

ADDENDUM 1 TO THE PLANNING EVIDENCE OF SUKHI SINGH ON BEHALF OF THE APPLICANT

Assessment of the Oceania Dairy Factory Wastewater Pipeline and Outfall Proposal against the objectives and policies framework of the New Zealand Coastal Policy Statement 2010

Glossary of terms

- New Zealand Coastal Policy Statement 2010 (NZCPS)
- Canterbury Regional Policy Statement 2013 (CRPS).
- Regional Coastal Environment Plan for the Canterbury Region 2005 (RCEP)
- Canterbury Land and Water Regional Plan 2015 (LWRP)

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION		Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
OBJECTIVES				
Objective 1	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: <ul style="list-style-type: none"> • Maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; • Protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and • Maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity. 	In order to analyse the proposal against Objective 1, the applicant has commissioned the following technical reports to support the resource consent application: <ul style="list-style-type: none"> • Water Quality Assessment Report • Specimen Design and Construction Methodology • Oceania Dairy Factory Outfall Dispersion Modelling Report • Assessment of Ecological Effect Report • Assessment of Effects on Marine Mammals Report. • Herpetofauna Assessment Report • Coastal Bird Assessment Report • Recreational Effects Assessment Report • Microbial Risk Assessment Report <p>Overall, the technical reports conclude that the application will result in acceptable effects, and in particular:</p> <ul style="list-style-type: none"> • Maintain natural biological and physical processes in the coastal environment. • Protect ecosystems. • Maintain coastal water quality. 	I consider that the construction works will be consistent with Objective 1. Adequate mitigation has been proposed to ensure that coastal processes are not adversely affected and that ecosystems of importance are remediated post-construction. During construction the suspension and/or discharge of sediment will be minimised as much as possible and I agree it is unlikely to result in any significant adverse effects.	
Objective 2	To preserve the natural character of the coastal environment and protect natural features and landscape values through: <ul style="list-style-type: none"> • Recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; • Identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and • Encouraging restoration of the coastal environment. 	Objective 2 relates to the protection of the natural character of the coastal environment and the protection of natural features and landscape values.		
		In the case of this application, it is important to note that the proposal site is not located within an area classified as an Outstanding Natural Landscape or Natural Feature. Furthermore, the area subject to the proposal is not identified as	Post-construction, I consider that the expected quality of the discharge after treating will be adequate with the exception of dissolved reactive phosphorus and dissolved inorganic nitrogen.	
			Therefore, I consider the proposal is partially consistent with this objective ¹ .	

¹ Page 63 of Part A of section 42A Report.

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	<p>an area deemed to be “inappropriate” for the purposes locating infrastructure.</p> <p>The existing natural character of the coastal environment within which the proposed infrastructure is proposed to be located is described in the AEE. The application material is supported by a range of detailed technical reports which has considered the effects of the proposal on various elements that can be considered to be part of the characterises and qualities that form the “natural” character of the coastal environment (including natural movement of water, ecological elements, landforms, sediments, and natural elements). The assessment of effects under section 104(1)(a) has determined that there are no significant adverse effects on the natural character of the coastal environment arising from the proposal. Noting that the proposal will result in the wastewater pipeline being located either below ground or below the water, it will not be visible to the general public and therefore, will not adversely affect the natural character of the coastal environment or coastal marine area as visible from the shore and the wider environment.</p> <p>The proposed development accords with Objective 2.</p>		
<p>Objective 3</p> <p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • Recognising the ongoing and enduring relationship of tangata whenua over their land, rohe and resources; • Promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • Incorporating mātauranga Māori into sustainable management practices; and • Recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. 	<p>The coastal environment is a natural resource of high value to tangata whenua. Objective 3 is a very broad objective, which seeks to take into account the principles of the Treaty of Waitangi. In the context of the RMA, these include:</p> <ul style="list-style-type: none"> • Partnership • Mutual obligations to act reasonably in and in good faith • Active protection • Mutual benefit • Development – the Treaty is to be adopted to modern, and changing circumstances. • Rangatiratanga – recognising iwi and hapū rights to manage resources or kaitiakitanga over ancestral lands and waters. <p>The applicant recognises the historical relationship that Ngāi Tahu has with the South Canterbury area. The applicant has always been committed to undertaking meaningful consultation with Ngāi Tahu from the initial stages of the planning of this project. Te Rūnanga O Waihao, is the kaitiaki runanga for this area. The consultation to date with Te Rūnanga O Waihao is set out in Appendix 5 in my Evidence in Chief. Having considered the submissions on cultural values, Oceania Dairy Limited (ODL) again requested meetings with Te Rūnanga O Waihao and Te Rūnanga O Arowhenua and their consultants to discuss the concerns raised in the submissions and possible mitigation measures to address those concerns. ODL would have liked the opportunity to discuss these matters prior to the</p>	<p>I consider that the proposal is partially consistent with this policy and objective, as the applicant has recognised the role of Ngāi Tahu as kaitiaki and the principles of the Treaty of Waitangi through the consultation undertaken prior to lodging the consent, the commissioning of a cultural impact assessment².</p>	

² Paragraph 325 of Part A of the section 42A Report.

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	<p>hearing process, however, notes that this has not been possible.</p> <p>In terms of the principles of Treaty of Waitangi:</p> <ul style="list-style-type: none"> • The applicant is committed to on-going constructive engagement with the tangata whenua. • The applicant has kept tangata whenua informed of all relevant information concerning the development of the proposal, and provided sufficient time to consider the information. • The applicant has acted reasonably and in good faith, to ensure that the proposal results in good environmental outcomes. • The applicant has consideration to the concerns raised in the submissions, and has incorporated matters into the proposal to avoid, remedy or mitigate the adverse effects of the proposal on cultural values. • With respect to “mātauranga” and “tikanga”, the applicant acknowledges that tangata whenua is best placed to articulate as to how to provide for mātauranga and tikanga. The resource consent preparation process (via cultural values assessment and consultation) has recognised that tangata whenua is best placed to share and convey their relationship with ancestral lands, water, sites, wāhi tapu and other taonga. The applicant is willing to engage with tangata whenua to implement any methods to assist in this regard. 		
<p>Objective 4</p> <p>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</p> <ul style="list-style-type: none"> • Recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy; • Maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and • Recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland. 	<p>The maintenance and enhancement of public open space qualities and recreational opportunities in the coastal environment are acknowledged.</p> <p>I consider that the proposal aligns with Objective 4 for the following reasons:</p> <ul style="list-style-type: none"> • The applicant is committed to ensuring that public walking access is maintained, and only restricted to the smallest area possible on a temporary basis during the construction phase of the development, for health and safety reasons. • Noting that the pipeline is to be placed underground in the road reserve area, there will be no effect on public access onshore following the completion of the construction phase. 	<p>I consider that during construction that access to the CMA will be restricted in the immediate area. This will be a temporary limitation and post-construction I consider the outfall pipeline will not impact on public access. The quality of the discharge anticipated, and measures proposed to ensure that quality is achieved will ensure that the coastal waters remain generally suitable for recreation outside of the mixing zone. Vehicle access required to the CMA will be limited to that necessary to undertake the trenching works and provided the recommended conditions are complied with, I consider this will not result in adverse effects on ecosystems that are more than minor. On this basis, I consider the proposed activities are consistent with these provisions³.</p>	

³ Paragraph 330 of Part A of the section 42A Report.

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		<ul style="list-style-type: none"> The assessment of effects of the proposal on recreational activities in the coastal marine area are set out in Technical Report 9, Recreational Effects Assessment Report, by Rob Greenway and Associates. Mr Greenway advises that based on the findings of the NIWA Report, there is very little potential for people to come into direct contact with the treated wastewater considering the absence of water-contact recreation in the affected area. With respect to the effects of the discharge on the availability of fish species targeted for recreation, Mr Greenway's assessment is that the quality of the wastewater discharge has very little potential to have an effect on the habitat of fish species along the local coastline, largely due to the quality of the wastewater discharge, the natural sparseness of habitat and the natural mobility of fish species. Mr Greenway also concludes that there is no potential for effects on any freshwater settings, including the popular Waitaki River mouth fishery. The proposal does not adversely affect the nature and character of the public open space within the proximity of the proposal and does not detract from the experience of the users of this space. 		
Objective 5	<p>To ensure that coastal hazard risks taking account of climate change, are managed by:</p> <ul style="list-style-type: none"> Locating new development away from areas prone to such risks; Considering responses, including managed retreat, for existing development in this situation; and Protecting or restoring natural defences to coastal hazards. 	<p>This objective seeks to ensure that the management of coastal hazards is risk based and takes account of climate change.</p> <p>The proposed infrastructure is located within Hazard Zones 1 and 2 as identified in the RCEP. A comprehensive assessment of the coastal hazards and processes on the proposed pipeline infrastructure have been completed and included in the resource consent application material. Based on the expert advice provided by Mr Coutinho, I consider that the proposal is consistent with Objective 5 for the following reasons:</p> <ul style="list-style-type: none"> The proposed pipeline construction methodology and alignment are not expected to cause changes to the natural physical processes occurring in the coastline. The proposed pipeline alignment allows for 320m of cliff retreat and 250m of beach retreat. It is very unlikely that the pipeline will be exposed due to natural coastal erosion in the next 100 years, even considering increased erosion rate due to climate change and sea level rise. The proposed marine outfall does not include any permanent structures on the coast or in the active beach system. There are no expected short-term or long-term changes to 	<p>Advice obtained from Mr. Gabites indicates that the outfall and associated structures are unlikely to have any effects on natural coastal processes. I consider the proposal is consistent with this objective and policies⁴.</p>	

⁴ Paragraph 333 of Part A of the section 42A Report.

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		<p>longshore drift or to natural coastal processes caused by the proposed outfall.</p> <ul style="list-style-type: none"> The pipeline will not lead to any increase in susceptibility of the surrounding area to coastal inundation. 		
Objective 6	<p>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; Functionally some uses and developments can only be located on the coast or in the coastal marine area; The coastal environment contains renewable energy resources of significant value; The protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; The potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; The proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and Historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use and development. 	<p>The proposal enables Oceania Dairy Limited to operate its existing facilities and implement stage 3 of the planned expansion of the Oceania Dairy Factory site. The applicant has undertaken a comprehensive assessment of alternative options for factory wastewater disposal, and concluded that the wastewater discharge to the coastal environment as proposed is the most appropriate and efficient method. Recognising the built form and operational needs of the proposed infrastructure, it has a functional need to be located in the coastal environment and coastal marine area. The proposal has been carefully designed having regard to the special characterises of the coastal environment in this locality, to ensure that the proposed infrastructure is appropriately located in the coastal environment and the coastal marine area.</p> <p>Overall, the assessment has shown that the values of the coastal environment will be protected, including habitats, water quality and other potential uses.</p> <p>The expansion of the Oceania Dairy Factory will enable people and communities to provide for their social, economic and cultural wellbeing.</p> <p>The proposal accords with Objective 6.</p>	<p>I consider the proposal is consistent with these provisions. The applicant's assessment indicates the practicality and viability of the disposal of wastewater to the CMA. I consider that the proposal is important to enable the applicant to continue to provide for the social and economic wellbeing of local citizens. As discussed above, I do not consider that the proposal demonstrates that it provides for the cultural wellbeing of Ngāi Tahu but I recognise that the proposal has some positive outcomes such as employment in the community leading to economic benefit and that the applicant is continuing steps towards to have better treatment facilities⁵.</p>	
Objective 7	<p>To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.</p>	<p>I consider the proposal is based on sound resource management practice, under the RMA.</p>		
POLICIES				
Policy 1: Extent and characteristics of the coastal environment	<ol style="list-style-type: none"> Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities. Recognise that the coastal environment includes: <ol style="list-style-type: none"> the coastal marine area; islands within the coastal marine area; areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these; areas at risk from coastal hazards; coastal vegetation and the habitat of indigenous coastal species including migratory birds; 	<p>The term "coastal environment" is not a defined term in the RMA. Policy 1 outlines matters relevant when considering the extent and characteristics of the coastal environment. It also recognises that the extent and characteristics of the coastal environment vary from region to region and locality to locality.</p> <p>I consider that the proposal aligns with the intent of Policy 1 in that is informed by a comprehensive package of specialist reports that have considered the extent and special characteristics of the coastal environment in the proximity of the proposal site and its surrounds. The application is informed</p>		

⁵ Paragraph 337 of Part A of the section 42A Report.

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<p>f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</p> <p>g) items of cultural and historic heritage in the coastal marine area or on the coast;</p> <p>h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and</p> <p>i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.</p>	<p>by the specific coastal environment qualities in the area within which the proposed infrastructure is to be located.</p>		
<p>Policy 2: The Treaty of Waitangi, tangata whenua and Māori heritage</p> <p>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <p>a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</p> <p>b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</p> <p>c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</p> <p>d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available;</p> <p>e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</p> <p>i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</p> <p>ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</p> <p>f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</p> <p>i. bringing cultural understanding to monitoring of natural resources;</p> <p>ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</p> <p>iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing; and</p> <p>g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</p>	<p>Refer to Objective 2 for summary.</p> <p>Policy 2(e) requires that relevant iwi management plans be taken into account. The following iwi management plans are discussed below:</p> <ul style="list-style-type: none"> Iwi Management Plan of Kati Huirapa 1992 (Arowhenua Iwi Management Plan) Waitaki Iwi Management Plan 2019 (Waihao Iwi Management Plan) Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region 1990 <p><u>Iwi Management Plan of Kati Huirapa 1992 (Arowhenua Iwi Management Plan)</u></p> <p>This Iwi Management Plan is dated July 1992, and predates the NZCPS, CRCP, RCEP, and LWRP. With respect to the matter of discharge of contaminants into waterways and coastal waters, this Iwi Management Plan states the following:</p> <ul style="list-style-type: none"> <i>“All sewage, all waste discharges out of the rivers, lakes, sea, all natural waters</i> <i>All waters be the highest classified standards of water quality, with no waste discharges</i> <i>No spraying of pesticides, any toxic chemicals in or near rivers, lakes, sea, all natural water</i> <i>All food taken from natural waters be fit for human consumption”.</i> <p>It further states that:</p> <ul style="list-style-type: none"> <i>“access to Mahika Kai adjacent to Maori reserves be maintained by the Crown, District Councils and the Regional Council, recognising the purpose of these reserves when land was taken by the Crown for European settlement.</i> <i>access to Mahika Kai means access to water of sufficient quantity and quality to exercise traditional rights and customary uses”.</i> <p><u>Waitaki Iwi Management Plan 2019 (Waihao Iwi Management Plan)</u></p>	<p>I consider that the proposal is partially consistent with this policy and objective, as the applicant has recognised the role of Ngāi Tahu as kaitiaki and the principles of the Treaty of Waitangi through the consultation undertaken prior to lodging the consent, the commissioning of a cultural impact assessment⁶.</p>	<p>With regards to Policy 2, I consider Oceania has not recognised the importance of the CMA and the surrounding offshore areas to tangata whenua. I do not believe that the relevant iwi management plans have been taken onto account nor does the application provide opportunities for tangata whenua to exercise kaitiakitanga. The Assessment of Environmental Effects prepared by Oceania has not provided an assessment of relevant Iwi Management Plans. The Officer's s42A report also states at paragraph 276 that <i>“the applicant was waiting for Aukaha to provide an assessment of effects on cultural values and an assessment against relevant Iwi Management Plans”.</i></p> <p>In terms of an assessment of relevant Iwi Management Plans, I am unable to ascertain why the applicant's consultant has not completed this. Iwi Management Plans such as the Waitaki Iwi Management Plan 2019 are holistic resource management related documents that identify important issues regarding the use of natural and physical resources in an area. A lack of assessment within the application suggests that the current application does not enable manawhenua to further exercise kaitiakitanga over their mana moana.</p> <p>It may be that Oceania was waiting on the CIA in order to facilitate the assessment necessary. As a writer of CIA reports on behalf of Arowhenua, I would like to emphasise that a CIA is a report documenting Māori cultural values, interests and associations with an area or a resource at a specific moment in time, and the potential impacts of a proposed activity on these. CIAs are a tool to facilitate meaningful and effective participation of Māori in impact assessments and do not replace the need for</p>

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<p>i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</p> <p>ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</p>	<p>This Iwi Management Plan is dated 2019, and is the most recent Iwi Management Plan of the three listed above. This Iwi Management Plan is guided by two overarching strategic directions and eight high level objectives (set out below).</p> <ul style="list-style-type: none"> • Strategic Direction 1: <i>Ka Rūnaka can undertake their kaitiaki role in the Waitaki and this role is recognised and supported.</i> • Strategic Direction 2: <i>Management of Waitaki and its resources is undertaken ki uta ki tai – from the mountains to the sea.</i> • Strategic objectives 1 – 3 relate to Aoraki. • Strategic objective 4 Wai: <i>the mauri of water is protected, restored and enhanced throughout the Waitaki catchment.</i> • Strategic objectives 5 – 7 Mahika kai: <p style="margin-left: 20px;"><i>Abundant mahika kai species are available and accessible for manawhenua to gather.</i></p> <p style="margin-left: 20px;"><i>Mahika kai species and their habitats are protected, restored and enhanced.</i></p> <p style="margin-left: 20px;"><i>Manawhenua can exercise rakatirataka and kaitiakitaka over specific mahika kai areas and species.</i></p> • Strategic objective 8 Wāhi Tūpuna: <i>Wāhi Tūpuna are protected and the relationship Manawhenua have with these landscapes are enhanced.</i> <p>The matter of discharges is specifically addressed in section 5.2.5 of this Iwi Management Plan. The following three objectives are relevant to this resource consent application:</p> <ul style="list-style-type: none"> • <i>The direct discharge to waterways and moana of contaminants, nutrients and wastewater is avoided.</i> • <i>Land use intensification and irrigation does not degrade rivers, springs, lakes and wetlands in the Waitaki catchment.</i> • <i>Industrial and trade waste discharges to land or water cease.</i> <p>Twenty-two policies are listed on page 53 that seek to implement the above mentioned objectives. Some of the key policies of relevance to this resource consent application include:</p> <ul style="list-style-type: none"> • Policy 1: <i>Require the phasing out of existing and direct discharges to water.</i> • Policy 2: <i>Prohibit the discharge of contaminants that would result in rivers, springs, lakes and wetlands</i> 		<p>face to face communication. Whilst it is accepted that the report was delivered late due to resourcing pressures within Aukaha, the messaging within the report is the same as that communicated to the applicant and their consultants verbally⁷.</p>

⁷ Paragraphs 67 to 69 of Evidence in Chief of Ms Kylie Hall.

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	<p><i>exceeding drinking water quality standards, including discharge of</i></p> <ul style="list-style-type: none"> ○ <i>Wastewater</i> ○ <i>Untreated stormwater</i> ○ <i>Trade and/or industrial waste</i> ○ <i>Hazardous substances.</i> <ul style="list-style-type: none"> • <i>Policy 3: Encourage the discharge to land of treated wastewater and stormwater that meets Manawhenua aspirations.</i> • <i>Policy 8: Require management plans for discharge activities that detail the procedure for containing spills, and emergency response plans for extraordinary events arising from natural hazards.</i> • <i>Policy 9: Require that all discharge systems are well maintained and regularly serviced. Copies of service and maintenance records should be available on request.</i> <p><u>Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region 1990</u></p> <p>This Iwi Management Plan is dated July 1990, and predates the NZCPS, CRCP, RCEP, and LWRP. Ngai Tahu objectives and policies statements are set out in section 4 of this Strategy document.</p> <p>With respect water values, the following matters set out in this Strategy document are of relevance to this application:</p> <ul style="list-style-type: none"> • <i>Ngai Tahu states that "water is held in the highest esteem because the welfare of the life that it contains determines the welfare of the people reliant on those resources."</i> • <i>Ngai Tahu states that "The maintenance of water quality and quantity are perhaps the paramount resource management issue for Ngai Tahu"</i> • <i>Policy 1 (page 4-20): "That no discharge to water body should be permitted if it will result in contamination of the receiving water".</i> • <i>Policy 3 (page 4-20): "That the quality and quantity of water in all waterways be improved to the point where it supports those fish and plant populations that were sourced from them in the past and that these mahinga kai are fit for human consumption."</i> • <i>Policy 6 (page 4-20): "that when water rights to discharge effluent comes up for renewal, investigations should be undertaken to determine if more modern technology would permit an improvement in the quality of any discharge."</i> <p>With respect to mahinga kai, the following matters set out in this Strategy document are of relevance to this application:</p> <ul style="list-style-type: none"> • <i>Policy 1 (page 4-24): "That the quality and quantity of water in all waterways be improved to the point where it</i> 		

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	<p><i>supports those fish and plant populations that were sourced from them in the past and that these mahinga kai are fit for human consumption."</i></p> <p><u>Comments</u></p> <p>The key theme emerging from the Iwi Management Plans is that discharge of contaminants to water is offensive and can cause ill cultural health, therefore, an alternative discharge location to land is preferred. I understand from Ngāi Tahu evidence that a discharge to land is preferable. The other key themes to emerge are: potential effects on water quality, effects on mahinga kai, effects on wider ecosystems and the environment, and cumulative effects of discharges to water.</p> <p>The resource management issues highlighted in the above iwi management plans have been carefully considered in the design and preparation of the proposal, in particular:</p> <ul style="list-style-type: none"> • ODL acknowledges that although land based waste disposal method was assessed to be the preferred option, it was considered not be practical or viable due to the unavailability of suitable land areas, the capital cost, the complexity of integrating disposal with farming operations, lack of flush water and the wet weather events. A comprehensive assessment of alternatives concluded that the wastewater discharge to the coastal environment as proposed is the most appropriate method. • A precautionary approach has been incorporated into the proposal, through the use of a conservative hydrodynamic model. The model shows that the worst-case scenario for dilution of the wastewater plume is during calm conditions when dilutions at the edge of the mixing zone (50 metres from the diffusers) is at least 300-fold. Under more common conditions (80% of the time) more energetic wind and wave conditions increase dilutions at the edge of the mixing zone to at least 500-fold. • The proposed condition of consent limits the discharge of wastewater to milk processing plant condensate water, tanker clean in place washwater, tanker hoop washwater and factory washwater (i.e. it does not include Factory domestic wastewater, nor stormwater). • The proposed condition of consent requires monitoring of wastewater at the end of the plant <u>prior</u> to discharge to the outfall pipeline. • The proposed condition of consent requires compliance with specified parameters to ensure high quality treatment of the wastewater before discharge. • The proposed condition of consent requiring monitoring of indicator bacteria and pathogens prior to discharge to ensure no adverse effects on human health. 		

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	<ul style="list-style-type: none"> • The proposed condition of consent requiring benthic monitoring surveys to determine the infauna / epifauna species composition and abundance. • The proposed condition of consent requiring monitoring of seabed sediment for specified parameters. • The proposed condition of consent requiring monitoring of receiving water quality for identified parameters, including water temperature, pH, Dissolved oxygen % saturation, suspended solids, phosphorus and nitrogen. • The proposed condition of consent requires the establishment of a Community Liaison Group, which includes representation from Te Rūnanga O Waihao. This provides opportunity for on-going discussions should any concerns arise during the construction or operation of the wastewater pipeline infrastructure. • Preparation of a Lizard Management Plan in consultation with Te Rūnanga O Waihao, to ensure that any long term impacts on the habitat of each species of indigenous lizards is a positive impact. • Requirement to comply with Accidental Discovery Protocol, developed in consultation with the Department of Conservation and Te Te Rūnanga O Waihao. • Keep the disturbance of the seabed to a minimum necessary to carry out the required works. • The water quality assessment completed by Mr Wilson concludes that the proposed wastewater discharge will be treated sufficiently that the effects on the receiving water quality will be less than minor. • The NIWA report concludes that the potential health risk associated with the discharge of wastewater is negligible. • The various specialist reports on ecosystems, concludes that overall, the operational effects on the ecosystems will be less than minor, due to the predicted high quality of wastewater discharge, the high dispersive nature of the coastal environment and the mitigation proposed. • Mr Coutinho, Dr Wilson and Ms Coates advise that based on Dr Wilson's assessment of the current and historical water quality at the coast and expected dilution at distances of the other point sources along the coast, no detectable cumulative effects are expected on the environment (including the ecological environment). <p>With respect to effects of the proposal on mātaihai reserves provided for under the Fisheries (South Island Customary Fishing) Regulations 1999, refer to comments on Policy 5.</p>		
Policy 3: Precautionary approach	<p>1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</p>	<p>The application aligns with Policy 3, in that a precautionary approach has been incorporated in the design of the proposal, in particular by using a conservative hydrodynamic model for modelling of dilution levels of the wastewater discharge.</p>	<p><i>Policy 3(1):</i> A precautionary approach has been taken in auditing these consent applications, including:</p> <p>Policy 3 of the NZCPS is titled 'Precautionary approach'. Policy 3(1) relates to adopting a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little</p>

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</p> <ul style="list-style-type: none"> a) avoidable social and economic loss and harm to communities does not occur; b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations. 	<p>The use of a conservative hydrodynamic model was created with international wind and wave datasets and calibrated with field data measurements. The model shows that the worst-case scenario for dilution of the wastewater plume is during calm conditions when dilutions at the edge of the mixing zone (50 metres from the diffusers) is at least 300-fold. Under more common conditions (80% of the time) more energetic wind and wave conditions increase dilutions at the edge of the mixing zone to at least 500-fold.</p> <p>The NIWA Report also notes that a conservative approach was taken with regards to determining the potential effects of the proposal on human health and ecosystems.</p>	<ul style="list-style-type: none"> (a) The use of the dilution factor applied to the assessment and the requirement to confirm this; and (b) A conservative assessment in determining the potential effects of the proposal on human health and ecosystems. 	<p>understood, but potentially significantly adverse. For Ngāi Tahu the discharge of contaminants directly to water is abhorrent so whilst the mitigation of effects has been identified by the applicant and ECan the discharge is seen to have an adverse effect on the values, including mahinga kai, of that part of the coast. When combined with the cumulative effects of the other discharges in the area Ngāi Tahu consider the effects are significant. Consequently, I do not consider that the application is consistent with this policy⁸.</p>
<p>Policy 4: Integration</p> <p>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</p> <ul style="list-style-type: none"> a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly: <ul style="list-style-type: none"> i. the local authority boundary between the coastal marine area and land; ii. local authority boundaries within the coastal environment, both within the coastal marine area and on land; and iii. where hapū or iwi boundaries or rohe cross local authority boundaries; b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and c) particular consideration of situations where: <ul style="list-style-type: none"> i. subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or ii. public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or iii. development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or iv. land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or v. significant adverse cumulative effects are occurring, or can be anticipated. 	<p>Policy 4 requires an integrated management of natural and physical resources in the coastal environment. It emphasizes the need for coordinated management of activities that cross administrative boundaries and a collaborative approach to management.</p> <p>The applicant has consulted with the key stakeholders, and assessed the potential effects of the proposal on the coastal environment from an integrated resource management point of view.</p>	<p>I consider that all of the potential effects of the proposal have been considered⁹.</p>	
<p>Policy 5: Land or waters managed or held under other Acts</p> <p>1) Consider effects on land or waters in the coastal environment held or managed under:</p> <ul style="list-style-type: none"> a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or b) other Acts for conservation or protection purposes; and, having regard to the purposes for which the land or waters are held or managed: c) avoid adverse effects of activities that are significant in relation to those purposes; and 	<p>In her evidence in chief, Ms Hall states that the mātaītai reserves provided for under the Fisheries (South Island Customary Fishing) Regulations 1999 are relevant for this application¹⁰. She has attached two maps in Appendix 1 of her evidence, illustrating the locations of the Waihao Mātaītai Reserve and Arowhenua Mātaītai Reserve.</p>		

⁸ Paragraph 70 of Evidence in Chief of Ms Kylie Hall.

⁹ Paragraph 341 of Part A of the section 42A Report.

¹⁰ Paragraph 46 of Evidence in Chief of Ms Kylie Hall.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.</p> <p>2) Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection.</p>	<p>Of the two reserves, Waihao Mātaitai Reserve is the closest to the proposal site, approximately 20km north of the proposal site. With respect to cumulative effects of other outfalls in the region on the mātaitai reserves, from a biophysical point of view, Mr Coutinho advises that data extracted from the hydrodynamic model show that dilution increases exponentially with distance away from the discharge point further along the coast. Dilutions modelled for coastal locations in front of Morven Beach (5km to the north of the discharge point) and Fisheries Road (7km to the south of the discharge point), are mostly well over 10,000-fold dilution. Mr Coutinho concludes that based on Dr Wilson's assessment of the current and historical water quality at the coast and expected dilution at distances of the other point sources along the coast, no detectable cumulative effects are expected.</p> <p><u>Policy 5(2)</u></p> <p>Policy 5(2) requires that "regard" be had to publicly notified proposals for statutory protection of land or waters in the coastal environment.</p> <p>Public consultation on the South-East South Island Marine Protection Areas recommenced (following a hold over the Covid-19 Alert Level 4 lockdown) on 3 June 2020, and submissions close on 3 August 2020. The consideration of the proposal in the context of the proposed Marine Protection Areas is set out in the Legal Submissions on behalf the applicant.</p>		
<p>Policy 6: Activities in the coastal environment</p> <p>1) In relation to the coastal environment:</p> <p>a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</p> <p>b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</p> <p>c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</p> <p>d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</p> <p>e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;</p> <p>f) consider where development that maintains the character of the existing built environment should be encouraged, and</p>	<p>In broad terms, the intent of Policy 6 is to direct consideration of the following matters in relation to activities affecting the coastal environment and the coastal marine area:</p> <ul style="list-style-type: none"> • the appropriateness of an activity. • the functional need for particular activities to be in the coast. • The reasonably foreseeable need of communities and future generations. • Ensuring activities are appropriately located. • Promotion of the efficient use of occupied space. <p>With respect to the matter of appropriateness of an activity, the applicant has undertaken a comprehensive assessment of alternative options to enable the planned expansion of the Oceania Dairy Factory, and concluded that the wastewater discharge to the coastal environment as proposed is the most appropriate method. Recognising the built form and</p>	<p><i>Objective 6(1)(a) and (b); and Policy 6(2)(a) to (c)</i></p> <p>I consider the proposal is consistent with these provisions. The applicant's assessment indicates the practicality and viability of the disposal of wastewater to the CMA. I consider that the proposal is important to enable the applicant to continue to provide for the social and economic wellbeing of local citizens. As discussed above, I do not consider that the proposal demonstrates that it provides for the cultural wellbeing of Ngāi Tahu but I recognise that the proposal has some positive outcomes such as employment in the community leading to economic benefit and that the applicant is continuing steps towards to have better treatment facilities¹¹.</p>	<p><i>Policy 6(1)(b)</i></p> <p>Policy 6 relates to coastal development. Of particular relevance is Policy 6(1)(b), which considers the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment. I consider that while the discharge could be seen to meet economic needs by allowing the factory expansion, the cultural values associated with the coastline will be compromised¹².</p> <p><i>Policy 6(2)(a)</i></p> <p>Policy 6(2)(a) recognises the potential contributions to the social, economic and</p>

¹¹ Paragraph 337 of Part A of the section 42A Report.

¹² Paragraph 71 of Evidence in Chief of Ms Kylie Hall.

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<p>where development resulting in a change in character would be acceptable;</p> <p>g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;</p> <p>h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</p> <p>i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</p> <p>j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</p> <p>2) Additionally, in relation to the coastal marine area:</p> <p>a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;</p> <p>b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</p> <p>c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</p> <p>d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</p> <p>e) promote the efficient use of occupied space, including by:</p> <ol style="list-style-type: none"> i. requiring that structures be made available for public or multiple use wherever reasonable and practicable; ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay. 	<p>operational needs of the proposed infrastructure, it has a functional need to be located in the coastal environment and coastal marine area. The proposal has been carefully designed to ensure that it is appropriately located in the coastal environment and the coastal marine area.</p>		<p>cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations. As with 6(1)(b) the expansion and subsequent discharge from it may contribute to economic wellbeing but as Mr T King discusses it does not provide for cultural wellbeing¹³.</p>
<p>Policy 7: Strategic planning</p> <p>1) In preparing regional policy statements, and plans:</p> <ol style="list-style-type: none"> a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and: b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development: <ol style="list-style-type: none"> i. are inappropriate; and ii. may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process; <p>and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</p> <p>2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where</p>	<p>Policy 7 requires strategic planning in the preparation of regional policy statements and plans. This policy is not considered to be relevant as this proposal is a resource consent application, implementing operative regional policy statement and plans.</p>		

¹³ Paragraph 72 of Evidence in Chief of Ms Kylie Hall.

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	practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.		
Policy 8: Aquaculture	<p>Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:</p> <ul style="list-style-type: none"> a) including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include: <ul style="list-style-type: none"> i. the need for high water quality for aquaculture activities; and ii. the need for land-based facilities associated with marine farming; b) taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and c) ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose. 	<p>This policy promotes planning for aquaculture alongside other coastal activities and values.</p> <p>With respect to Policy 8(c), there are no aquaculture activities within the proximity of the proposal site. It is anticipated that the outfall will achieve at least 300 time dilution within 50m of the outfall, and modelling indicates adverse effects on water quality are very unlikely.</p>	
Policy 9: Ports	<p>Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:</p> <ul style="list-style-type: none"> a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes. 	<p>This policy recognises the importance of a network of efficient ports as part of New Zealand's national transport system.</p> <p>The proposal is not anticipated to affect the efficient and safe operation of the closest ports to the proposal site. The applicant has agreed to a condition of consent to provide map references of the position of the outfall pipeline and outfall diffuser to the Director of Maritime Safety and Land Information New Zealand.</p>	
Policy 10: Reclamation and de-reclamation	<ul style="list-style-type: none"> 1) Avoid reclamation of land in the coastal marine area, unless: <ul style="list-style-type: none"> a) land outside the coastal marine area is not available for the proposed activity; b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area; c) there are no practicable alternative methods of providing the activity; and d) the reclamation will provide significant regional or national benefit. 2) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design have particular regard to: <ul style="list-style-type: none"> a) the potential effects on the site of climate change, including sea level rise, over no less than 100 years; b) the shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast; c) the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area; d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in policy 19; e) the ability to remedy or mitigate adverse effects on the coastal environment; f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and 	<p>This policy is not considered to be relevant as the resource consent application does not seek reclamation, nor de-reclamation of land.</p>	

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<p>g) the ability to avoid consequential erosion and accretion, and other natural hazards.</p> <p>3) In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.</p> <p>4) De-reclamation of redundant reclaimed land is encouraged where it would:</p> <p>a) restore the natural character and resources of the coastal marine area; and</p> <p>b) provide for more public open space.</p>			
<p>Policy 11: Indigenous biological diversity (biodiversity)</p> <p>To protect indigenous biological diversity in the coastal environment:</p> <p>a) avoid adverse effects of activities on:</p> <ol style="list-style-type: none"> i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; v. areas containing nationally significant examples of indigenous community types; and vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and <p>b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ol style="list-style-type: none"> i. areas of predominantly indigenous vegetation in the coastal environment; ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; v. habitats, including areas and routes, important to migratory species; and vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy 	<p>This policy seeks to protect New Zealand's indigenous biological diversity in the coastal environment.</p> <p>The effects of the proposal on indigenous biological diversity in the coastal environment has been extensively assessed in the following reports and expert evidence supporting the application:</p> <ul style="list-style-type: none"> • Technical Report 4: Assessment of Ecological Effects Report, by Annabelle Coates. • Technical Report 5: Assessment of Effects on Marine Mammals Report, by Helen McConnell • Technical Report 6: Herpetofauna Assessment Report, by Dylan van Winkel • Technical Report 8: Coastal Bird Assessment Report, by Graham Don • Evidence in chief of Ms Coates. <p>Based on the following advice from Ms Coates, I consider that the proposal accords with Policy 11:</p> <ul style="list-style-type: none"> • Other than potential minor displacement of marine mammals from the mixing zone, she does not consider there to be any other effects on marine mammals from the wastewater discharge due to their highly mobile nature and the vast majority of their habitat remaining unaffected. • There is potential for minor changes in benthic community structure due to wastewater discharge, however, the environment is highly dynamic and species present are capable of persisting in this environment. Changes in community composition are not expected to be directly attributable to the wastewater discharge, rather result from natural phenomena. • The overall effects on birds are negligible as a very small area is affected amongst a vast area of unaffected habitat. • The closest freshwater habitat is approximately 7.8km to the south of the project area, and wastewater discharge is expected to be fully dispersed within 50m of the diffusers. 	<p>The advice received from Dr Bolton-Ritchie indicates that the effects of the proposal on ecosystems are unclear. Adequate mitigation and the short term duration of construction works will ensure that the effects on the intertidal zone are minimised¹⁴.</p>	<p>Policy 11 of the NZCPS is titled 'Indigenous biological diversity'. Policy 11(b)(iv) relates to protecting indigenous biodiversity in the coastal environment by avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects of activities on habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes. It is noted that both the Reporting Officer and Ms Singh have not provided an analysis of this policy; however, for completeness I will provide a brief assessment. Based on the concerns raised in the Ngāi Tahu evidence, I consider there is too much uncertainty to conclude that the effects on taonga and mahinga kai species in the coastal environment can be avoided, remedied or mitigated¹⁵.</p>

¹⁴ Paragraph 343 of Part A of the section 42A Report.

¹⁵ Paragraph 73 of Evidence in Chief of Ms Kylie Hall.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
	<ul style="list-style-type: none"> The overall effects on commercial and recreational fishing is negligible, as the project area does not represent significant commercial resource. 		
<p>Policy 12: Harmful aquatic organisms</p>	<p>1) Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread, and include conditions in resource consents, where relevant to assist with managing the risk of such effects occurring.</p> <p>2) Recognise that activities relevant to (1) include:</p> <ol style="list-style-type: none"> the introduction of structures likely to be contaminated with harmful aquatic organisms; the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land; the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and the establishment and relocation of equipment and stock required for or associated with aquaculture. 	<p>Policy 12 is not considered to be relevant in the context of this application as this policy directs regional policy statements and plans to include provisions relating to harmful aquatic organisms.</p> <p>The proposal does not anticipate the release of any harmful aquatic organisms.</p>	
<p>Policy 13: Preservation of natural character</p>	<p>1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <ol style="list-style-type: none"> avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; <p>including by:</p> <ol style="list-style-type: none"> assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions. <p>2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <ol style="list-style-type: none"> natural elements, processes and patterns; biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; the natural movement of water and sediment; the natural darkness of the night sky; places or areas that are wild or scenic; a range of natural character from pristine to modified; and experiential attributes, including the sounds and smell of the sea; and their context or setting. 	<p>Policy 13 seeks to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.</p> <p>Policy 13(1)(a) seeks to “avoid adverse effects on activities on natural character in areas of the coastal environment with outstanding natural character”. In the case of this application, the proposal site is not classified as Outstanding Natural Landscape or Natural Feature.</p> <p>As such, Policy 13(1)(b) is relevant as it seeks to “<u>avoid significant adverse effects</u> and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment”. Policy 13(2) recognises that natural character is not the same as natural features and landscapes or amenity values and may include a range of matters. The application material is supported by a range of detailed technical reports which has considered the effects of the proposal on various elements that can be considered to be part of the “natural” environment (including natural movement of water, ecological elements, landforms, sediments, and natural elements). The assessment of effects under section 104(1)(a) has determined that there are no significant adverse effects on the natural character of the coastal environment arising from the proposal.</p> <p>Additionally, I do not consider the proposed development to be “inappropriate” in the context of Policy 13 wording. I consider the proposed development to be “appropriate” as there are sound resource management reasons for the application, informed by a range of specialist input.</p>	<p><i>Policy 13(1)(a) and (b)</i></p> <p>The proposed site area has not been classified as an Outstanding Natural Landscape or natural feature. The construction of the outfall pipeline and diffuser will be below the foreshore or seabed or beneath water. The construction works and structures outside of the CMA will not result in adverse effects that are significant given the surrounding landscape is highly modified farmland. I consider that the proposal is consistent with these policies¹⁶.</p>

¹⁶ Paragraph 346 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>Policy 14: Restoration of natural character</p> <p>Promote restoration or rehabilitation of the natural character of the coastal environment, including by:</p> <ul style="list-style-type: none"> a) identifying areas and opportunities for restoration or rehabilitation; b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans; c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include: <ul style="list-style-type: none"> i. restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or ii. encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or iii. creating or enhancing habitat for indigenous species; or iv. rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or v. restoring and protecting riparian and intertidal margins; or vi. reducing or eliminating discharges of contaminants; or vii. removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or viii. restoring cultural landscape features; or ix. redesign of structures that interfere with ecosystem processes; or x. decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area. 	<p>Policy 14 directs the identification of areas and opportunities for restoration, and the inclusion of provisions in statutory plans. Direction is also given in relation to the use of restoration conditions when granting resource consents and designations.</p> <p>Noting that the proposal will result in the wastewater pipeline being located either below ground or below the water, it will not be visible to the general public and therefore, will not adversely affect the natural character of the coastal environment.</p> <p>The natural character of the coastal environment will not be affected following the completion of the temporary construction works.</p>		
<p>Policy 15: Natural features and natural landscapes</p> <p>To protect the natural features and natural landscapes (including seascape) of the coastal environment from inappropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by: c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to: <ul style="list-style-type: none"> i. natural science factors, including geological, topographical, ecological and dynamic components; ii. the presence of water including in seas, lakes, rivers and streams; iii. legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes; iv. aesthetic values including memorability and naturalness; v. vegetation (native and exotic); 	<p>Policy 15 directs the protection of natural features and natural landscapes of the coastal environment. Policy 15(a) is an “avoidance” policy which requires that adverse effects of activities on “outstanding natural features” and “outstanding natural landscapes” are avoided. Policy 15(b) seeks to avoid “significant” adverse effects on other natural features and natural landscapes.</p> <p>In the context of this application, Policy 15 is not considered to be relevant, as the area subject to this proposal is not identified as “outstanding natural features” or “outstanding natural landscapes”.</p> <p>Furthermore, the area subject to this application is not identified as a “natural landscapes” or “natural features” for protection in any of the relevant plans.</p>	<p><i>Policy 15(a) and (b)</i></p> <p>The proposed site area has not been classified as an Outstanding Natural Landscape or natural feature. The construction of the outfall pipeline and diffuser will be below the foreshore or seabed or beneath water. The construction works and structures outside of the CMA will not result in adverse effects that are significant given the surrounding landscape is highly modified farmland. I consider that the proposal is consistent with these policies¹⁷.</p>	

¹⁷ Paragraph 346 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION		Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
	<ul style="list-style-type: none"> vi. transient values, including presence of wildlife or other values at certain times of the day or year; vii. whether the values are shared and recognised; viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features; ix. historical and heritage associations; and x. wild or scenic values; <p>d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and</p> <p>e) including the objectives, policies and rules required by (d) in plans</p>	Regardless, the proposal will result in the wastewater pipeline being located either below the ground or below the water, and as such, will not be visible to the general public, and therefore, will not adversely affect the natural coastal landscape.		
Policy 16: Surf breaks of national significance	<p>Protect the surf breaks of national significance for surfing listed in Schedule 1, by:</p> <ul style="list-style-type: none"> a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks. 	This policy is not considered to be relevant as there are no surf breaks of national significance (as listed in Schedule 1) located in the proximity of the area subject to this resource consent application.		
Policy 17: Historic heritage identification and protection	<p>Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:</p> <ul style="list-style-type: none"> a) identification, assessment and recording of historic heritage, including archaeological sites; b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki; c) initiating assessment and management of historic heritage in the context of historic landscapes; d) recognising that heritage to be protected may need conservation; e) facilitating and integrating management of historic heritage that spans the line of mean high water springs; f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans; g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities; h) requiring, where practicable, conservation conditions; and i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief. 	<p>There are no historic heritage items that will be affected by the proposal or will require identification or protection through this process.</p> <p>The applicant has offered a condition of consent to adhere to an accidental discovery protocol to be developed in consultation the Department of Conservation and Te Rūnanga o Waihao.</p>		
Policy 18: Public open space	<p>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</p> <ul style="list-style-type: none"> a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment; b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements; c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment; d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and 	<p>The intent of Policy 18 is to promote the provision and enjoyment of public open space in and near the coastal marine area and including its waters. The intent of this policy is to ensure that proposed activities are compatible with public open space values. I consider that the proposal is compatible with Policy 18 for the following reasons:</p> <ul style="list-style-type: none"> • In the context of this application, the applicant is committed to ensuring that public walking access is maintained, and only restricted to the smallest area possible on a temporary basis during the construction phase of the development, for health and safety reasons. 	<p><i>Policy 18(a)</i></p> <p>I consider that during construction that access to the CMA will be restricted in the immediate area. This will be a temporary limitation and post-construction I consider the outfall pipeline will not impact on public access. The quality of the discharge anticipated and measures proposed to ensure that quality is achieved will ensure that the coastal waters remain generally suitable for recreation outside of the mixing zone. Vehicle access required to the CMA will be limited to that necessary to undertake the trenching works and provided the recommended conditions are complied with, I consider this will not result in adverse effects on ecosystems that are more than minor. On this basis, I</p>	

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</p>	<ul style="list-style-type: none"> Noting that the pipeline is to be placed underground in the road reserve area, there will be no effect on public access onshore following the completion of the construction phase. The assessment of effects of the proposal on recreational activities in the coastal marine area are set out in Technical Report 9, Recreational Effects Assessment Report, by Rob Greenway and Associates. Mr Greenway advises that based on the findings of the NIWA Report, there is very little potential for people to come into direct contact with the treated wastewater considering the absence of water-contact recreation in the affected area. With respect to the effects of the discharge on the availability of fish species targeted for recreation, Mr Greenway's assessment is that the quality of the wastewater discharge has very little potential to have an effect on the habitat of fish species along the local coastline, largely due to the quality of the wastewater discharge, the natural sparseness of habitat and the natural mobility of fish species. Mr Greenway also concludes that there is no potential for effects on any freshwater settings, including the popular Waitaki River mouth fishery. With respect to the matter of "supply" of public open space, and recognising the role of esplanade reserves, the proposal is consistent with the intent of this policy as the proposal does not adversely affect the nature and character of the public open space within the proximity of the proposal and does not detract from the experience of the users of this space. 	<p>consider the proposed activities are consistent with these provisions¹⁸.</p>	
<p>Policy 19: Walking access</p> <ol style="list-style-type: none"> Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by: <ol style="list-style-type: none"> identifying how information on where the public have walking access will be made publicly available; avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and identifying opportunities to enhance or restore public walking access, for example where: <ol style="list-style-type: none"> connections between existing public areas can be provided; or improving access would promote outdoor recreation; or physical access for people with disabilities is desirable; or the long-term availability of public access is threatened by erosion or sea level rise; or access to areas or sites of historic or cultural significance is important; or 	<p>Adopting the advice of Mr Greenway, I consider that the proposal is consistent with the intent of Policy 19, in that:</p> <ul style="list-style-type: none"> The applicant is committed to ensuring that public walking access is maintained, and only restricted to the smallest area possible on a temporary basis during the construction phase of the development, for health and safety reasons. Closure of any part of the construction footprint on the beach is unlikely to have any significant adverse effects noting the temporary nature of the activity, and the low level of use of the setting and numerous proximate alternative beach access. Noting that the pipeline is to be placed underground in the road reserve area, there will be no effect on public access onshore following the completion of the construction phase. 	<p><i>Policy 19(1) – (3)</i></p> <p>I consider that during construction that access to the CMA will be restricted in the immediate area. This will be a temporary limitation and post-construction I consider the outfall pipeline will not impact on public access. The quality of the discharge anticipated and measures proposed to ensure that quality is achieved will ensure that the coastal waters remain generally suitable for recreation outside of the mixing zone. Vehicle access required to the CMA will be limited to that necessary to undertake the trenching works and provided the recommended conditions are complied with, I consider this will not result in adverse effects on ecosystems that are more than minor. On this basis, I</p>	

¹⁸ Paragraph 330 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.</p> <p>3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:</p> <ul style="list-style-type: none"> a) to protect threatened indigenous species; or b) to protect dunes, estuaries and other sensitive natural areas or habitats; or c) to protect sites and activities of cultural value to Māori; or d) to protect historic heritage; or e) to protect public health or safety; or f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or g) for temporary activities or special events; or h) for defence purposes in accordance with the Defence Act 1990; or i) to ensure a level of security consistent with the purpose of a resource consent; or j) in other exceptional circumstances sufficient to justify the restriction. <p>4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</p>		<p>consider the proposed activities are consistent with these provisions¹⁹.</p>	
<p>Policy 20: Vehicle access</p> <p>1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:</p> <ul style="list-style-type: none"> a) damage to dune or other geological systems and processes; or b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or c) danger to other beach users; or d) disturbance of the peaceful enjoyment of the beach environment; or e) damage to historic heritage; or f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or g) damage to sites of significance to tangata whenua; might result. <p>2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.</p> <p>3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring</p>	<p>Policy 20(1) is the key relevant policy in the context of this application. This policy does not seek to preclude the use of vehicles on beaches, the foreshore, the seabed and adjacent land. Rather, it seeks to provide for vehicle access where appropriate.</p> <p>Mr Khareedi advises that construction of the coastal and offshore sections will require enabling works by way of a construction access track. This is to include temporary access from the end of Archibald Road to the beach that will be formed by clearing vegetation along the existing track and filling its eroded section in the lower reaches of the gully.</p> <p>The use of vehicles on beaches, foreshore, seabed and on adjacent public land is to be carefully controlled via the Construction Management Plan, limited to the period during the construction phase, taking into account matters set out in Policy 20(1)(a) to (f).</p>	<p><i>Policy 20(1)(a) to (f):</i></p> <p>I consider that during construction that access to the CMA will be restricted in the immediate area. This will be a temporary limitation and post-construction I consider the outfall pipeline will not impact on public access. The quality of the discharge anticipated and measures proposed to ensure that quality is achieved will ensure that the coastal waters remain generally suitable for recreation outside of the mixing zone. Vehicle access required to the CMA will be limited to that necessary to undertake the trenching works and provided the recommended conditions are complied with, I consider this will not result in adverse effects on ecosystems that are more than minor. On this basis, I consider the proposed activities are consistent with these provisions²⁰.</p>	
<p>Policy 21: Enhancement of water quality</p> <p>Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:</p> <ul style="list-style-type: none"> a) identifying such areas of coastal water and water bodies and including them in plans; 	<p>The proposed ocean outfall is located in within a CMA area where RCEP has not established water quality classes. In Technical Report 1, Water Quality Assessment Report, Dr Wilson sets out the methodology for determining the ambient water quality of the coastal waters in the part of the CMA within which the proposed outfall is to be located. Dr Wilson confirms that the receiving environment is pristine. Any discharge to this</p>	<p><i>Policy 21(c)</i></p> <p>I consider that the mitigation proposed for the construction period will minimise the sediment discharged into the CMA and will not result in a significant increase in sedimentation²¹.</p>	<p>Policy 21 of the NZCPS is titled 'Enhancement of water quality'. Policy 21(c) advises that where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or is restricting existing uses, such as shellfish gathering and cultural activities,</p>

¹⁹ Paragraph 330 of Part A of the section 42A Report.

²⁰ Paragraph 330 of Part A of the section 42A Report.

²¹ Paragraph 349 of Part A of section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<ul style="list-style-type: none"> b) including provisions in plans to address improving water quality in the areas identified above; c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats; d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values. 	<p>environment must aim to meet the strictest relevant water quality guidelines.</p> <p>Based on the advice from Dr Wilson, that the receiving coastal waters is a pristine environment, I consider that Policy 21 is not relevant in the context of this application, as the focus of Policy 21 is on coastal environment that has “deteriorated”.</p>		<p>priority should be given to improving that quality. This includes tangata whenua identifying areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.</p> <p>The Ngāi Tahu cultural evidence presented by Mr T King includes outlines the effects of water quality (pollution) on mahinga kai and all aspects of cultural identity in their mana moana. In addition, the Arowhenua submission provides details on their concerns with the technical information in the current application. Based on the concerns raised in the Ngāi Tahu submission, I consider there is too much uncertainty to conclude that the application will be able to avoid, remedy or mitigate any adverse effects of deteriorated water quality on mahinga kai in the mana moana of Ngāi Tahu. I consequently do not consider that the current application is consistent with this policy²².</p>
<p>Policy 22: Sedimentation</p> <ul style="list-style-type: none"> 1) Assess and monitor sedimentation levels and impacts on the coastal environment. 2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water. 3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry. 4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities. 	<p>Policy 22 addresses sedimentation in the coastal environment. It directs that sedimentation levels and impacts on the coastal environment should be assessed and monitored, and requires action for reducing sedimentation in the coastal marine area by controlling the impacts of land-based activities.</p> <p>Policy 22(2), requires that the development will not result in <u>significant</u> increase in sedimentation in the coastal marine area or other coastal water. Policy 22(2) has the clear focus on meeting the threshold of “significant” increase in sedimentation. Given the focus on “significant” increase in sedimentation, it is my view that Policy 22(2) anticipates that development can result in an increase in sedimentation, provided that it does not result in “significant” increase.</p> <p>The matter of sedimentation has been carefully considered in the resource consent application. Based on specialist advice, I am of the view that the proposal will not result in significant increase in sedimentation in the CMA, and meets the intent of Policy 22 for the following reasons:</p> <ul style="list-style-type: none"> • The construction of the proposed pipeline and marine outfall will result in temporary effects due to the marine works involved. The impacts relating to sedimentation matters will be mitigated through the implementation of sound 	<p><i>Policy 22(2)</i></p> <p>I consider that the mitigation proposed for the construction period will minimise the sediment discharged into the CMA and will not result in a significant increase in sedimentation²³.</p>	<p>Policy 22 of the NZCPS is titled ‘Sedimentation’. Policy 22(1) requires the assessment and monitoring of sedimentation levels and impacts on the coastal environment. With regard to Policy 22, Oceania has identified that the receiving coastal environment is naturally highly turbid, and one of the direct effects of the dredging is to mobilise sediment which in turn will lead to an increased concentration of suspended particulate matter in the water column over a three month construction period. This appears to be at odds with the Officer’s s42A report (paragraph 349) where it is stated that the proposal “will not result in a significant increase in sedimentation”. Based on the concerns raised in the Ngāi Tahu evidence, I consider there is too much uncertainty to conclude that the current application is able to appropriately assess and monitor any changes in sedimentation levels and any impacts of increased sedimentation on the coastal environment from their activity. I consequently do not consider that the current application is consistent with this policy²⁴.</p>

²² Paragraphs 74 and 75 of Evidence in Chief of Ms Kylie Hall.

²³ Paragraph 349 of Part A of section 42A Report.

²⁴ Paragraph 76 of Evidence in Chief of Ms Kylie Hall.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
	<p>construction management methodologies, in particular via suitable erosion and sediment control measures and progressive reinstatement of the disturbed areas.</p> <ul style="list-style-type: none"> It is anticipated that based on the proposed construction methodology during the excavation phase, the sedimentation material will settle relatively quickly. Ms Coates advises that the environment around the project area is already subject to high levels of suspended sediment as a result of seabed sediments during inclement weather, coastal erosion and when the Waitaki River is in flood. As such, the fish species present in the area are capable of tolerating periods of elevated sediment levels. 		
<p>Policy 23: Discharge of contaminants</p> <ol style="list-style-type: none"> In managing discharges to water in the coastal environment, have particular regard to: <ol style="list-style-type: none"> the sensitivity of the receiving environment; the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and the capacity of the receiving environment to assimilate the contaminants; and avoid significant adverse effects on ecosystems and habitats after reasonable mixing; use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and minimise adverse effects on the life-supporting capacity of water within a mixing zone. In managing discharge of human sewage, do not allow: <ol style="list-style-type: none"> discharge of human sewage directly to water in the coastal environment without treatment; and the discharge of treated human sewage to water in the coastal environment, unless: <ol style="list-style-type: none"> there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and informed by an understanding of tangata whenua values and the effects on them. Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua. In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by: <ol style="list-style-type: none"> avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems; reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities; 	<p><u>Policy 23(1)</u></p> <p>I consider this policy to be an enabling policy in that it sets out the framework or parameters within which discharges to water in the coastal environment is to be “managed”. The technical reports supporting the resource consent application illustrate that the applicant has had particular regard to matters (a) to (f) in preparing the proposal. These parameters have determined the level of treatment of the wastewater to be discharged, the size of the mixing zone and the outfall design.</p> <p>Policy 23(1)(e) wording does not specify as to what is deemed to be the “smallest mixing zone”, though it is qualified by “necessary to achieve the required water quality in the receiving environment”. In this regard Policy 7.1 of the RCEP is relevant, as it provides guidance on what is deemed to be a “reasonable mixing zone”. RCEP cannot be inconsistent with the NZCPS. As such, “giving effect” to the RCEP, would be “giving effect” to the NZCPS.</p> <p>In Technical Report 1, Water Quality Assessment Report, Dr Wilson sets out the methodology for determining the ambient water quality of the coastal waters in the part of the CMA within which the proposed marine outfall is to be located. Based on the proposed method of wastewater treatment, Dr Wilson derived water quality parameters for the treated wastewater, which are to be included in the conditions of consent. In Technical Report 3, Dispersion Modelling Report, e-Coast uses information on the physical oceanography of the site and utilises a calibrated numerical model to determine the “reasonable mixing zone” so that the offshore location and outfall arrangement achieve satisfactory dilution and dispersion of the treated wastewater. The “reasonable mixing zone” was determined to be the area within 10m to 50m of the of the physical footprint of the diffuser. On behalf of ECAN. Dr Wilson advises that based on the</p>	<p><i>Policy 23(1)</i></p> <p>The proposed development area is vulnerable to sea level rise and coastal hazards. As such the applicant has considered these matters in the design plan of the outfall and construction management plans. Given this and the advice received by Mr. Bruce Gabites, I consider that the proposal is consistent with this policy²⁵.</p>	<p>Policy 23 of the NZCPS is titled ‘Discharge of contaminants’. Policy 23(1) relates to managing discharges to water in the coastal environment by having particular regard to the capacity of the receiving environment to assimilate the contaminants and the ability to minimise adverse effects on the life-supporting capacity of water within a mixing zone. Based on the concerns raised in the submission provided by Ngāi Tahu, I do not consider that the current application is consistent with this policy²⁶.</p>

²⁵ Paragraph 352 of Part A of section 42A Report.

²⁶ Paragraph 77 of Evidence in Chief of Ms Kylie Hall.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
<p>c) promoting integrated management of catchments and stormwater networks; and</p> <p>d) promoting design options that reduce flows to stormwater reticulation systems at source.</p> <p>5) In managing discharges from ports and other marine facilities:</p> <p>a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;</p> <p>b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;</p> <p>c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and</p> <p>d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.</p>	<p>“reasonable mixing zone” (as determined by the Dispersion Modelling Report), the adverse effects of wastewater discharge on the quality of the receiving environment will be less than minor.</p> <p>With respect to Policy 23(1)(d), the application package also includes technical reports assessing the potential effects on ecosystems and human health. This assessment shows that “significant” adverse effects on the ecosystems and habitats after reasonable mixing are “avoided”.</p> <p>Accordingly, the proposal complies with Policy (23)(1).</p> <p><u>Policy 23(2) and (3)</u> Is not considered to be relevant, as the resource consent application does not seek to discharge human waste.</p> <p><u>Policy 23(4)</u> Is not considered to be relevant, as the resource consent application does not seek to discharge stormwater.</p> <p><u>Policy 23(5)</u> Is not considered to be relevant, as the resource consent application does not seek discharges from ports or marine facilities.</p>		
<p>Policy 24: Identification of coastal hazards</p> <p>1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:</p> <p>a) physical drivers and processes that cause coastal change including sea level rise;</p> <p>b) short-term and long-term natural dynamic fluctuations of erosion and accretion;</p> <p>c) geomorphological character;</p> <p>d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;</p> <p>e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;</p> <p>f) influences that humans have had or are having on the coast;</p> <p>g) the extent and permanence of built development; and</p> <p>h) the effects of climate change on:</p> <p>i. matters (a) to (g) above;</p> <p>ii. storm frequency, intensity and surges; and</p> <p>iii. coastal sediment dynamics;</p> <p>taking into account national guidance and the best available information on the likely effects of climate change on the region or district.</p>	<p>Policy 24 lays the foundation for risk-based coastal hazard management, and requires the identification of coastal hazards.</p> <p>The proposed infrastructure is located within Hazard Zones 1 and 2 as identified in the RCEP. A comprehensive assessment of the coastal hazards and processes on the proposed pipeline infrastructure have been completed, and included in the resource consent application material. Based on the expert advice provided by Mr Coutinho, I consider that the proposal is consistent with Policy 24 for the following reasons:</p> <ul style="list-style-type: none"> The proposed pipeline construction methodology and alignment are not expected to cause changes to the natural physical processes occurring in the coastline. The proposed pipeline alignment allows for 320m of cliff retreat and 250m of beach retreat. It is very unlikely that the pipeline will be exposed due to natural coastal erosion in the next 100 years, even considering increased erosion rate due to climate change and sea level rise. The proposed marine outfall does not include any permanent structures on the coast or in the active beach system. There are no expected short-term or long-term changes to 	<p>Advice obtained from Mr. Gabites indicates that the outfall and associated structures are unlikely to have any effects on natural coastal processes. I consider the proposal is consistent with this objective and policies²⁷.</p>	

²⁷ Paragraph 333 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
	<p>longshore drift or to natural coastal processes caused by the proposed outfall.</p> <ul style="list-style-type: none"> The pipeline will not lead to any increase in susceptibility of the surrounding area to coastal inundation. 		
<p>Policy 25: Subdivision, use, and development in areas of coastal hazard risk</p> <p>In areas potentially affected by coastal hazards over at least the next 100 years:</p> <ol style="list-style-type: none"> avoid increasing the risk of social, environmental and economic harm from coastal hazards; avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards; encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events; encourage the location of infrastructure away from areas of hazard risk where practicable; discourage hard protection structures and promote the use of alternatives to them, including natural defences; and consider the potential effects of tsunamis and how to avoid or mitigate them. 	<p>Policy 25 is an overarching policy to manage the risk of social, environmental and economic harm from coastal hazards.</p> <p>The propose infrastructure is located within Hazard Zones 1 and 2 as identified in the RCEP. I consider that the proposal is consist with the intent of Policy 25, as a comprehensive assessment of the coastal hazards and processes on the proposed pipeline infrastructure have been completed, and included in the resource consent application material. Based on the expert advice provided by Mr Coutinho, I consider that the proposal is consistent with the intent of Policy 25 for the following reasons:</p> <ul style="list-style-type: none"> The proposed pipeline construction methodology and alignment are not expected to cause changes to the natural physical processes occurring in the coastline. The proposed pipeline alignment allows for 320m of cliff retreat and 250m of beach retreat. It is very unlikely that the pipeline will be exposed due to natural coastal erosion in the next 100 years, even considering increased erosion rate due to climate change and sea level rise. The proposed marine outfall does not include any permanent structures on the coast or in the active beach system. There are no expected short-term or long-term changes to longshore drift or to natural coastal processes caused by the proposed outfall. The pipeline will not lead to any increase in susceptibility of the surrounding area to coastal inundation. 	<p>Advice obtained from Mr. Gabites indicates that the outfall and associated structures are unlikely to have any effects on natural coastal processes. I consider the proposal is consistent with this objective and policies²⁸.</p> <p><i>Policy 25(a) and (d)</i></p> <p>The proposed development area is vulnerable to sea level rise and coastal hazards. As such the applicant has considered these matters in the design plan of the outfall and construction management plans. Given this and the advice received by Mr. Bruce Gabites, I consider that the proposal is consistent with this policy²⁹.</p>	
<p>Policy 26: Natural defences against coastal hazards</p> <ol style="list-style-type: none"> Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards. Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands. 	<p>Policy 26 addresses the management of the large range of natural coastal landform/features that provide for natural defences.</p> <p>The propose infrastructure is located within Hazard Zones 1 and 2 as identified in the RCEP. I consider that the proposal is consist with the intent of Policy 26, as a comprehensive assessment of the coastal hazards and processes on the proposed pipeline infrastructure have been completed, and included in the resource consent application material. Based on the expert advice</p>	<p>Advice obtained from Mr. Gabites indicates that the outfall and associated structures are unlikely to have any effects on natural coastal processes. I consider the proposal is consistent with this objective and policies³⁰.</p>	

²⁸ Paragraph 333 of Part A of the section 42A Report.

²⁹ Paragraph 352 of Part A of section 42A Report.

³⁰ Paragraph 333 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
	<p>provided by Mr Coutinho, I consider that the proposal is consistent with the intent of Policy 25 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed pipeline construction methodology and alignment are not expected to cause changes to the natural physical processes occurring in the coastline. • The proposed pipeline alignment allows for 320m of cliff retreat and 250m of beach retreat. It is very unlikely that the pipeline will be exposed due to natural coastal erosion in the next 100 years, even considering increased erosion rate due to climate change and sea level rise. • The proposed marine outfall does not include any permanent structures on the coast or in the active beach system. There are no expected short-term or long-term changes to longshore drift or to natural coastal processes caused by the proposed outfall. • The pipeline will not lead to any increase in susceptibility of the surrounding area to coastal inundation. 		
<p>Policy 27: Strategies for protecting significant existing development from coastal hazard risk</p>	<p>1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:</p> <ol style="list-style-type: none"> a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk; b) identifying the consequences of potential strategic options relative to the option of 'do-nothing'; c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations; d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches. <p>2) In evaluating options under (1):</p> <ol style="list-style-type: none"> a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions; b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options. <p>3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.</p>	<p>This policy is focused on strategies for protecting <u>significant existing development</u> from coastal hazard risk. This policy is not considered to be relevant in the context of this resource consent application, as the proposal seeks to establish <u>new infrastructure</u> (acknowledging that parts of the new infrastructure is to be located within the Coastal Hazard Zones as identified in the RCEP).</p>	<p>Advice obtained from Mr. Gabites indicates that the outfall and associated structures are unlikely to have any effects on natural coastal processes. I consider the proposal is consistent with this objective and policies³¹.</p>

³¹ Paragraph 333 of Part A of the section 42A Report.

NEW ZEALAND COASTAL POLICY STATEMENT PROVISION	Ms Sukhi Singh's assessment	Ms Kelly Walker's assessment (as set out in the section 42A Report)	Ms Kylie Hall's assessment (as set out in her Evidence in Chief)
4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.			
Policy 28: Monitoring and reviewing the effectiveness of the NZCPS 1) To monitor and review the effectiveness of the NZCPS in achieving the purpose of the Act, the Minister of Conservation should: a) in collaboration with local authorities collect data for, and, as far as practicable, incorporate district and regional monitoring information into a nationally consistent monitoring and reporting programme; b) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes; c) within six years of its gazettal, assess the effect of the NZCPS on regional policy statements, plans, and resource consents, and other decision making; and d) publish a report and conclusions on matters (a) to (c) above.	This policy is not considered to be relevant in the context of this resource consent application, as it requires the Minister of Conservation to undertake monitoring and review of the effectiveness of the NZCPS.		
Policy 29: Restricted Coastal Activities 1) The Minister of Conservation does not require any activity to be specified as a restricted coastal activity in a regional coastal plan. 2) Local authorities are directed under sections 55 and 57 of the Act to amend documents as necessary to give effect to this policy as soon as practicable, without using the process in Schedule 1 of the Act, with the effect that: a) any activity specified as a discretionary activity and a restricted coastal activity becomes a discretionary activity only; b) any activity specified as a non-complying activity and a restricted coastal activity becomes a non-complying activity only. 3) Any application for a coastal permit for an activity specified as a restricted coastal activity that has been publicly notified before the date the amendments in clause (2) are made shall continue to be treated as an application for a restricted coastal activity for the purposes of section 117 of the Act. 4) Any other application for an activity specified as a restricted coastal activity made before the date of the amendments in clause (2), shall be considered as a discretionary or non-complying activity in accordance with the regional coastal plan or proposed regional coastal plan's classification and section 117 does not apply.	This policy is not relevant as there are no references to Restricted Coastal Activities in the RCEP.		