

Draft Coastal Plan for Taranaki, August 2016

Feedback from Climate Justice Taranaki Inc., 18 November 2016

Introduction

1. Climate Justice Taranaki (CJT) welcome the opportunity to provide the Taranaki Regional Council with feedback on the Draft Coastal Plan for Taranaki. We are a community group made up of residents from in and around Taranaki who are concerned about climate change, its root causes and the social injustice associated with it. Our core members have background in environmental science and marine ecology. We have been an incorporated society since 2015.

Coastal Management

2. The NZ Coastal Policy Statement¹ Policy 1(2) recognises that the coastal environment includes the coastal marine area, islands within the coastal management area, areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries..., areas at risk from coastal hazards, etc. The Draft Coastal Plan acknowledges that *“the coastal environment is wider than the coastal marine area”*, the latter as defined in section 2 of the Resource Management Act². The Plan also recognises *“that natural and physical resources and the wider environment consist of interconnected systems”* and there is a need for *“Integrated management”* which we totally support.
3. However only the objectives and policies, not the rules, of the Plan address the wider coastal environment (Plan 1.4.1). We do not believe that applying rules only to the coastal marine areas (or the coastal management areas) and not the rest of the coastal environment, could possibly result in effective integrated management of the coastal environment. Indeed, targeted actions on integrated management are critical. These include (i) managing the interface between land above the mean high water springs and the coastal marine area, (ii) ensuring inter-related plans and policies (e.g. the Draft Coastal Plan and the Freshwater and Land Management Plan) are mutually supportive, (iii) putting in place strong, on-ground rules on all activities that may have cross-boundary effects, and (iv) effective inter-agency planning and coordination (e.g. management of coastal landfarms by regional and district councils)³ to avoid important matters ‘falling through the cracks’.

Policies

4. We agree, in large part, with Policy 1 Coastal Management Areas (d) Open Coast characteristically (i) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally eroding; (ii) may contain significant indigenous biodiversity values ...; (iii) contain areas of high amenity value ...; (iv) contains nationally and regionally important infrastructure; (v) includes reef systems that provide habitat to marine life, and are valued by Māori for mahinga kai; (vi) includes nationally and regionally important surf breaks ...; (vii) are largely high natural character ...; (viii) contain large tracts of representative coastline...; and (ix) contain fisheries that are recreationally, culturally and commercially valuable.
5. We have serious issues over large parts of Policy 5: Activities important to the well-being of people and communities. We support Policy 5(c) which recognizes the importance of meeting future energy needs including marine-based renewable energy resources. We also partly support Policy 5(a) as it recognizes the importance of Port Taranaki and the need for diversification of Port activities. However, it is worth noting that this land was taken from local hapu Ngāti Te Whiti and then quarried to extend the land area for the port which is now partly an exclusion zone. None of this

recognises the rights of tangata whenua. An independent investigation into the alleged dumping of toxic waste from companies like Dow in the port area and back beach, including dioxins at all outfalls, is urgently needed.

6. We strongly object to Policy 5(b) which gives recognition to the exploration, extraction and production of minerals including oil and gas and their derivatives as *“of importance to the social, economic and cultural well-being of people and communities in Taranaki”*.
7. While the government considers the oil and gas industry of national significance and the industry provides substantial financial benefits to a small minority of people in Taranaki, local communities surrounded by oil and gas extraction and production activities benefit little, if at all. Notably Patea, Kaponga, Eltham and Waitara were found to be most socio-economically deprived in the nationwide deprivation study published in 2014^{4,5}. Elsewhere in places like Tikorangi, social fabric is torn as local communities become divided⁶, with a few landowners making a profit from the industry while neighbours gain nothing but stress, dangerous vehicle traffic, drop in property value, and illnesses.
8. Anecdotal research has revealed cancer clusters⁷ around Kapuni, Taranaki’s oldest onshore gas field. Although the Taranaki District Health Board (TDHB)⁸ has not commissioned any research, they warned recently that *“lack of evidence is not the same as evidence that people who live close to petroleum exploration and gas production activities never suffer adverse health effects. Well publicised reports from other countries, most notably the US, suggest that drilling and extraction of gas using hydraulic fracturing, commonly referred to as fracking, has the potential to adversely impact human health.”*
9. The links between fracking, deepwell injection and earthquakes are well documented, especially in the US where millions are now at risk, warned the US Geological Society⁹. The NZ Parliamentary Commissioner for the Environment has warned of the risk to oil and gas wells from seismic activity¹⁰, especially in Hawke’s Bay area with major known earthquake faults. At the time of writing, a 7.8 magnitude earthquake has just (after midnight, 14/11/2016)¹¹ struck Canterbury in the South Island, with hundreds of aftershocks, causing deaths, multiple casualties and damage to properties and infrastructures, and was felt across the country. With aging oil and gas facilities and/or proliferation of new drilling, fracking and waste injection activities, the risks of losses from earthquakes can only increase.
10. The Local Government Act 2002 section 14(1) states that: *“(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and (c) when making a decision, a local authority should take account of— (i) the diversity of the community, and the community’s interests, within its district or region; and (ii) the interests of future as well as current communities; and (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)...”*
11. We question how Council could possibly claim that the exploration, extraction and production of minerals including oil and gas and their derivatives are *“of importance to the social, economic and cultural well-being of people and communities in Taranaki”*, considering the social, economic and cultural diversity among Taranaki communities and the interests of future communities? This claim ignores the fact that it is a minority benefiting over the majority and it does not take into account impacts on future generations.
12. It is a well-recognized fact that we need to keep fossil fuels in the ground¹² if we are to limit climate disruption. World Meteorological Organisation figures show global temperature is already 1.2C above pre-industrial levels and 2016 is set to be the hottest year on record and a new high for the third year running¹³. New Zealand is heating faster than global average¹⁴, with serious consequence on coastal hazards, flooding, agriculture, ski fields, etc. The New Zealand government, along with

200 others, have signed the Paris Agreement on Climate Change¹⁵, to keep global warming well below 2°C, pursue a target of 1.5°C, and invest in climate-adaptation, low-emissions and climate-resilient development. The NZ Parliamentary Commissioner for the Environment has long warned that climate change is the biggest environmental issue of our time. More recently the Commissioner has highlighted the threat to our coastal areas and infra-structure from sea level rise¹⁶, increased erosion and flooding, all associated with climate change. Council have acknowledged that *“The risk or vulnerability to coastal hazards may increase over time due to climate change and sea level rise”* (Coastal Plan p.12). Yet Council still think they can continue to support fossil fuel ‘business as usual’.

13. In view of the above (points 6-12) and in alignment with Policy 19 on a precautionary approach, Council should be focussing on the risks of continued reliance on and further exploration for fossil fuels, and the benefits and urgent need for renewable energy and climate-resilient development, rather than proposing a Policy (5b) that touts the importance of *“new or existing activities”* associated with oil and gas.
14. We agree with Policy 17(a) for coastal hazard risk ensuring (i) where appropriate, the design, placement, and long-term efficiency and use of structures, reclamations or works takes into account dynamic coastal processes, including the expected effects of climate change and sea level rise, assessed over at least a 100 year time frame.
15. We support Policy 19: A precautionary approach, which may include using an adaptive management approach, will be adopted where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. We noted above the apparent conflict between this Policy and Policy 5(b).

Regional Rules

16. Rule 4: We do not support the use of petroleum dispersant in any of the Coastal Management Areas (CMAs) and certainly not as a Permitted activity. Two of the dispersants that have been approved for use by Maritime NZ¹⁷, Corexit 9500 and Corexit 9527, are extremely toxic¹⁸ to humans and the environment, and even more toxic when combined with crude oil. We seek clarifications re the activity status of petroleum dispersant use in other CMAs. We submit that it be Prohibited in all CMAs.
17. Rule 6: We are strongly opposed to allowing existing wastewater discharge that contains human sewage into any CMA, after its consent expires. We submit that this activity be Prohibited in all CMAs, considering its impact on the environment, on Maori rights and interest, the operational problems associated with such facilities, the duration of some existing discharge consents and advancement in wastewater treatment technology.
18. The situation in Waitara demonstrates these issues well.
19. In 1983, the Waitangi Tribunal found that tangata whenua was *“prejudicially affected in that the reefs and associated marine life suffer from various degrees of pollution and that those near to the mouth of the Waitara River in particular are badly polluted and stand to be polluted further... That the Treaty of Waitangi obliges the Crown to protect Maori people in the use of their fishing grounds and to protect them from the consequences of the settlement and development of the land...”* (Wai-6)¹⁹. The Tribunal recommended an *“interim”* arrangement for the discharge of Synthetic Fuels Plant [now Methanax] effluent through the Council’s outfall, the establishment of a Task Force with focus on the *“replacement of the defective Waitara Borough outfall, and in the long term to the provision of land based treatment plants”*, and *“the recognition of Maori fishing grounds in general regulatory and planning legislation...”*

20. Thirty-three years later, sewage and industrial wastes continue to plague the Waitara river and coastal environment. During the 2014-2015 monitoring period, 39 incidents were reported at the New Plymouth Waste Water Treatment Plant which has a discharge consent that is valid until 2041²⁰. Although the Waitara outfall ceased to be used for 'normal operation' in October 2014, wastewater containing raw sewage was discharged via the outfall six times since then, twice in 2016, due to equipment failure, and there have also been nine overflows to the river (Communications with NPDC, 14/11/2016) when the public was warned to stay out of the water²¹. Clearly there are grave consequences of such discharge to public health, environmental integrity and rights to traditional Maori fishing grounds and customary practice as recognised in Wai-6.
21. Rule 7: We are strongly opposed to allowing new wastewater discharge that contains human sewage into any CMA (See above points 17-20). For sure there are substantial costs involved in advanced (or any) wastewater treatment technology, but as one witness for the hapu during Wai-6 stated *"we cannot accept any argument which promotes an inferior system as the best, simply because it is the cheapest."*
22. Rule 8: We agree with the Prohibited status for any new wastewater discharge that contains human sewage into the CMA: Outstanding value, estuaries unmodified, estuaries modified and port.
23. Rule 9: We submit that any discharges from biofoul cleaning into the CMA: Outstanding value and estuaries unmodified, be Non-complying or Prohibited, rather than Permitted.
24. Rule 11: We are strongly opposed to further petroleum prospecting and exploration (See above points 6-13). We submit that all seismic surveying for petroleum in any CMA be Prohibited because of the need to stop any further fossil fuel extraction in order to minimize climate disruption and to avoid harm to threatened marine species, notably the Maui's dolphin, other marine mammals and seabirds.
25. Rules 12 & 13: We are very concerned about these two 'catch-all' rules and seek clarifications and examples of the types of contaminants that fall under these. Are they designed to capture contaminant discharge from industrial facilities such as Methanox Motunui and Fonterra Whareroa plants? Methanox Motunui Ltd holds a consent (3400-2)²² to discharge up to 12,096 cubic metres per day of effluent, containing hydrocarbons, methanol, 13 different treatment chemicals (including 600 kg of the coagulant Klaraid PC 1190P, 400 kg of Cortrol OS7780, 300 kg of Inhibitor AZ8104, 300 kg of Continuum AEC3109 and 20 kg of Spectrus CT1300, etc) and other contaminants into the Tasman Sea via the Waitara marine outfall. Cortrol OS7780²³ is very toxic to aquatic organisms, and there is limited evidence of it being carcinogenic. The maximum daily limit of Spectrus CT1300 may be doubled in response to increased levels of the bacteria Legionella if detected. Spectrus CT1300 is potentially toxic to the liver, kidney and central nervous system. In 2014-2015, two incidents due to Methanox's aging pipelines resulted in non-compliance. Fonterra Whareroa²⁴ held a consent to discharge up to 40,000 cubic metres/day of dairy factory wastewater via a marine outfall, shared by South Taranaki District Council, for the discharge of municipal wastes including meat processing wastes.
26. These industries, by discharging wastes and contaminants into our environment, are causing serious risks to public health and often ignoring Maori rights (See above points 17-21). They externalise the real costs of their operations by making profits from public good. Just as there is an urgent need to transition off fossil fuels onto renewable energy, the linear model of business and product lifecycles will need to transition onto circular economies²⁵ where waste is treated as wealth (rather than liability) – good for business and good for the environment.

27. We argue that strengthening environmental regulation will create the incentives for such transitions. We propose that if such 'catch-all' rules are to remain, then the relevant discharge under Rules 12 and 13 should be Prohibited in all CMAs.
28. Rule 17: We object to permitting the placement of any outfall structure and the associated activities in any of the CMAs. Without a resource consent, it is impossible to know whether the standards/terms/conditions are met. We submit that such activities be Prohibited in CMAs Outstanding Value and Estuaries Unmodified, and Non-complying in the other CMAs.
29. Rule 23: We support the Prohibited status of erection or placement of a whitebait stand in all CMAs. We also support the installation of protected whitebait breeding stations such as staked haybales at the mean high water level of stream and river mouths.
30. Rules 25-27: We are opposed to further petroleum exploration onshore and offshore (See points 6-13 above) and therefore ask that drilling of any petroleum exploration or appraisal well and associated activities in any CMA be Prohibited. If this is not acceptable to Council, then we ask that the setback distance of 1,000 m from sensitive marine benthic habitat (Schedule 6B), reef system or boundary of CMA Outstanding Value be increased to at least 6,000 m. The latter is based on Cawthron (30/10/2015)²⁶ which concluded that while a distance of 1,000 m from a single well drilling activity should be adequate, a much larger buffer distance (6 km or over) could be required to reduce community-based effects from multiple wells. A more conservative approach based on the maximum zone of effects would suggest a buffer distance of 20 km for water-based drilling fluids, as discerned by the limits of barium tracers. It appears that Rules 25-27 refer to the drilling of a single well, but often a second, or more, wells or sidetracks would be drilled for further investigation, appraisal or subsequent production in close proximity, so the rules need to take into account this likely scenario.
31. Rules 28-29: We are opposed to the drilling of new production wells but would support provisions for the maintenance and occupation of space by existing wells and associated infrastructure, and for the abandonment and decommissioning of wells and the associated infrastructure at the end of production life. If any new production wells are to be drilled, then prudent buffer distances as we propose in point 30 should apply. We ask that Rule 29 relating to petroleum production, installation and associated activities in CMAs Outstanding Coastal, Estuaries Unmodified and Estuaries Modified be reclassified as Prohibited (rather than Non-complying).
32. Rules 30-31: We do not support military training activities in a world where most, if not all, wars are fought over control of resources and ideologies. Our group stands for social justice where all can have access to the necessities of life and well-being. The NZDF are clearly not just a 'defence' force.
33. Rules 34 & 37: We have concern over the Permitted status of maintenance, reconstruction, removal or replacement of established structures and the associated activities in CMAs Outstanding Value and Estuaries Unmodified. We propose that they be Discretionary instead, to allow for consideration of new/up-to-date knowledge about ecosystems, species and environmental effects, technological development and proper reporting/monitoring. Furthermore, there are issues with coastlines being presumed to be Crown land where the Seabed and Foreshore Act applies and where Maori reserves have been drawn up incorrectly and/or illegally taken by neighbours. In fact there are clear records and archaeological evidence alongside current use by tangata whenua. The Regional Council have been known to allow seabed removal in tauranga waka and dumping of dredge spoils on Maori reserves eg. Egmont Boat Club. These activities need to be notified at the very least.
34. Rule 51: We submit that disturbance of the foreshore or seabed and deposition of materials for clearance of outfalls, culverts and intake structures and any associated activities, especially the

discharge of contaminants, be Discretionary (not Permitted) in CMA Outstanding Value and Estuaries Unmodified.

35. Rule 56: We propose that the introduction of any exotic plant into the foreshore or seabed of CMA Outstanding Value and Estuaries Unmodified to be Non-complying (not Discretionary).
36. Rule 64: We propose adding to the standards/terms/conditions “(d) the activity will not have an adverse effect on any site identified in Schedule 2 [Coastal areas of outstanding value]”.
37. Schedule 1 CMA and Schedule 2: We propose including Patea Shoals and Rolling Ground as CMA of Outstanding Value and onto Schedule 2 (with corresponding revisions of Figures 19 and 37), based on the recommendation from Cawthron, 2016²⁷ which described these areas as “worth considering as outstanding habitats in terms of ecological sensitivity (EEZ 2012)...” We also ask Council to assess the value of Graham Bank as Cawthron indicated that it has not been investigated and “may be a potentially outstanding area.”
38. We seek some clarifications about the delineation of boundaries of various areas of Outstanding values and their recognition by district councils. There appears to be some mismatch between those on the Coastal Plan (e.g. Figure 39 Waitotara²⁸) and those in the Proposed South Taranaki District Plan 2016 (e.g. Rural Map 22²⁹). Regional and district councils need to align these and other relevant boundaries (See above points 1 and 2).

¹ Department of Conservation, 2010. NZ Coastal Policy Statement 2010. <http://www.doc.govt.nz/about-us/science-publications/conservation-publications/marine-and-coastal/new-zealand-coastal-policy-statement/new-zealand-coastal-policy-statement-2010/>

² NZ Resource Management Act 1991.

http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230272.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management_resel_25_h&p=1

³ Climate Justice Taranaki Inc. 2016. Proposed South Taranaki District Plan – Statement presented by Climate Justice Taranaki Incorporated for Hearings session 27 June 2016. <https://climatejusticetaranaki.files.wordpress.com/2013/03/cjt-south-taranaki-district-plan-hearing-statement-27june2016-final.pdf>

⁴ Atkinson, J., C. Salmond and P. Crampton, 2014. NZDep2013 Index of Deprivation. University of Otago. <http://www.otago.ac.nz/wellington/otago069936.pdf>

⁵ Singh, H. 13/05/2014. Where are NZ's most deprived areas? (+interactive) NZ Herald. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11254032

⁶ Tikorangi the Jury Garden, Lessons from the Tikorangi Gaslands. Website accessed on 13/11/2016. <https://jury.co.nz/category/petrochem/>

⁷ Harvey, H. 04/08/2012. Fracking tour taps deep fear. <http://www.stuff.co.nz/taranaki-daily-news/features/7414155/Fracking-tour-taps-deep-fear>

⁸ Taranaki District Health Board, 22/07/2016. South Taranaki District Plan Review – Request from Hearings Panel. https://www.southtaranaki.com/uploaded_files/District-Plan/160810/Taranaki%20District%20Health%20Board.pdf

⁹ Seven million Americans at risk of man-made earthquakes, USGS says. NZ Herald, 29/03/2016. http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=11613127

¹⁰ Parliamentary Commissioner for the Environment, 2014. Drilling for oil and gas in New Zealand: Environmental oversight and regulation. <http://www.pce.parliament.nz/publications/drilling-for-oil-and-gas-in-new-zealand-environmental-oversight-and-regulation>

¹¹ Live: 7.5 quake near Hanmer rocks whole country. Radio NZ, 14/11/2016. <http://www.radionz.co.nz/news/national/318002/live-7-point-5-quake-near-hanmer-rocks-whole-country>

¹² McGlade, C. and P. Ekins, 2015. The geographical distribution of fossil fuels unused when limiting global warming to 2°C. Nature 517, 187-190. <http://www.nature.com/nature/journal/v517/n7533/full/nature14016.html>

¹³ 2016 will be the hottest year on record, UN says. The Guardian 14/11/2016. https://www.theguardian.com/environment/2016/nov/14/2016-will-be-the-hottest-year-on-record-un-says?utm_source=esp&utm_medium=Email&utm_campaign=KIITG+series+2016&utm_term=199820&subid=14926182&CMP=ema-60

¹⁴ By 2025 hottest years on record will be the new normal. Stuff 9/11/2016. <http://www.stuff.co.nz/environment/climate-news/86262999/by-2025-hottest-years-on-record-will-be-the-new-normal>

¹⁵ UNFCCC, 2015. Paris Agreement. http://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf

¹⁶ Parliamentary Commissioner for the Environment, 2015. Preparing New Zealand for rising seas: Certainty and Uncertainty. <http://www.pce.parliament.nz/publications/preparing-new-zealand-for-rising-seas-certainty-and-uncertainty>

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- ¹⁷ Maritime NZ, 2013. National Oil Spill Contingency Plan Annex 7. <https://www.maritimenz.govt.nz/public/environment/responding-to-spills/documents/National-Plan-Annex-7.pdf>
- ¹⁸ Corexit, oil dispersant used by BP, is destroying Gulf Marine Life, scientists say. Huffington Post, 25/04/2013. http://www.huffingtonpost.com/2013/04/25/corexit-bp-oil-dispersant_n_3157080.html
- ¹⁹ Waitangi Tribunal Wellington New Zealand, March 1983. Report of the Waitangi Tribunal on the Motunui – Waitara Claim (Wai 6). https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68496669/Report%20on%20Motunui-Waitara%20Claim.pdf
- ²⁰ Taranaki Regional Council, May 2016. New Plymouth District Council New Plymouth Wastewater Treatment Plant Marine Outfall and Sludge Lagoon Monitoring Programme Annual Report 2014-2015. <https://www.trc.govt.nz/assets/Documents/Environment/Monitoring-wastewater/MR2015-NPDCNPWastewaterTreatmentPlant.pdf>
- ²¹ Multi-million dollar sewer main springs a leak between Waitara and New Plymouth. Taranaki Daily News, 27/03/2016. <http://www.stuff.co.nz/taranaki-daily-news/news/78292173/sewer-main-springs-a-leak-between-waitara-and-new-plymouth>
- ²² Consent 3400-2. In Taranaki Regional Council, March 2016. Methanex Motunui and Waitara Valley Combined Monitoring Programme Annual Report 2014-2015. <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2015-Methanex.pdf>
- ²³ GE Water & Process Technologies Safety Data Sheet – CORTROL OS7780. <http://cms.sypol.com/Uploads/0/SCHP-MSDS-012-CORTROL%20OS7780%20R1.pdf>
- ²⁴ Consent 1450-2. In Taranaki Regional Council, March 2016. Fonterra Whareroa Compliance Monitoring Programme Annual Report 2014-2015. <https://trc.govt.nz/assets/Documents/Environment/Monitoring-Industry/MR2015-FonterraWhareroa.pdf>
- ²⁵ Leggett, J. 11/10/2016. The renewable energy and waste industries: 21st century confederates in changing the global economy. <http://www.jeremyleggett.net/2016/10/the-renewable-energy-and-waste-industries-21st-century-confederates/>
- ²⁶ Cawthron Institute, 30/10/2015 communication with Taranaki Regional Council. Petroleum drilling activities: Buffer distances from outstanding areas and substrate types requiring protection. <https://trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF>
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- ²⁸ Taranaki Regional Council, 2016. Draft Coastal Plan for Taranaki Schedule 2: Coastal areas of outstanding value. <https://trc.govt.nz/assets/Documents/Plans-policies/CoastalPlan/Draft-Coastal-Plan-for-Taranaki-Schedule-2-Coastal-areas-of-outstanding-valueD1.pdf>
- ²⁹ South Taranaki District Council, 2016. Proposed South Taranaki District Plan Rural Maps. https://www.southtaranaki.com/uploaded_files/Decision%20Version/Plan%20Maps%20Rural.pdf