in respect to crossing Mangawhai Bar.</p>	<p>The Proposed Regional Plan does not identify Mangawhai Harbour as an appropriate place for marina development. It does not include a marina zone in Mangawhai Harbour. Also, it was not council's intent to promote Mangawhai as a site for marina development through Policy D.5.17. The policy is merely intended to signal that there is limited room to increase the space dedicated to mooring vessels in the listed locations and at the same time there is significant demand for new moorings. Therefore, if the decision is taken to increase the number of vessels stored on the water then intensification of some sort is likely to be the only option. It does not pave the way for intensification, rather it signals that there is an issue regarding limited space.</p> <p>In respect to the submission points on ecological risks from marina development outlined in submission from New Zealand Fairy Turn Trust and others, it is important to note the rules in section C.1 requires a new marina to apply for resource consent. An application for a marina will be assessed against all the applicable policies in the plan, Regional Policy Statement and national policy. This includes Proposed Regional Plan Policies D.2.7 <i>Managing effects on indigenous biodiversity</i> and D.2.8 – <i>Precautionary approach to managing effects on significant indigenous biodiversity</i>.</p>	No change.
Policy D.5.21 Underwater Noise	<p>Numerous submitters sought changes including:</p> <ul style="list-style-type: none"> • Move from policy to the rule section • Amend to provide greater direction as to when an acoustic assessment will be required. 	<p>I agree with Refining NZ's proposed changes to clause 1. It is consistent with the wording used in the Auckland Unitary Plan. I recommend deleting clause 3, because as identified by NZ Defence Force it is inconsistent with clause 4. Clause 4 is not consistent with RPS policy 4.4.1 and NZCPS policy 11, which require adverse effects on threatened or at risk marine mammals to be avoided – I have made recommendations accordingly. Refining NZ proposed additional clauses</p>	Amend Policy D.5.21 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .

Provision	Summary of main submission points	Discussion	Recommendation
	Comprehensive changes (sought by Refining NZ)	recognising constraints to managing noise and benefits of noise generating activities. I agree with these changes, however have limited to them being considered where there are potential adverse effect on non-threatened or at risk marine mammals	
Policy D.6.1. Appropriateness of hard protection structures	Bay of Islands Maritime Park Inc requested to amend clause 2) by deleting 'proposed'. Leonard B has also requested to delete 'proposed' as well as inserting a new clause e) <u>they are not harmful to the freedom and well-being of any living creature.</u>	I support the request to delete 'or proposed' from condition 2). I consider that it is more appropriate that the policy enables hard protection structures to be considered appropriate to protect 'existing' infrastructure as opposed to 'proposed' because Policy 27 (3) of the NZCPS specifically refers to hard protection structures may be the only practical means to protect <u>existing</u> (my emphasis) <u>infrastructure</u> . However, I do not support the request to add a new clause e) referring to hard protection structures not being harmful. I note that the submitter has not provided any evidence or justification as to why this is appropriate and therefore, I am unable to consider it.	Amend Policy D.6.1 as outlined in <i>Proposed Regional Plan for Northland – S42A recommended changes</i> .
D.6.1 Appropriateness of hard protection structures	CEP Services Matauwhi Limited requested to amend the policy to give effect to Policies 25 and 27 of the New Zealand Coastal Policy Statement and to require consideration of climate change	I do not support the requested amendments by the submitter as I consider that the policy, as written, gives effect to policies within the NZCPS. Specifically, Policy 25 (e) of the NZCPS requires councils to <i>discourage hard protection structures and promote the use of alternatives to them</i> . Policy 27 requires councils to <i>focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions - 27(2)(a)</i> , whilst <i>recognising that hard protection structures may be the only practical means to protect existing infrastructure on national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations – 27(1)(c)</i> .	No change.

Provision	Summary of main submission points	Discussion	Recommendation
		<p>I therefore consider that Policy D.6.1 gives effect to the relevant provisions in the NZCPS as it ‘discourages’ hard protection structures by stating that they will only be considered appropriate when applicants can demonstrate that alternative responses to managing the hazard risk are inappropriate or they are the only practical means to protect existing development and form part of a long term hazard management strategy, which represents the best practicable option.</p> <p>I do not consider that this policy explicitly needs to consider climate change because it is essentially a ‘gateway’ policy, determining whether hard protection structures may actually be considered appropriate. If they are (considered appropriate), policy D.6.2 ‘kicks in’, which focuses on the specifics of the design and location of hard protection structures. It is this policy that considers climate change and sea level rise.</p>	
Policy D.6.1. Appropriateness of hard protection structures	Hicks M requests to amend the policy by limiting hard protection structures to those necessary to protect infrastructure.	I do not support the relief sought by the submitter as I consider that there are situations when hard protection structures may be an appropriate option to ‘defend’ private and public property/buildings from coastal inundation or coastal erosion.	No change.
Policy D.6.1 Appropriateness of hard protection structures	Patuharakeke Te Iwi Trust Board Inc and Tautari T have requested to amend the policy so that it is stronger in terms of discouraging new hard protection structures.	I do not support the relief sought by the submitter as I consider that the policy, as drafted, strikes the most appropriate balance between discouraging hard protection structures, whilst still recognising that they may be considered an appropriate response to managing coastal hazard risk – if demonstrated by the applicant.	No change.
Policy D.6.1 Appropriateness of hard	Whangarei District Council have requested to delete reference to local roads under clause 2b) and to replace it with ‘public roads’.	Support in part – in response to another submission point by the submitter, I have recommended to define the term ‘core local infrastructure’. This includes public roads maintained by councils.	Amend Policy D.6.1 as outlined in <i>Proposed Regional Plan for Northland – S42A</i>

Provision	Summary of main submission points	Discussion	Recommendation
protection structures			<i>recommended changes.</i>
Policy D.6.2 Design and location of hard protection structures	Shanks J and Clarkson S seek to amend the policy so that biodegradable material is encouraged and plastic discouraged.	The submitters have not provided any evidence or justification as to why the policy should be amended. I am therefore unable to consider their request.	No change.
Policy D.6.2 Design and location of hard protection structures	Bay of Islands Maritime Park and CEP Services Matauwhi Limited have requested to amend the policy to use the latest sea level rise estimates to revise the 100-year sea level rise magnitude to reflect current knowledge and best practise.	I do not support this request from the submitters to revise the sea level rise allowance of one metre by 2015. This is because in my opinion, this allowance is consistent with the latest national guidance on Coastal Hazards and Climate Change ² , which states that for land use planning controls for existing coastal development and asset planning, a 1m sea-level rise over a 100-year period should be used. However, I note that this latest national guidance on coastal hazards and sea level rise/climate change has moved away from a 'single figure' level for sea-level rise allowances and instead, a range of levels is suggested, depending on the type of development as well as the location of the development. This aside, I still consider that it is appropriate to require applicants to ensure that hard protection structures are designed to take into account coastal hazard risk over a 100 year timeframe and to 'factor in' a sea level rise of one metre over that timeframe. I consider this is consistent with guidance in the NZCPS and RPS for Northland.	No change.

² Published by the Ministry for the Environment in December 2017.