



***PLANNING REPORTS ON SUBMISSIONS***  
***RELATING TO***  
***PORT TARANAKI & NGAMOTU BEACH***

For consideration by the Environment Committee  
29, 30 & 31 August 2000



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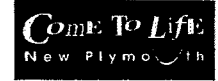
**NEW PLYMOUTH DISTRICT COUNCIL**  
**PLANNING & ENVIRONMENTAL SERVICES DEPARTMENT**

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**PROPOSED NEW PLYMOUTH DISTRICT PLAN**  
**REPORT ON SUBMISSIONS**



**Submission Topic**

**Issue 1 – The adverse effects of activities on the character of areas**  
**Rules - Introduction**

**Issue 1 – Scope**  
**Rules – new rules proposed – activity specific**

<u>Submitter</u>	<b>Westgate Transport Limited</b>	<u>Submission No:</u>	<b>182</b>
<u>Submission Type</u>	<b>Submission</b>	<u>Submission Date</u>	<b>5/03/99</b>

**Summary of Submission**

Westgate Sub. 1

The company requests that the Council establish a Port Policy Area (PPA) overlay zoning for the entire area which is related to existing and future Port operations, including all land owned by the Company at the Port (plan provided refer Fig 1). The Company considers that there are many provisions in the Industrial D Environment Area (IDEA) applying over the Port area that are inappropriate or irrelevant in terms of the Port's operations and possible future plans for development.

**Decision Sought**

Establish a PPA, to apply to the area shown on the plan supplied and to be included on Maps C21, C22 and C23.

Include new rules for the PPA in the Overlay section of the proposed plan dealing with the following matters:

- New maximum noise levels for the Port
- Removal of trees at Ngamotu Beach
- Removal of the Beam Oil Pump
- Activities within close proximity to archaeological sites and waahi tapu
- Height limits
- Relocation of buildings
- Siting of pipelines
- Excavation and filling
- Outdoor storage of items
- Landscaping requirements for car parking areas
- Operation of Hazardous Facilities Screening Procedure

The Industrial D Environment Areas Rules otherwise apply, except that where PPA Rules have been established, they take precedence over the Rules for the underlying Industrial Environmental A.

References to the port and the PPA shall be included where there are references to the airport (namely Issues 1, 2 and 21).

Appropriate references shall be made to the PPA in descriptions of the plan's contents and structure (including rule matrices) wherever these occur in the plan.

<u>Submitter</u>	<b>Re-Source Exploration</b>	<u>Submission No:</u>	<b>298</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

**Summary of Submission**

SUPPORT submission 182, specifically the proposal put forward for a "port plan" relating to the area affected by Port operations.

**Decision Sought**

This is an area of complex activities for a wide section of the community. A comprehensive document which provides a plan is required. The proposed NPDC plan falls well short in this area.

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<u>Submitter</u>	<b>Geosphere Exploration Ltd</b>	<u>Submission No:</u>	<b>300</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

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**Summary of Submission**

SUPPORT submission 182 relating to the establishment of a Port Policy Area and associated matters, with particular reference to use of the eastern reclamation.

**Decision Sought**

The construction of the eastern reclamation was intended for industrial purposes and none of the submissions contemplate any non-industrial use. It represents an amenity with the capacity to support substantial economic activity consistent with its location in the port.

The philosophy encapsulated within Westgate's proposed Port Policy Area recognises the recreational value associated with Ngamotu Beach and provides the most effective balance between amenity values and other economic values.

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<u>Submitter</u>	<b>Contact Energy Ltd</b>	<u>Submission No:</u>	<b>409</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>10/06/99</b>

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**Summary of Submission**

OPPOSE submission 182 relating to development of an activity-based recognition of the port (the PPA).

**Decision Sought**

It is implicit in the submission that the effects within the port are in some way distinguishable from the effect occurring on the neighbouring power station site. Contact Energy does not believe that that view is sustainable. If the Council is minded to approach some major industrial activities on a site specific activity basis and determines that there is a valid distinction to be made, the New Plymouth power station would qualify for similar individual treatment by reason of its size, and the particular characteristics of the existing use of the site.

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<u>Submitter</u>	<b>Contact Energy Ltd</b>	<u>Submission No:</u>	<b>409</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>10/06/99</b>

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**Summary of Submission**

OPPOSE submission 182 requesting inclusion of a PPA and associated rules.

**Decision Sought**

It is recognised that sensitive activities may wish to locate in or near the Business and Industrial Environment Areas. It is therefore important that activities should be provided some degree of protection from sensitive activities that may wish to establish in, or adjacent, to these areas.

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<u>Submitter</u>	<b>Wikitoria Beamish &amp; Whanau &amp; Friends</b>	<u>Submission No:</u>	<b>421</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

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**Summary of Submission**

OPPOSE submission 182 relating to the formulation of a Port Policy Area.

**Decision Sought**

The Port Policy Area will remove customary public access to a public beach. It will also take away customary access to Maori wahi tapu and pa sites etc. and fishing sites.

<u>Submitter</u>	<b>Wikitoria Beamish &amp; Whanau &amp; Friends</b>	<u>Submission No:</u>	<b>421</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

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**Summary of Submission**

OPPOSE submission 182 relating to the use of the port area.

**Decision Sought**

The port has commented in the introduction to its submission that "the affected land is primarily and irreversibly a commercial port. This fact needs to reflect in all related plan provisions". This suggests that there can't be changes that could reflect tangata whenua rights. We strongly disagree. There is scope to develop joint protocols that can incorporate public needs with commercial development.

The port development has been built on land taken from Maori - Maori have been marginalised in our own homelands. Planning needs to show a return of assets to Maori.

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<u>Submitter</u>	<b>Ngati Te Whiti Hapu Society Inc</b>	<u>Submission No:</u>	<b>427</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

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**Summary of Submission**

OPPOSE Submission 182 which request the implementation of a Port Policy Area for the Port, Ngamotu and environs

**Decision Sought**

The proposed Port Policy Area will continue that thread of continued exclusion of our people. We need to be in touch with our waahi tapu, pa sites and kaimoana areas.

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<u>Submitter</u>	<b>Taranaki Healthcare</b>	<u>Submission No:</u>	<b>435</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>10/06/00</b>

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**Summary of Submission**

SUPPORT submission 182 relating to establishment of a Port Policy Area with associated rules.

**Decision Sought**

The concept of a specific noise environment for a port is accepted as a realistic proposal and is further supported by a draft New Zealand Standard (NZS6809:1999). This draft standard will most likely be confirmed by NZ Standards within the next month.

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<u>Submitter</u>	<b>Standard Port Submission (grouped)</b>	<u>Submission No:</u>	<b>453</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>25/08/99</b>

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**Summary of Submission**

OPPOSE submission 182 relating to the development of a Port Policy Area.

**Decision Sought**

No change to port policy is warranted given the declining level of port use and, by Westgate's admission, no development projects are confirmed.

No construction or industrial activity must take place on or near Ngamotu Beach, affect current public access and use in the port area or tamper with historical and ecological areas of significance.

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## Discussion

Submitter 182, the port operating company, requests that a separate 'port policy area overlay zoning' with associated rules be included in the plan for the entire area owned by the company. This request is supported by Submitters 298, 300 and 435, and opposed by Submitters 409, 421 and 427, and 151 others as represented in Submission No 453.

A standard submission has been prepared by community members in response to Westgate submission 182. A number of submitters have used this submission and they are represented collectively in this report by submission 453. A list of all the submitters that have used this standard submission is given following the contents pages for these reports.

The company's land is comprised in two zonings, that is, Industrial D Environment Area and Open Space B Environment Area. The separate zonings are differentiated by the two distinct environmental characteristics of Port Taranaki. These are:

1) The existing areas used for cargo storage and handling, stevedoring and maintenance workshops and offices together with land planned for port industrial use including the grassed area to the south of Ocean View Parade (behind Ngamotu Beach) and the Eastern Reclamation; and

2) the coastal recreational area known as Ngamotu Beach together with land associated with the Lee Breakwater used for recreational purposes.

(Note: Ngamotu Beach is zoned 'Industrial D' in the Proposed Plan; in response to submissions it is recommended that the zoning be changed to Open Space B – see separate report)

The Industrial D Environment Area extends beyond the port company's land. It includes land adjoining Westgate on which the New Plymouth Power Station is situated. It also includes properties to the south of Breakwater Road 'behind the Port', and either side of Centennial Drive westward to Paritutu Road.

The land uses in the area identified as 'Industrial D' are generally characterised by medium to large industrial buildings and structures, the majority of which have some affiliation with port activity, either directly or indirectly. Submitter 409, the adjoining power station operator, contends that, from an environmental management viewpoint, it would be impractical to distinguish between its site and port activities. Having regard to the nature of the Industrial D Environment Area (as set out on page 328 of Volume I of the proposed plan) we are inclined to agree with this view.

The proposed zoning of Port Taranaki and environs is not dissimilar to the general zoning pattern in the Transitional District Plan. The Industrial D area reflects the extent of the Port P1 zone (including the underlying zoning for the area designated for port purposes) and the Open Space B area will reflect the Port 2 (Interior Recreation) zoning.

Submitter 182 contends that the plan provisions, and in particular the rules, relating to the Industrial D area are 'inappropriate or irrelevant in terms of the Port's operations and possible future plans for development.' The particular rules that the company is concerned with have been separately submitted on and are separately reported on.

In essence, what the company seeks is a separate zoning for its land holding with policies and rules specific to its activities. Given the two distinct environment character areas readily evident at Port Taranaki, i.e. industrial and recreational, we do not believe a separate zoning for the Port is neither appropriate nor justifiable. The Proposed Plan deals with the effects of activities; it does not provide for specific types of activities. The overlays are intended to recognise and protect specific values (such as heritage and natural values) within the district - not to exempt particular activities from meeting the standards within the plan or from the requirement in the Act to avoid, remedy or mitigate adverse effects of those activities on the environment.

The proposed zoning arrangements and relevant policy and rule framework have been constructed to manage the likely adverse environmental effects relative to the two Environment Areas being considered. Further, the form of the proposed plan has been written in such a way, unlike the transitional plan, so as to avoid the listing of activities. While this approach applies to all Environment Areas, it is a particularly important consideration insofar as future development at Port Taranaki is concerned.

Ngamotu Beach has long been freely accessible to the public for recreational use and is highly valued by the community in this regard. The area is also of cultural significance as alluded to by Submitters 421 and 427. However, the land on which it is situated is port company land and may eventually be required for port purposes. Any developments undertaken by Westgate at Ngamotu Beach that meet the Open Space B permitted activity rules will be able to take place as of right. Those that don't will be subject to resource consent procedures. By contrast, the Port P2 (Interim Recreation) zoning in the Transitional Plan requires that where 'essential harbour works or facilities' are required to be undertaken a zone change is required to be notified (ref: Ordinance 701-33-2).

It is considered that the provisions of the proposed plan will strike an appropriate balance between maintaining the character of Ngamotu Beach as an Open Space recreational area while at the same time recognising the property interests of the port operating company and its future commercial and operational needs.

Notwithstanding the support for a Port Policy Area from submitter 435, the use of NZS 6809:1999 as a method to manage port related noise is recommended for adoption in a separate report.

### **Recommendation**

That submissions 182, 298, 300 be disallowed, that further submission 435 be allowed in part, and that further submissions 220, 221, 226 to 235, 237, 239 to 258, 260 to 288, 307 to 313, 315 to 329, 331 to 385, 390 to 392, 394, 396 to 402, 445 (represented in this report by the Port Submitters Standard Submission - 453) and further submissions 409, 421 and 427 be allowed, and that a separate Port Policy Overlay Area, with associated rules, not be introduced.

**F Versteeg**  
**PLANNING AND ENVIRONMENTAL SERVICES MANAGER**  
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CM Comber  
SENIOR PLANNER



# PROPOSED NEW PLYMOUTH DISTRICT PLAN

## REPORT ON SUBMISSIONS



### Submission Topic

**Issue 8 - Activities which reduce or detract from the amenity of open space areas**

### Issue 8 - SCOPE

<u>Submitter</u>	<b>Taranaki Regional Council</b>	<u>Submission No:</u>	<b>190</b>
<u>Submission Type</u>	<b>Submission</b>	<u>Submission Date</u>	<b>01/03/99</b>

### Summary of Submission

For the purpose of integration, it is important that the Proposed District Plan recognises those coastal areas defined as important recreational amenity areas in the Regional Coastal Plan for Taranaki. These are shown as Open Space Environment Areas but the explanation of Issue 8 makes no reference to the recreational amenity value of these areas or the adjacent coastal and beach areas.

### Decision Sought

That Issue 8 of the Proposed District Plan (page 48) recognise coastal open space areas and the adjacent coastal areas listed on page 30-31 of the Regional Coastal Plan for Taranaki as important recreational amenity areas.

<u>Submitter</u>	<b>Westgate Transport Ltd</b>	<u>Submission No:</u>	<b>301</b>
<u>Submission Type</u>	<b>Cross Submission</b>	<u>Submission Date</u>	<b>11/06/99</b>

### Summary of Submission

OPPOSE Submission 190 which seeks that the proposed plan identify as important recreational amenity areas a number of coastal areas currently identified in the Regional Coastal Plan.

### Decision Sought

Westgate does not oppose this submission in principle, but as detailed in its original submission (please refer to Section 23), the company seeks recognition of Ngamotu Beach as a future area for operational activity. Any decision to accept the relief sought by the Regional Council will need to be qualified accordingly.

### Discussion

Policy 3.2 of the Regional Coastal Plan for Taranaki states "Regard will be had, in making coastal management decisions, to the regional importance of the amenity values of the following areas ..". It then lists a number of areas throughout the region, including some within the New Plymouth District. Submission 190 asks that recognition of the recreational value of these areas is reflected in the District Plan. Further submission 301 opposes this submission but only to the extent that the value of Ngamotu beach to the Ports operations should also be recognised.

It is a matter of fact that the areas are listed in Policy 3.2 of the Regional Coastal Plan. However, in some cases the land adjoining these areas is zoned rural. Therefore, any reference to these areas in this issue should be restricted to open space areas. Reasons 8.1 should also be amended in this regard.

This provides for integration with the Regional Coastal Plan for Taranaki and the New Zealand Coastal Policy Statement (policy 3.1.2 of which requires plans and policy statements to identify such areas).

### Recommendation

That submission 190 and further submission 301 be allowed in part and that a new paragraph be added to the description of Issue 8 following paragraph 4 (which ends ".. fully utilised and appreciated.") as follows:

"A number of OPEN SPACE ENVIRONMENT AREAS adjoin areas that have been identified in the Regional Coastal Plan for Taranaki as having regionally important amenity values. These area include Urenui Estuary, Onaero Beach, Waitara Beach, Bell Block Beach, Waiwhakaiho River Mouth, Fitzroy Beach, East End Beach,

Kawaroa Park, Ngamotu Beach, Paritutu/Back Beach and Oakura Beach. Of these areas, only Ngamotu Beach is privately owned. The beach was recognised as a port asset in the Taranaki Port Company Plan (September 1990), which established Westgate Transport Ltd as a port company under the Port Companies Act 1988. It has been identified by the port company as an area for future operational activity, although it is also recognised that it is appropriate to provide for the valued recreational activities to take place within it for as long as possible."

The following consequential changes are also required:

1) Amend Reasons 8.1 to read:

"The OPEN SPACE B ENVIRONMENT AREA is characterised by those areas that are predominantly focused towards informal recreational pursuits, usually of a more passive nature, such as walking, playing or fishing. They are more open, with less built features than the OPEN SPACE A ENVIRONMENT AREA. Some examples where this ENVIRONMENT AREA will apply include Ngamotu Beach, Matekai Park, Te Henui Walkway, James Nuku Park, and the motorcamps at Bell Block, Oakura and Belt Road."

2) Amend the description of the Open Space Environment Areas given in the rules section of the plan (page 372) to read:

"The OPEN SPACE B ENVIRONMENT AREA is characterised by those areas that are predominantly focused towards informal recreational pursuits, usually of a more passive nature, such as walking, playing or fishing. They are more open, with less built features than the OPEN SPACE A ENVIRONMENT AREA. Examples include Ngamotu Beach, Matekai Park, Te Henui Walkway, James Nuku Park, and the motorcamps at Bell Block, Oakura and Belt Road."

**F Versteeg**

**PLANNING AND ENVIRONMENTAL SERVICES MANAGER**

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