
**BRIEF OF SUPPLEMENTARY EVIDENCE OF ANDREW CAMERON MACLENNAN
CE – COASTAL ENVIRONMENT**

Qualifications and Experience

- 1 My qualifications and experience are set out in paragraphs 7 to 9 of my section 42A report titled *Chapter 8: CE – Coastal environment* and dated 4 May 2022.

Code of Conduct

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of Evidence

- 3 This supplementary statement of evidence updates the recommendations I made in my section 42A report titled Chapter 8: CE – Coastal environment. The matters addressed are amendments to CE-O1, CE-P1, CE-P9, CE-M3 and CE-M4 to clarify their application when managing the coastal environment.
- 4 There are also consequential amendments recommended in other statements of supplementary evidence.
- 5 Where I have recommended additional amendments to provisions, my recommendations are shown in addition to my original section 42A recommendations. The key below sets out how these different recommendations are shown.

Key to proposed amendments

Appearance	Explanation
Black text	Text as notified
Black text with <u>underlining</u> or striketrough	Amendments recommended in s42A report.

Red text with <u>underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence where there has been no previous amendment to the 'as notified' provision text.
Red strikethrough with <u>black underlining</u>	Text that was recommended to be inserted in s42A report (black underline) but now recommended to be deleted by supplementary evidence (red strikethrough).

- 6 In the same way as the original section 42A report recommendations, the scope for all proposed amendments is included as a footnote in the amended provisions. Where the amendments were recommended in the section 42A report, the supporting explanation is in the section 42A report. Where the amendments are recommended through this supplementary evidence, the supporting explanation is contained in this supplementary evidence.

Errata

- 7 Appendix 1 of this evidence is a table of corrections to the recommendations in my s42A report. My recommendations were correctly recorded in the s42A version of the pORPS

Updates

CE-O1 – Safeguarding the coastal environment (Te Hauora o Te Tai o Arai-te-uru)

- 8 In paragraph 56 of my section 42A report I recommend accepting the submission by Kāi Tahu Ki Otago¹ which sought the introduction of a new subclause into CE-O1 requiring the recognition and understanding of the interconnectedness between the effects of terrestrial and freshwater activities and uses.
- 9 Following discussions at the prehearing meeting I consider further refinement of subclause (6) is required to align with the drafting of the chapeau. In the section 42A version of pORPS, the chapeau of CE-O1 is that the health, integrity, form, functioning and resilience of Otago's coastal environment is 'safeguarded'. To ensure the interconnectedness between the effects of terrestrial and freshwater activities and uses are safeguarded, I recommend the addition of 'protect' in subclause (6), as I consider the recognition and understanding of these

¹ 00226.131

interconnections alone do not actively achieve safeguarding of the coastal environment.

10 I recommend the following amendments:

CE-O1 – Safeguarding the coastal environment (Te Hauora o Te Tai o Arai-te-uru)

The health, integrity, form, functioning and resilience of Otago's coastal environment is safeguarded so that:

(1) ...

(6) the interconnectedness of wai Māori and wai tai, and the effects of terrestrial and freshwater uses and activities on coastal waters and ecosystems, are recognised, and understood, and protected,² and

Section 32AA evaluation

11 When assessing whether the amended objective is the most appropriate way to achieve the purpose of the Act, I consider that the addition of 'protect' in subclause (6) ensures that the subclause aligns with the drafting of the chapeau and gives greater effect to Objective 1 of the New Zealand Coastal Policy Statement 2010 which is to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by, among other things, the maintenance or enhancement of natural biological and physical processes in the coastal environment and the recognition of their dynamic, complex and interdependent nature.

CE-P1 – Links with other chapters

12 In paragraph 114 of my section 42A report I recommend accepting the amendment sought by several submitters to expand the policy to include links to a broader range of chapters in the pORPS that are relevant to the management of activities within the coastal environment.

13 Following discussions at the prehearing meeting I consider it appropriate to include a signpost to the MW – Mana whenua chapter to indicate that provisions contained within that chapter also apply in the coastal environment where relevant.

² 00226.131 Kāi Tahu Ki Otago

14 I recommend the following amendments:

CE-P1 – Links with other chapters

Implement an integrated approach to managing Otago’s coastal environment which ~~R~~recognises¹ that:

(1) ...

(4) where relevant, the provisions within the following chapters of this RPS also apply within the coastal environment, unless expressly excluded:

(a) ...

(aa) MW – Mana whenua,³

Section 32AA evaluation

15 Given my recommended change to CE-P1 is not substantive and does not change the overall intent of the provisions, no section 32AA assessment is considered necessary.

CE-P9 – Activities on land within the coastal environment

16 In paragraph 322 to 325 of my section 42A report I disagree with submitters who sought amendment to CE-P9 which they considered necessary to give effect to policies 6 and 7 of the NZCPS. I consider the additions proposed were achieved through other provisions in the pORPS. Following discussions at the prehearing meeting I have re-considered this recommendation and I agree that further refinement of this CE-P9 is required.

17 In relation to subclause (4) I agree that this limb effectively replicates CE-P8. I recommend that this subclause is replaced with a new subclause that gives effect to by Policy 6(1)(i) of the NZCPS which requires development be set back from the coastal marine area and other water bodies, where practicable and reasonable, to protect a number of coastal values.

18 Finally, I have re-considered whether an additional reference to the risk of climate change and natural hazards is required within this policy. While I maintain that the provisions of the HAZ-NH chapter effectively manage coastal hazard risk, I acknowledge when considering the strategic and co-ordinated use

³ 00137.0048 DOC

of land within the coastal environment, taking into account the risks of climate change and coastal hazards is an important consideration. I recommend the inclusion of a new sub-clause.

19 I recommend amending CE-P9 as follows:

CE-P9 – Activities on *land* within the coastal environment

The strategic and co-ordinated use of *land* within the coastal environment is achieved by:

...

(4) requiring development be set back from the coastal marine area and other water bodies in the coastal environment, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; ~~maintaining or enhancing public access to the coastal environment, and~~⁴

(5) considering where activities that maintain the character of the existing built environment should be encouraged, and where activities resulting in a change in character would be acceptable, and.

(6) taking into account the risks of climate change and coastal hazards.⁵

Section 32AA evaluation

20 My updated recommendations to subclauses (4) provides for greater alignment with the NZCPS. The updated amendment recommended to subclause (4) broadens the scope of the subclause by ensuring that development is set back from the coastal marine area and other waterbodies in the coastal environment to protect the natural character, open space, public access and amenity values.

21 When considering the efficiency and effectiveness of the suggested change in achieving the objectives of the CE chapter, I consider this option will be more efficient and effective in achieving CE-O2 and CE-O3. CE-O2 requires that public access and recreation opportunities are maintained or enhanced. CE-O3 requires the protection and restoration of natural character of the coastal environment. I note that the pORPS drafting effectively replicates CE-P8 and is therefore provides no additional direction as to how CE-O2 and CE-O3 will be

⁴ 00139.071 DCC

⁵ 00139.071 DCC

achieved. In contrast, I consider the updated recommendation provides specific direction requiring development be set back from the coastal marine area and other water bodies in the coastal environment which will assist in achieving CE-O2 and CE-O3.

- 22 In relation to subclause (6), this is a new subclause that has not been considered as part of the original section 32 assessment. I consider it is important to note that the way the pORPS is structured, each provision is not to be considered in isolation, all relevant provisions are to be considered together and applied according to the terms in which they are expressed. Given this, while the addition of subclause (6) is a new provision within CE-P9, the requirement that the risks of climate change and coastal hazards are to be taken into account is already included with the objectives⁶, policies⁷ and methods⁸ of the CE chapter and detailed analysis of climate change and coastal hazards is required through the implementation of the HAZ-NH chapter.
- 23 I consider the introduction of subclause (6) not alter the requirement that the risks of climate change and coastal hazards are to be taken into account. The addition is primarily prompt that when considering the strategic and co-ordinated use of land within the coastal environment, taking into account the risks of climate change and coastal hazards is an important consideration. For these reasons, I do not consider a further evaluation under section 32AA is necessary.

CE-M3 – Regional plans and CE-M4 – District plans

- 24 In paragraph 306 of my section 42A report I agree with submitters that Policy CE-P8 – Public access required amendment to better reflect Policy 19 and Policy 20 of the NZCPS. These amendments seek to manage public walking and vehicle access to, along and adjacent to the coastal marine area.
- 25 Following discussions at the pre-hearing meeting, I have reconsidered these provisions and I recognise that as drafted, subclauses (8) and (9) of CE-M3 and subclauses (7) and (8) of CE-M4 confine the control of walking and vehicle access '*to and along*' the coastal marine area which does not align with Policies 19 and 20 of the NZCPS and as such does not give effect to the amendments

⁶ CE-O1(7)

⁷ CE-P1(4)

⁸ CE-M3(6)(c) CE-M4(6)(c)

made to CE-P8. I therefore consider consequential amendments are required to clarify the application of these methods.

26 I recommend amending CE-M3 as follows:

CE-M3 – Regional plans

Otago Regional Council must prepare or amend and maintain its regional plans no later than 31 December 2028 to:

...

(8) provide for walking access to ~~and~~ along and adjacent to⁹ the coastal marine area in accordance with Policy 19 of the NZCPS,

(9) control vehicle access to ~~and~~ along and adjacent to¹⁰ the coastal marine area in accordance with Policy 20 of the NZCPS,

27 Additionally, I recommend amending CE-M4 as follows:

CE-M4 – District plans

Territorial authorities must prepare or amend and maintain their district plans to:

...

(7) provide for walking access to ~~and~~ along and adjacent to¹¹ the coastal marine area in accordance with Policy 19 of the NZCPS,

(8) control vehicle access to ~~and~~ along and adjacent to¹² the coastal marine area in accordance with Policy 20 of the NZCPS,

Section 32AA evaluation

28 Given my recommended changes to CE-M3 and CE-M4 provide alignment and internal consistency with the content of CE-P8, and do not change the overall intent of the provisions, no section 32AA assessment is considered necessary.

Consequential amendments

⁹ Consequential amendment to 00230.058 Forest and Bird

¹⁰ Consequential amendment to 00230.058 Forest and Bird

¹¹ Consequential amendment to 00230.058 Forest and Bird

¹² Consequential amendment to 00230.058 Forest and Bird

- 29 My supplementary evidence on HAZ – Hazards and risks recommends consequential amendments to CE-P1(1), CE-P2(1)(d) and CE-P2(4).¹³ The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 30 My supplementary evidence on NFL – Natural Features and Landscapes recommends consequential amendments to CE-O3, CE-P6, CE-M2(2), CE-M3(5) and (12)¹⁴. The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 31 Ms Hardiman’s supplementary evidence on ECO – Ecosystems and indigenous biodiversity recommends a consequential amendment to CE-P5(1).¹⁵ The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.
- 32 Ms Boyd’s supplementary evidence on Introduction and General Themes has recommends consequential amendments to CE-P3(7) and CE-M3(4) to delete “environmental limit” and replace it with “limit”. The specific amendments to these provisions are set out in that statement of supplementary evidence and therefore I do not repeat them here.

Andrew Cameron MacLennan

11 October 2022

¹³ Brief of Supplementary Evidence of Andrew Cameron MacLennan. HAZ – Hazards and risks. 11 October 2022.

¹⁴ Brief of Supplementary Evidence of Andrew Cameron MacLennan. NFL - Natural Features and Landscapes. 11 October 2022.

¹⁵ Brief of Supplementary Evidence of Melanie Kate Hardiman. ECO – Ecosystems and indigenous biodiversity. 11 October 2022.

Appendix 1 - Section 42A Report – Errata

Provision	S42A Report Paragraph number	Error	Corrected Text
CE-M3(6)(c)	42	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-M3 – Regional plans</p> <p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> no later than 31 December 2028 to:</p> <p>[...]</p> <p>(6) include provisions requiring the adoption of a precautionary approach to assessing the <i>effects</i> of activities in the coastal environment in accordance with IM-P156¹⁶ where:</p> <p>(a) there is scientific uncertainty, or</p> <p>(b) there are potentially significant or irreversible adverse <i>effects</i>, <u>or</u></p> <p>(c) <u>coastal resources are potentially vulnerable to effects from climate change,</u>¹⁷</p>
CE-M4(6)(c)	43	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-M4 – District plans</p> <p><i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to:</p> <p>[...]</p> <p>(6) include provisions requiring the adoption of a precautionary approach to assessing the <i>effects</i> of activities in the coastal environment in accordance with IM-P615¹⁸ where:</p> <p>(a) there is scientific uncertainty, or</p> <p>(b) there are potentially significant or irreversible adverse <i>effects</i>, <u>or</u></p>

¹⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.042 DOC, 00014.022 John Highton

¹⁷ 00230.063 Forest and Bird

¹⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.042 DOC, 00014.022 John Highton

			<p><u>(c) coastal resources are potentially vulnerable to effects from climate change.</u>¹⁹</p> <p>[...]</p>
CE-O1	60	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-O1 – Safeguarding the coastal environment (<u>Te Hauora o Te Tai o Arai-te-uru</u>)²⁰</p> <p>The <u>health</u>,²¹ integrity, form, functioning and resilience of Otago's coastal environment is safeguarded so that:</p> <ol style="list-style-type: none"> (1) the mauri of <i>coastal water</i> <u>and its health and well-being</u>²² is protected, and restored where it has <i>degraded</i>, (2) <i>coastal water</i> quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, including practices associated with mahika kai <u>mahika kai</u>²³ and kaimoana, (3) the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or enhanced, (4) <u>the diversity of indigenous coastal flora and fauna is maintained, and areas of representative or significant indigenous biodiversity are protected</u>, areas of biodiversity are protected,²⁴ and (5) <i>surf breaks</i> of national significance are protected, <u>(6) the interconnectedness of wai Māori and wai tai, and the effects of terrestrial and freshwater uses and activities on coastal waters and ecosystems, are recognised and understood, and</u>²⁵ <u>(7) the ongoing effects of climate change within the coastal environment are identified and planned for.</u>²⁶

¹⁹ 00230.064 Forest and Bird

²⁰ 00226.131 Kāi Tahu Ki Otago, 00234.015 Te Rūnanga o Ngāi Tahu

²¹ 00226.131 Kāi Tahu Ki Otago

²² 00226.130 Kāi Tahu Ki Otago

²³ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

²⁴ 00137.049 DOC, 00230.046 Forest and Bird

²⁵ 00226.131 Kāi Tahu Ki Otago

²⁶ 00226.131 Kāi Tahu Ki Otago, 00234.015 Te Rūnanga o Ngāi Tahu

CE-O2	68	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-O2 – Public access and recreation Maintaining or enhancing highly valued areas of the coastal environment</p> <p>Public access, <u>and</u> recreation opportunities, and highly valued natural features and landscapes²⁷ in the coastal environment are maintained or enhanced.</p>
CE-O4	92	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-O4 – Kāi Tahu associations with Otago’s coastal environment Mana moana²⁸</p> <p>The enduring cultural association of Kāi Tahu with Otago’s coastal environment is recognised and provided for, and <i>mana whenua</i> are able to exercise their kaitiaki <u>rakatirataka</u> role, <u>manaakitaka</u> and <u>their kaitiaki duty of care</u>²⁹ within the coastal environment.</p>
CE-O5	107	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-O5 – Activities in the coastal environment</p> <p>Activities in the coastal environment:</p> <ol style="list-style-type: none"> (1) make efficient use of space occupied in the <i>coastal marine area</i>, (2) are of a scale, density and design compatible with their location, (3) are only provided for within appropriate locations and limits, and (4) maintain or enhance public access to and along the <i>coastal marine area</i>, including for customary uses, <u>except where public access needs to be restricted for reasons of health and safety or ecological or cultural sensitivity</u>.³⁰
CE-P1	120	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in	<p>CE-P1 – Links with other chapters</p> <p><u>Implement an integrated approach to managing Otago’s coastal environment which R</u>recognises³¹ that:</p> <ol style="list-style-type: none"> (1) coastal hazards must be identified in accordance with CE-P2(4) and managed in accordance with

²⁷ 00121.039 Ravensdown, 00230.047 Forest and Brid, 00239.057 Federated Farmers, 00306.027 Meridian Energy, 00124.015 Southern Inshore Fisheries

²⁸ 00226.134 Kāi Tahu Ki Otago

²⁹ 00226.134 Kāi Tahu Ki Otago

³⁰ 00234.017 Te Rūnanga o Ngāi Tahu

³¹ 00226.136 Kāi Tahu ki Otago

		report version of the provision.	<p>the HAZ–NH – Natural hazards section of this RPS;</p> <p>(2) <u>commercial³² port activities</u> must be managed in accordance with <u>EIT-TRAN-P23</u> the TRAN–Transport section of this RPS³³; and</p> <p>(3) <u>historic heritage</u> must be managed in accordance with the HCV – Historical and cultural values section of this RPS.</p> <p>(4) <u>where relevant, the provisions within the following chapters of this RPS also apply within the coastal environment, unless expressly excluded:</u></p> <p>(a) <u>IM – Integrated management,</u></p> <p>(b) <u>AIR – Air,</u></p> <p>(c) <u>LF – Land and freshwater,</u></p> <p>(d) <u>ECO – Ecosystems and indigenous biodiversity,</u></p> <p>(e) <u>EIT – Energy, infrastructure and transport,</u></p> <p>(f) <u>HAZ – Hazards and risks,</u></p> <p>(g) <u>HCV – Heritage and historical values,</u></p> <p>(h) <u>NFL – Natural features and landscapes, and</u></p> <p>(i) <u>UFD – Urban form and development.</u>³⁴</p>
CE-M2	155	Section 42A recommendations (contained in the analysis and in the s42A version of the PORPS) not correctly shown in	<p>CE-M2 – Identifying other areas</p> <p><i>Local authorities</i> must work collaboratively, <u>with Kāi Tahu³⁵ and local authorities in neighbouring regions,</u>³⁶ together to:</p>

³² 00301.018 Port Otago

³³ 00301.018 Port Otago

³⁴ 00137.052 DOC

³⁵ 00226.149 Kāi Tahu ki Otago

³⁶ 00013.010 ECan

		report version of the provision.	[...]				
Table 2	156	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p><i>Table 2: Areas likely to contain significant values</i></p> <table border="1"> <tr> <td> <p>Gamaru Harbour Breakwater Moeraki Beach Moeraki Peninsula Shag Point & Shag River Estuary Stoney Creek Estuary Pleasant River Estuary Hawksbury Inlet Waikouaiti River Estuary Karitane Headland Puketeraki Blueskin Bay Orakonui Inlet Māpoutahi Purakanui Inlet Aramoana Otago Harbour Historic Walls Otakou & Tairāoa Head Pipikāretu Point</p> </td> <td> <p>Te Whakarekaiwi Papanui Inlet Hoopers Inlet Kaikorai Estuary Brighton Akatore Creek Estuary Tekemaihiro Estuary Wangaloa Clutha River Mata-au, Matau Branch Nugget Point Surat Bay Cotlins Lake Estuary Jacks Bay Waiheke Beach Tahakopa Estuary Oyster Bay Tautuku Estuary Waipati Estuary & Kinakino Island</p> </td> </tr> <tr> <td> <p><u>Cape Wanbrow</u> <u>All Day Bay Lagoon</u> <u>Te Hakapureirei Beach</u> <u>Moeraki Point and adjacent coast</u> <u>Kātiki Point</u> <u>Kātiki Beach</u> <u>Shag Point (incl. Shag River estuary & Cliffs between Shag and Stoney Rivers)</u> <u>Cliffs south of Stoney Creek</u> <u>Bobbys Head</u> <u>Cliffs south of Tayora</u> <u>Pleasant River spit</u> <u>Pleasant River estuary</u> <u>Tumai</u> <u>Karitane Headland</u> <u>Seacliff</u> <u>Māpoutahi</u> <u>Potato Point</u> <u>Heyward Point (incl. Long Beach & Aramoana)</u> <u>Harbour Islands / Portobello Peninsula</u> <u>Tairāoa Head</u> <u>Harrington Point</u> <u>Pipikāretu</u> <u>Okia (incl. Victory Beach & Papanui Inlet)</u> <u>Allans Beach / Hoopers Inlet</u> <u>Seal Point</u> <u>Boulder Beach</u> <u>St Clair cliffs</u> <u>Kuri Bush</u> <u>Cape Saunders</u> <u>Sandfly Bay</u> <u>Sandymount</u></p> </td> <td> <p><u>Nugget Point</u> <u>Sandy Bay</u> <u>False Islet</u> <u>Penguin Bay</u> <u>Cosgrove Island</u> <u>Long Point</u> <u>Tahakopa Bay</u> <u>Mahaka Point</u> <u>Frances Pillars / Cathedral Caves</u> <u>Makatū</u> <u>Waiānakarua</u> <u>Goodwood</u> <u>Pūrākāroui</u> <u>Lower Otago Harbour</u> <u>Smalls / Tomahawk</u> <u>Brighton</u> <u>Taieri River Gorge</u> <u>Outer Otago Peninsula</u> <u>Southern Otago Peninsula</u> <u>Outer Otago Peninsula</u> <u>Taieri Mouth</u> <u>Akatore Coast</u> <u>Toko Mouth</u> <u>Wangaloa</u> <u>Clutha Mouth</u> <u>Kaka Point</u> <u>Jacks Bay / Penguin Bay</u> <u>Hinabina</u> <u>Waipātī (incl. Waipātī Beach & Waipātī Estuary)</u> <u>Wallace Head</u> <u>Waitaki River mouth</u></p> </td> </tr> </table>	<p>Gamaru Harbour Breakwater Moeraki Beach Moeraki Peninsula Shag Point & Shag River Estuary Stoney Creek Estuary Pleasant River Estuary Hawksbury Inlet Waikouaiti River Estuary Karitane Headland Puketeraki Blueskin Bay Orakonui Inlet Māpoutahi Purakanui Inlet Aramoana Otago Harbour Historic Walls Otakou & Tairāoa Head Pipikāretu Point</p>	<p>Te Whakarekaiwi Papanui Inlet Hoopers Inlet Kaikorai Estuary Brighton Akatore Creek Estuary Tekemaihiro Estuary Wangaloa Clutha River Mata-au, Matau Branch Nugget Point Surat Bay Cotlins Lake Estuary Jacks Bay Waiheke Beach Tahakopa Estuary Oyster Bay Tautuku Estuary Waipati Estuary & Kinakino Island</p>	<p><u>Cape Wanbrow</u> <u>All Day Bay Lagoon</u> <u>Te Hakapureirei Beach</u> <u>Moeraki Point and adjacent coast</u> <u>Kātiki Point</u> <u>Kātiki Beach</u> <u>Shag Point (incl. Shag River estuary & Cliffs between Shag and Stoney Rivers)</u> <u>Cliffs south of Stoney Creek</u> <u>Bobbys Head</u> <u>Cliffs south of Tayora</u> <u>Pleasant River spit</u> <u>Pleasant River estuary</u> <u>Tumai</u> <u>Karitane Headland</u> <u>Seacliff</u> <u>Māpoutahi</u> <u>Potato Point</u> <u>Heyward Point (incl. Long Beach & Aramoana)</u> <u>Harbour Islands / Portobello Peninsula</u> <u>Tairāoa Head</u> <u>Harrington Point</u> <u>Pipikāretu</u> <u>Okia (incl. Victory Beach & Papanui Inlet)</u> <u>Allans Beach / Hoopers Inlet</u> <u>Seal Point</u> <u>Boulder Beach</u> <u>St Clair cliffs</u> <u>Kuri Bush</u> <u>Cape Saunders</u> <u>Sandfly Bay</u> <u>Sandymount</u></p>	<p><u>Nugget Point</u> <u>Sandy Bay</u> <u>False Islet</u> <u>Penguin Bay</u> <u>Cosgrove Island</u> <u>Long Point</u> <u>Tahakopa Bay</u> <u>Mahaka Point</u> <u>Frances Pillars / Cathedral Caves</u> <u>Makatū</u> <u>Waiānakarua</u> <u>Goodwood</u> <u>Pūrākāroui</u> <u>Lower Otago Harbour</u> <u>Smalls / Tomahawk</u> <u>Brighton</u> <u>Taieri River Gorge</u> <u>Outer Otago Peninsula</u> <u>Southern Otago Peninsula</u> <u>Outer Otago Peninsula</u> <u>Taieri Mouth</u> <u>Akatore Coast</u> <u>Toko Mouth</u> <u>Wangaloa</u> <u>Clutha Mouth</u> <u>Kaka Point</u> <u>Jacks Bay / Penguin Bay</u> <u>Hinabina</u> <u>Waipātī (incl. Waipātī Beach & Waipātī Estuary)</u> <u>Wallace Head</u> <u>Waitaki River mouth</u></p>
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CE-P3	212	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P3 – Coastal water quality</p> <p>Improve coastal water quality Coastal water quality is improved,³⁷ where it is considered to have deteriorated to the extent described within CE-P12(2),³⁸ and otherwise managed <u>water quality</u>³⁹ by so that:</p> <ol style="list-style-type: none"> (1) maintaining or enhancing⁴⁰ healthy coastal ecosystems, indigenous habitats provided by the coastal environment, and the migratory patterns of indigenous <i>coastal water</i> species are maintained or enhanced,⁴¹ (2) sustaining⁴² Kāi Tahu relationships with and customary uses of <i>coastal water</i> are sustained,⁴³ (3) maintaining or enhancing⁴⁴ recreation opportunities and existing uses of <i>coastal water</i> are maintained or enhanced⁴⁵, and (4) within identified areas where takata whenua have a particular interest, adverse effects on these areas and values are remedied or where remediation is not practicable, are mitigated.⁴⁶ (5) managing activities outside the coastal marine area that have an effect on coastal water quality,⁴⁷ (6) maintaining or enhancing water quality within areas of coastal water identified in CE-P2(3) where mana whenua have a particular cultural interest, and⁴⁸
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³⁷ 00139.064 DCC, 00226.138 Kāi Tahu Ki Otago, 00223.070 Ngāi Tahu ki Murihiku

³⁸ 00226.138 Kāi Tahu Ki Otago, 00137.054 DOC, 00301.020 Port Otago, 00121.043 Ravensdown, 00223.070 Ngāi Tahu ki Murihiku, 00234.019 Te Runanga o Ngāi Tahu

³⁹ 00139.064 DCC, 00226.138 Kāi Tahu Ki Otago, 00223.070 Ngāi Tahu ki Murihiku

⁴⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴¹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴⁵ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.138 Kāi Tahu Ki Otago

⁴⁶ 00226.138 Kāi Tahu Ki Otago, 00234.019 Te Rūnanga o Ngāi Tahu

⁴⁷ 00230.053 Forest and Bird

⁴⁸ 00226.138 Kāi Tahu Ki Otago, 00234.019 Te Rūnanga o Ngāi Tahu

			(7) <u>setting appropriate <i>environmental limits</i> for coastal water quality, including ecosystem health, sediment, kaimoana gathering, contact recreation and habitats of taoka species.</u> ⁴⁹
CE-M3	213	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-M3 – Regional plans</p> <p>Otago Regional Council must prepare or amend and maintain its <i>regional plans</i> no later than 31 December 2028 to:</p> <p>(1) map areas of deteriorated <i>water</i> quality in the coastal environment, in accordance with CE-P2(2) and CE-P2(3),⁵⁰</p> <p><u>(1A) identify, protect, and improve where degraded, areas of coastal water where mana whenua have a particular cultural interest, including wāhi tupuna, statutory acknowledgement areas, tōpuni and nohoaka identified in the NTCSA, and customary fisheries,</u>⁵¹</p> <p><u>(1B) set water quality targets for coastal waters in accordance with CE-P3,</u>⁵²</p> <p>[...]</p> <p>(4) manage the <i>discharge</i> of <i>contaminants</i> into <i>coastal water</i> <u>to achieve <i>environmental limits</i> for <i>water quality</i></u>⁵³ by:</p> <p>(a) <u>minimising the size of the <i>mixing zone</i> only enabling the use of small <i>mixing zones</i></u>⁵⁴ before the <i>water</i> quality standards need to be met in the <i>receiving environment</i> and minimising adverse <i>effects</i> on the life-supporting capacity of <i>water</i> within any mixing zone,</p> <p>(b) prohibiting <u>any new</u> the⁵⁵ <i>discharge</i> of untreated human <i>sewage</i> directly to water in the coastal environment,</p>

⁴⁹ 00226.138 Kāi Tahu Ki Otago, 00234.019 Te Rūnanga o Ngāi Tahu

⁵⁰ 00226.153 Kāi Tahu ki Otago

⁵¹ 00226.153 Kāi Tahu ki Otago

⁵² 00226.153 Kāi Tahu ki Otago

⁵³ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00226.153 Kāi Tahu ki Otago

⁵⁴ 00139.076 DCC

⁵⁵ 00139.076 DCC

			<p><u>(bb) requiring the implementation of methods to progressively reduce the volume and frequency of existing discharges of untreated human sewage from reticulated wastewater system in the event of a system failure or overloading the system, including by minimising stormwater inflows and infiltration into wastewater systems,</u>⁵⁶</p> <p><u>(bc) encouraging methods and actions to reduce contaminant discharges at source,</u>⁵⁷</p> <p>[...]</p> <p>(e) <u>designing installing, operating and maintaining new reticulated wastewater systems to avoiding cross-contamination between <i>sewage</i> and <i>stormwater</i> systems where new systems are proposed and remedying cross-contamination where they <u>it</u> currently exists in established systems, and</u>⁵⁸</p> <p>[...]</p> <p>(5) control the use and development of the <i>coastal marine area</i>, in order to:</p> <p>(a) preserve the <u>coastal water quality</u>; natural character; natural landscapes, features, and seascapes; <u>wāhi tūpuna</u> and indigenous <i>biodiversity</i> of the <i>coastal marine area</i> in accordance with <u>CE-P3, CE-P4, CE-P5, and CE-P6 and HCV-WT-P2</u>⁵⁹, and</p> <p>(b) manage Otago's <u>surf breaks</u> of national significance nationally⁶⁰ and regionally significant <i>surf breaks</i> in accordance with CE-P7,</p> <p>[...]</p> <p>(12) provide for and encourage activities undertaken for the primary purpose of <u>enhancing coastal</u></p>
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⁵⁶ 00139.076 DCC

⁵⁷ 00510.020 Fuel Companies

⁵⁸ 00139.076 DCC

⁵⁹ 00226.153 Kāi Tahu ki Otago

⁶⁰ Clause 16(2), Schedule 1, RMA

			<u>water quality, coastal habitats and ecosystems, customary fisheries, mahika kai and kaimoana activities, and</u> ⁶¹ restoring natural character, features, landscapes, or seascapes in accordance with <u>CE-P3,</u> ⁶² <u>CE-P4,</u> <u>CE-P5,</u> and ⁶³ <u>CE-P6,</u> and <u>CE-P13</u> ⁶⁴ .
CE-M5	214	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-M5 – Other incentives and mechanisms</p> <p><i>Local authorities are encouraged to shall</i>⁶⁵ consider the use of other mechanisms or incentives to assist in achieving Policies CE-P2 to CE-P123,⁶⁶ including:</p> <p>[...]</p> <p>(8) research relevant to the <i>effects</i> of activities on:</p> <p>[...]</p> <p>(f) <u>coastal water quality, or</u>⁶⁷</p> <p>(g) <u>coastal habitats and ecosystems,</u>⁶⁸</p> <p>(9) facilitating the restoration, rehabilitation or creation of coastal habitats, particularly when it:</p> <p>[...]</p> <p>(d) <u>benefits mahika kai and kaimoana species or customary fisheries areas, or</u>⁶⁹</p> <p>(e) <u>will lead to the improvement of areas of deteriorated water quality, and</u>⁷⁰</p> <p>[...]</p>

⁶¹ 00226.153 Kāi Tahu ki Otago

⁶² 00226.153 Kāi Tahu ki Otago

⁶³ 00226.153 Kāi Tahu ki Otago

⁶⁴ 00226.153 Kāi Tahu ki Otago

⁶⁵ 00137.060 DOC

⁶⁶ Clause 16(2), Schedule 1, RMA

⁶⁷ 00226.155 Kai Tahu Ki Otago

⁶⁸ 00226.155 Kāi Tahu ki Otago

⁶⁹ 00226.155 Kāi Tahu ki Otago

⁷⁰ 00226.155 Kai Tahu Ki Otago

CE-P4(4)	233	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P4 – Natural character</p> <p>Identify, preserve and restore the natural character of the coastal environment by:</p> <p>[...]</p> <p>(4) encouraging de-reclamation of redundant reclaimed land where it would restore the natural character and resources of the coastal marine area and provide for more public open space, and⁷¹</p>
CE-P5(1)(g)	259	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P5 – Coastal indigenous biodiversity</p> <p>Protect indigenous <i>biodiversity</i> in the coastal environment by:</p> <p>(1) identifying and avoiding adverse effects on the following ecosystems, vegetation types and areas:</p> <p>[...]</p> <p><u>(g) significant natural areas identified in accordance with APP2, and</u>⁷²</p>
CE-M5	260	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-M5 – Other incentives and mechanisms</p> <p>Local authorities are encouraged to <u>shall</u>⁷³ consider the use of other mechanisms or incentives to assist in achieving Policies CE-P2 to CE-P123,⁷⁴ including:</p> <p>[...]</p> <p>(8) research relevant to the <i>effects</i> of activities on:</p> <p>[...]</p> <p><u>(g) coastal habitats and ecosystems,</u>⁷⁵</p>

⁷¹ 00226.139 Kāi Tahu ki Otago

⁷² 00137.055 DOC, 00120.042 Yellow-eyed Penguin Society

⁷³ 00137.060 DOC

⁷⁴ Clause 16(2), Schedule 1, RMA

⁷⁵ 00226.155 Kāi Tahu ki Otago

			<p>(9) facilitating the restoration, rehabilitation or creation of coastal habitats, particularly when it:</p> <p>(a) encourages the natural regeneration of indigenous species,</p> <p>(b) buffers or links ecosystems, habitats and areas of significance that contribute to ecological corridors, or</p> <p>(c) maintains or enhances the provision of indigenous ecosystem services, and</p> <p><u>(d) benefits mahika kai and kaimoana species or customary fisheries areas, or⁷⁶</u></p>
CE-P6	281	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P6 – Natural features, landscapes and seascapes</p> <p>Protect natural features, landscapes and seascapes in the coastal environment by:</p> <p>(1) identifying their areas and values, <u>at minimum by land typing, soil characterisation and landscape characterisation,⁷⁷</u> in accordance with APP9,</p>
CE-P8	311	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P8 – Public access</p> <p>Maintain or enhance <u>Manage public walking and vehicle access to, and along and adjacent to the coastal marine area by unless restricting public access is necessary:</u></p> <p><u>(1A) maintaining or enhancing public walking access,</u></p> <p><u>(1B) controlling vehicle access, and</u></p> <p><u>(1C) restricting public walking and vehicle access where necessary:</u></p> <p><u>(a) to protect public health and safety,</u></p> <p><u>(b) to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna,</u></p> <p><u>(c) to protect dunes, estuaries and other sensitive natural areas or habitats,</u></p> <p><u>(d) to protect places or areas containing <i>historic heritage</i> of regional or national significance,</u></p>

⁷⁶ 00226.155 Kāi Tahu ki Otago

⁷⁷ 00230.056 Forest & Bird, 00122.018 Sanford

			<p><u>(e) to protect places or areas of significance to <i>mana whenua</i>, including wāhi tapua, wāhi tapu and wāhi taoka,</u></p> <p><u>(f) for defence purposes in accordance with the Defence Act 1990,</u></p> <p><u>(g) for temporary activities or special events, or</u></p> <p><u>(h) to ensure a level of security consistent with the operational requirements of a lawfully established activity.</u></p> <p>(1) to protect public health and safety,</p> <p>(2) to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna,</p> <p>(3) to protect dunes, estuaries and other sensitive natural areas or habitats,</p> <p>(4) to protect places or areas containing <i>historic heritage</i> of regional or national significance,</p> <p>(5) to protect places or areas of significance to <i>takata mana whenua</i>, including wāhi tapua, wāhi tapu and wāhi tūpuna,</p> <p>(6) for defence purposes in accordance with the Defence Act 1990,</p> <p>(7) for temporary activities or special events, or</p> <p>(8) to ensure a level of security consistent with the operational requirements of a lawfully established activity.⁷⁸</p>
CE-P9	334	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-P9 – Activities on land within the coastal environment</p> <p>The strategic and co-ordinated use of <i>land</i> within the coastal environment is achieved by:</p> <p>[...]</p> <p><u>(2A) recognising and providing for the functional and operational needs of <i>nationally significant infrastructure</i> and <i>regionally significant infrastructure</i> where appropriate,⁷⁹</u></p> <p><u>(3) recognising the importance of the provision of <i>infrastructure</i>, <i>food production</i>, and <i>pastoral</i></u></p>

⁷⁸ 00226.143 Kāi Tahu Ki Otago, 00230.058 Forest and Bird

⁷⁹ 00305.013, 00305.014, 00305.015 Waka Kotahi

			<u>farming activities</u> ⁸⁰ to the social, economic and cultural well-being of people and communities, [...]
CE-M4	335	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	CE-M4 – District plans <i>Territorial authorities</i> must prepare or amend and maintain their <i>district plans</i> to: [...] <u>(3A) achieve the integrated management of, and control over, land use activities which could cause direct or indirect effects on the coastal marine area,</u> ⁸¹ [...]
CE-P11	361	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	CE-P11 – Aquaculture Provide for the development and operation of <i>aquaculture activities</i> within appropriate locations and limits, taking into account: <u>(1A) risks to biosecurity from disease or introduced pest species,</u> ⁸² <u>(1B) the effects of aquaculture on cultural values, including effects on mahika kai and kaimoana practices, and customary fisheries, including mātaimai reserves and taiāpure,</u> ⁸³ (1) the need for high quality <i>water</i> required for an <i>aquaculture activity</i> , (2) the need for <i>land</i> -based facilities and infrastructure required to support the operation of <i>aquaculture activities</i> , and (3) the potential social, economic and cultural benefits associated with the operation and development of <i>aquaculture activities</i> .
CE-P13	380	Section 42A recommendations (contained in the analysis and	CE-P13 – <u>Rakatirataka and</u> ⁸⁴ Kaitiakitaka

⁸⁰ 00239.062 Federated Farmers, 00236.055 Horticulture

⁸¹ 00137.059 DOC, 00226.154 Kāi Tahu ki Otago

⁸² 00226.146 Kai Tahu Ki Otago

⁸³ 00226.146 Kai Tahu Ki Otago

⁸⁴ 00226.148 Kāi Tahu ki Otago

		in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>Recognise <u>and give practical effect to Kāi Tahu rakatirataka and provide for</u>⁸⁵ the role of Kāi Tahu as kaitiaki of the coastal environment by:</p> <ol style="list-style-type: none"> (1) <u>facilitating partnership with, and actively</u>⁸⁶ involving <i>mana whenua</i> in decision making and management processes in respect of the coast, (2) identifying, protecting, and improving where degraded, sites, areas and values of importance to Kāi Tahu within the coastal environment, and managing these in accordance with tikaka, (3) providing for customary uses, including mahika kai <u><i>mahika kai</i></u>⁸⁷ and the harvesting of kaimoana, (4) incorporating the impact of activities on customary fisheries, <u>mātaitai reserves and taiāpure</u>⁸⁸ in decision making, and (5) incorporating mātauraka Maōri in the management and monitoring of activities in the coastal environment.
CE-M1a	381	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p><u>CE – M1a - Mana whenua/ mana mona involvement</u></p> <p><u>Local authorities must partner with Kāi Tahu in coastal management by:</u></p> <ol style="list-style-type: none"> (1) <u>actively identifying and pursuing opportunities for mana whenua to exercise their rakatirataka role, manaakitaka and their kaitiaki duty of care kaitiaki role within the coastal environment.</u>
CE-E1	390	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p>CE-E1 – Explanation</p> <p>The provisions in this chapter recognise [...]</p> <p>In addition to the policies in this chapter, the values of the coastal environment are recognised and provided for in <u>a number of other</u> the following chapters of the ORPS, <u>as set out in CE-P1</u>. where they provide direction on the management of the coastal environment or activities within the coastal environment:</p> <ul style="list-style-type: none"> ● ECO <u>Ecosystems and indigenous biodiversity</u>

⁸⁵ 00226.148 Kāi Tahu Ki Otago

⁸⁶ 00226.148 Kāi Tahu Ki Otago

⁸⁷ Clause 10(2)(b)(i) – consequential amendment arising from 00226.038 Kāi Tahu ki Otago

⁸⁸ 00226.148 Kāi Tahu Ki Otago

			<ul style="list-style-type: none"> • LF – Land and freshwater • EIT – Energy, infrastructure and transport • HCV – Historical and cultural values • NFL – Natural features and landscapes • HAZ – Hazards and risks⁸⁹
	457	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p><u>CE-M6 – Monitoring</u></p> <p><u>Otago Regional Council must:</u></p> <ol style="list-style-type: none"> (1) <u>establish a long-term monitoring programme for coastal waters and coastal ecosystems that incorporates cultural health monitoring,</u> (2) <u>record information (including monitoring data) about the state of coastal waters and coastal ecosystems and the challenges to their health and well-being,</u> (3) <u>regularly prepare reports on the matters in (1) and (2) and publish those reports, and</u> (4) <u>take action where the results of monitoring show that this is necessary to achieve the objectives of this policy statement.</u>⁹⁰
CE-AER 8 and CE-AER 9	460	Section 42A recommendations (contained in the analysis and in the s42A version of the pORPS) not correctly shown in report version of the provision.	<p><u>CE-AER 8</u> <u>The mauri of the coastal environment is protected, and restored where it has been degraded.</u>⁹¹</p> <p><u>CE-AER 9</u> <u>Customary uses, including practices associated with mahika kai and kaimoana, are supported, and mana whenua exercise their kaitiaki role within the coastal environment.</u>⁹²</p>

⁸⁹ 00301.027 Port Otago, 00230.066 Forest and Bird

⁹⁰ 00226.157 Kāi Tahu Ki Otago

⁹¹ 00234.014 Ngāi Tahu ki Murihiku

⁹² 00234.014 Ngāi Tahu ki Murihiku