



PROPOSED REGIONAL COASTAL PLAN
2016

SUMMARY OF DECISIONS REQUESTED

July 2016

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Introduction

Background

On 25 January 2016 the West Coast Regional Council (the Council) notified the Proposed Regional Coastal Plan 2016 (RCP) in accordance with the provisions of the First Schedule of the Resource Management Act 1991. A total of 26 submissions were received on the proposed RCP.

This document summarises the submissions, and decisions requested, from the 26 submissions lodged.

Further Submissions

Further submissions are now invited in support of, or in opposition to, submissions received. A further submission is a submission that supports or opposes an original submission to the proposed RCP, either in full or in part. A further submission cannot extend the scope of the original submission, and can only seek acceptance or rejection of the original submission in whole or in part.

Under Clause 8(1) of the First Schedule of the Resource Management Act 1991, the following persons may make a further submission:

- Any person representing a relevant aspect of the public interest; and
- Any person that has an interest in the Proposed RCP greater than the general public has; and
- The local authority itself.

When making a further submission, a copy must be served on the person who made the submission to which the further submission relates, within 5 working days of lodging it with the Regional Council. Names and addresses of the submitters are included at the rear of this Report.

A standard form for making a further submission in support or opposition is available. A copy is available with this document or can be downloaded from www.wcrc.govt/newCoastalPlan.

The closing date for making further submissions by those people entitled to do so is **5.00pm, Friday 22 July**. Further submissions can be delivered to the office at 388 Main South Road, Paroa, Greymouth; posted to PO Box 66, Greymouth 7840; or emailed to rcp@wcrc.govt.nz.

Process from here

After the period for further submissions has finished, the West Coast Regional Council will set a hearing date to consider the original submissions and any further submissions lodged in support or opposition of original submissions. Pre-hearing meetings may also be held. Submitters and further submitters will be kept informed about the process by staff.

Any person wishing to obtain further information, or discuss aspects of the Proposed RCP, may write to PO Box 66, Greymouth 7840; email rcp@wcrc.govt.nz or phone the Regional Council offices on 03 768 0466 or toll free 0508 800 118.

Readers guide

This document follows the order of the Proposed RCP, with the individual decisions requested by submitters grouped under the relevant sections of the Proposed RCP.

Each decision requested by a submitter has been assigned a decision number. The decisions are numbered sequentially for the Plan. For example:

- Decision 4.1 is the 1st decision requested for Section 4;
- Decision 4.10 is the 10th decision requested for Section 4.

Note: GS refers to general submissions made on the proposed RCP.

The following shows the format of this Summary of Decisions Requested Report.

Section of proposed RCP on which a submission is made	→	13.3.7 Noise
Decision number	→	Decision Requested: 13.27
Who made submission	→	Submitter 2 CPHWC
Submission/Change sought	→	<p>Noise Sub-clause 2: CPH supports the proposal in part but with amendment.</p> <p>In the proposed section about information, reference to "excessive" noise is misleading and the key reference to "unreasonable" noise has been omitted. Excessive noise is not a consideration under information requirements.</p> <p>Relief sought: Retain the provision in part and amend as follows:</p> <p>Replace the term "<i>excessive</i>" with "<i>unreasonable</i>"</p>

Copies of the submissions made can be downloaded from Council's website at www.wcrc.govt.nz/newCoastalPlan.

The decisions sought by each submitter on the Proposed RCP can be found by referring to the following table *Index of Decisions Requested: Submissions*. The number assigned shows the relevant chapter and the number of the individual submission, as described above.

New text requested is shown as *underlined and in italics*, while text that is requested to be deleted is shown as ~~*struckout*~~. (as indicated above).

Table of Submitters

Submitter Number	Submitter	ABR	Wish to be heard	Heard with Others
1	Buller Conservation Group	BCG	Yes	Yes
2	Community & Public Health West Coast	CPHWC	Yes	No
3	Department of Conservation	DOC	Yes	Yes
4	Paul Elwell-Sutton	ELWEP	No	
5	Federated Farmers of New Zealand	FFNZ	Yes	
6	Grey District Council	GDC	Yes	
7	Richard Herring	HERRR	Yes	Yes
8	Frida Inta	INTAF	Yes	Yes
9	Brian Jones and the Kongahu Rating District	JONKRD	Yes	
10	KiwiRail Holdings Limited	KIWIR	Yes	Yes
11	Neil Mouat	MOUAN	Yes	
12	New Zealand Defence Force	NZDF	Yes	Yes
13	New Zealand Steel	NZS	Yes	
14	New Zealand Transport Agency	NZTA	Yes	
15	Inger Perkins	PERKI	No	
16	Richard Reynolds	REYNR	No	
17	Michael Rogers	ROGMIC	No	
18	Mitchell Rogers	ROGMIT		Yes
19	Royal Forest and Bird Protection Society of New Zealand	RF&B	Yes	Yes
20	Silver Fern Farms	SILFF	Yes	Yes
21	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Makaawhio, and Te Rūnanga o Ngāti Waewae	TRONT	Yes	
22	Bruce Watson and Claudia Landis	WATLAN	Yes	Yes
23	West Coast Conservation Board	WCCB	No	
24	West Coast Penguin Trust	WCPT	Yes	Yes
25	Westland District Council	WDC	Yes	
26	Westpower Limited	WESTP	Yes	

Submitter Number	Abrv	Decisions Requested									
19	RF&B	GS10	GS11	GS12	GS13	1.4	1.5	1.6	3.5	3.6	4.8
		4.12	4.19	4.22	4.24	4.27	4.30	5.5	5.9	5.14	5.16
		5.18	5.22	5.27	5.34	6.7	6.11	6.14	6.22	7.11	7.16
		8.8	8.13	9.7	10.7	10.16	12.15	12.25	12.30	12.33	12.37
		12.44	12.47	12.54	12.62	12.67	12.72	12.85	12.94	12.98	12.101
		12.109	12.111	12.114	12.117	12.120	12.122	12.126	12.133	12.138	12.142
		12.145	12.151	12.155	12.161	12.164	12.166	12.169	12.174	12.177	12.181
		12.186	13.1	13.4	13.12	13.15	13.17	13.19	13.22	13.28	14.4
		15.3	S2.3	S3.3	S3B.3	S3D.3	S3E.5	NS.2			
		20	SILFF	8.3	12.115	S3B.4					
21	TRONT	GS20	GS21	GS22	GS23	1.8	1.10	1.11	1.12	2.2	2.3
		2.4	2.5	2.6	2.7	2.8	2.10	2.12	2.13	3.12	3.18
		3.23	3.27	3.30	3.39	3.44	3.61	3.68	3.80	4.31	5.10
		6.3	6.8	6.12	6.17	6.23	6.28	6.29	7.5	7.12	8.4
		8.5	8.9	8.14	8.20	8.22	8.25	8.26	8.30	9.8	9.11
		11.3	11.6	12.9	12.16	12.18	12.38	12.55	12.74	12.77	12.80
		12.86	12.95	12.99	12.102	12.118	12.127	12.139	12.143	12.146	12.156
		12.162	12.167	12.178	12.187	12.188	12.189	12.192	12.193	13.2	S3A.3
		S4.2	S8.2	S10.5							
		22	WATLAN	1.9	12.60	S3C.6					
23	WCCB	3.7	5.19								
24	WCPT	GS24	GS25	GS26	7.13	10.17	12.5	15.4	S1.7	S3E.6	
25	WDC	GS14	GS15	GS16	1.7	3.8	3.62	3.69	5.23	5.28	8.31
		12.45	12.87	13.16	14.5	16.10	S3C.7				
26	WESTP	GS27	3.13	3.40	3.45	3.54	3.70	3.77	5.6	5.11	5.24
		5.29	6.9	6.18	6.24	7.14	9.9	9.12	12.39	12.73	12.128
		12.157	12.175	16.11	16.12						

Index of Decisions Requested: Further Submissions

Submitter Number	Abrv	Decisions Requested
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GENERAL SUBMISSIONS ON THE PROPOSED RCP

Decision Requested: GS 1

Submitter 1, 8 BCG, INTAF

There is not enough reference to, nor incorporation of, the NZ-CPS in this plan; in fact this proposed plan could be viewed as contrary to the NZ-CPS.

There is quite a lot of indigenous biodiversity remaining in the west coast's CMA, although much of it bordering rural and urban areas has been drained and reclaimed e.g. farm fences in the CMA, or weeds have overtaken. Consents for development are rarely turned down or altered to protect natural character, and illegal degradation can be ignored by our local councils. This trend has to be reversed. Nevertheless there are pockets that need to be protected in such areas e.g. the little islands just offshore of Granity; there are so many other little pockets that need protection also. Policy 14 of the NZ-CPS recognises restoration of natural character as a valid activity that should be undertaken. The WCRC should be promoting that the CMA be reinstated in its natural cover wherever possible. Any new development in the CMA should be a restricted activity.

Decision Requested: GS 2

Submitter 1, 8 BCG, INTAF

Policy 16 of the NZ-CPS says that surf breaks of national significance should be recognised. Implementing this policy would immediately include Tauranga Bay at least. There should be mention of such surf breaks in this proposed plan, possibly in chapter 4. These could include regionally significant sites such as Cobden and Punakaiki, Carter's Beach etc.

Decision Requested: GS 3

Submitter 1, 8 BCG, INTAF

Recent proposed regional plans have misinterpreted the RMA, relying too heavily on an August 2013 RMA Journal article, "A Call for Regional Leadership". It is only an article and has not been tested at court level. RMA Section 5 recommends promoting the sustainable management of natural and physical resources. "sustainable management", is then further qualified to ensure a balance is created between protecting natural character and enabling communities to prosper. The principles and policies of the NZ-CPS must also be adhered to. This Proposed Coastal Plan is written in favour of promoting the positive effects of use and development, which is unbalanced in terms of section 5 and the NZ-CPS. RMA, Section 3, as interpretation, does say that effects can be positive or adverse, but section 5, under Purpose and Principles, stresses the importance of addressing adverse effects. The WCRC should take a precautionary outlook with respect to choosing the interpretation of section 5 within an untested RMA journal article over a well-grounded, conservative interpretation of section 5.

Section 5 must also be read in conjunction with sections 6 and 7, where economic development is not listed as a matter of national importance but is listed as another matter under section 7, which says the efficient use of the environment is an expectation, with **efficiency** being the pivotal wording. This cannot interpret into economic development at any biodiverse cost. The RMA is an effects-based legislative instrument so that if business and employment opportunities want to be promoted in this plan they should be promoted via the adverse effects of missed opportunities. There should be more emphasis in this plan as to any applicable section 6 matters.

The west coast has more natural environment than many other areas in NZ, but we should not seek the lowest common denominator with regards to that natural heritage but rather seek a national balance, and even a global balance, of that heritage, where the coast is a large contributor. Rewards are tourism and contributions to addressing climate change through carbon sequestration in our forests.

Decision Requested: GS 4

Submitter 1, 8 BCG, INTAF

There are numerous cross references in this plan. It may be that the final version of this and other proposed regional plans will be different to what they are now, so cross references in this plan may then become redundant. It may have been wiser to concentrate on the submission process for one statutory document at a time to prevent immediate redundancy in other plans in the planning stage.

Relief sought:

Cross references need to have a url that brings up the cross-reference, at least within the same document; it is timely that such occurs, as more and more people access such documents digitally now.

Decision Requested: GS 5**Submitter**

4

ELWEP

In New Zealand, marine mammals, including fur seals, and seabirds are protected in Coastal Marine Areas (CMA) under a range of statutes, including the Marine Mammal Protection Act 1979, the Wildlife Act 1953, and the Conservation Act 1987.

On the West Coast, fur seals and seabirds, including Blue Penguins or Korora (*Eudyptula minor*), Fiordland Crested Penguins or Tawaki (*Eudyptes pachyrhynchus*), Banded Dotterels (*Charadrius bicinctus*), White-fronted Terns (*Sterna striata*), Oystercatchers (*Haematopus spp.*), Royal Spoonbills (*Platalea regia*), Red-Billed Gulls (*Larus scopulinus*), shags (*Phalacrocorax spp.*), and White-faced Herons (*Ardea novaehollandiae*) use the CMA for the range of purposes mentioned above.

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there.

Relief sought:

Consequently **I request** that a chapter of the plan addressing the issue of protecting the seabirds and marine mammals which use the CMA be developed.

Decision Requested: GS 6**Submitter**

5

FFNZ

Federated Farmers is broadly supportive of the planning approach taken within the proposed plan.

The plan is of interest to Federated Farmers due to the number of farms and rural land that occupy the coast line. Moveable boundaries from erosion and adverse weather events may mean that farm property titles extend into the coastal marine area.

Farmers need to the ability to be able to continue to carry out normal activities that may involve the coastal marine area, including but not limited to the droving of stock, and vehicle access and machinery access along the coastal marine area.

Relief sought:

That normal farming activities that occur in the coastal marine area, where this is adjacent to farms or where the farm boundary extends down into the CMA, are permitted.

Decision Requested: GS 7**Submitter**

6

GDC

Oppose. Even though Regional Councils are required by the RMA to prepare a regional plan only for the coastal marine area (CMA) the WCRC could and should opt to meet section 64(2) of the RMA and look at a Coastal Environment Plan which incorporates wider than the CMA and includes landward edge to this (ie it covers wet and dry areas). This would also meet the requirements of the NZCPS.

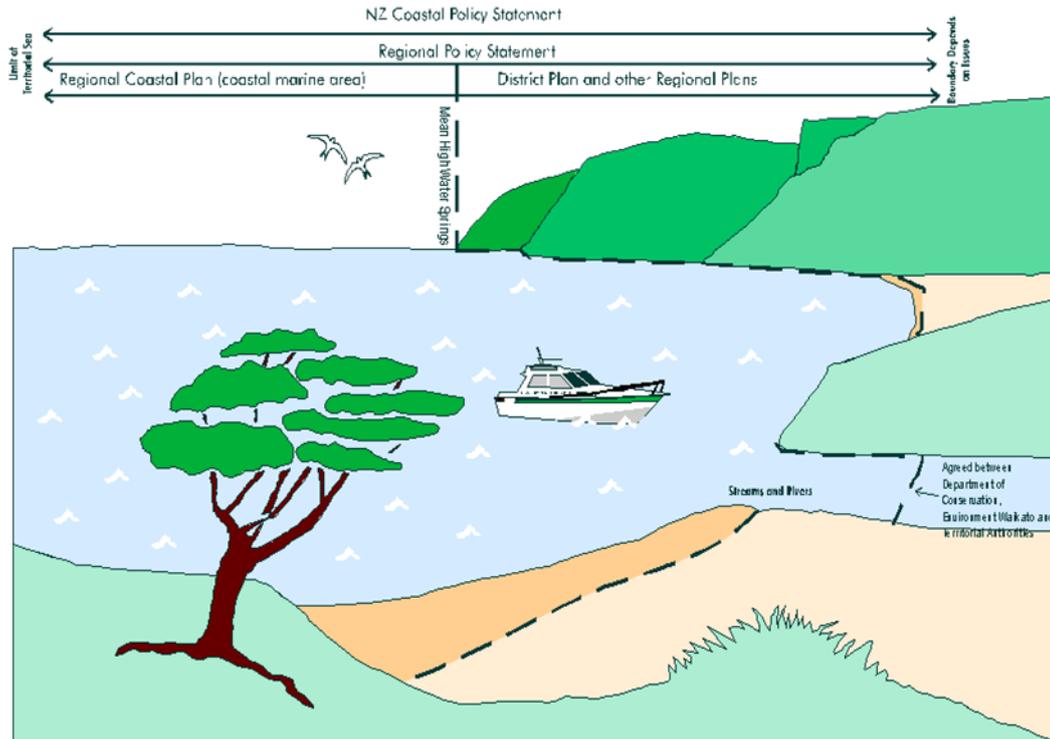
Important values and issues include natural character, significant areas of flora and fauna, natural features and landscapes, cultural values, public access and natural coastal hazards. It would be difficult to effectively manage those qualities which exist within the CMA, in isolation from those existing on the land. Coastal hazards are mostly caused by processes such as erosion, which are generated by the sea, but the effect, especially with sea level rise is nearly always felt on the land.

Additionally, given there are limited provisions within the Regional Land and Water Plan and the Regional Policy Statement in relation to the management of the coastal environment on the landward side of the Mean High Water Spring, then it appears there is a policy gap.

By restricting the WCRC's attention to issues solely within the CMA would fail to recognise the integrated nature of the coastal environment. Elements and qualities which comprise the coastal environment are inextricably linked, regardless of where they lie in relation to mean high water springs.

Further to this submission point it might be worth the WCRC including a diagram in the RCP (Waikato Regional Council has an example – provided below) of how the RCP fits with the other Regional Plans and RPS. Something similar to that on the quality planning website and other Councils with RCP's have them as well. Provides a good

overview of how the RCP document fits with other Regional Council documents.



Decision Requested: GS 8

Submitter 13 NZS

NZ does not support the omission of costs/benefit analyses of implementing the proposed zinc limits.

Relief sought:

NZ Steel requests that a cost/benefit analysis of the proposed zinc limits is undertaken.

Decision Requested: GS 9

Submitter 14 NZTA

The NZ Transport Agency (the Transport Agency) supports the intent of proposed West Coast Regional Coastal Plan 2016, which aims to improve the planning framework and promote sustainable management.

Decision Requested: GS 10

Submitter 19 RF&B

The Proposed Plan fails to give effect to the New Zealand Coastal Policy Statement (NZCPS) by placing use and development of the regions natural resources at the forefront of the objectives and policies without properly considering the provisions of the NZCPS.

The NZCPS clearly sets out the policy direction in respect to preserving the natural character of the Coastal Marine Area (CMA), protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna. This policy direction is set through objectives and policies, including Objective 2 and Policies 11, 13 and 15 of the NZCPS and must be given effect to through regional coastal plans.

The section 32 report accompanying the Proposed Plan appears to consider these NZCPS provisions can be applied at Councils discretion

The Proposed RCP takes a much-needed pragmatic approach to coastal management in the West Coast CMA. It appropriately reflects the low level of development occurring to date, and this is expected to continue. In its current form the Coastal Plan is significantly out of date, and with its overly cautious approach which was appropriate at the time, it is now considered unbalanced and does not reflect the existing and potential future resource uses in the CMA. The proposed 'second generation' Coastal Plan aims to be a more concise document with a better balance of both

enabling resource use and managing effects of activities, making it a useful tool for the West Coast Regional Council over the next 10-15 years.

This approach is in error. The Proposed Plan must give effect to the NZCPS including the directive policies providing for the protection of indigenous biodiversity, natural character and outstanding landscapes. The Proposed Plan, particularly the objectives and policies, needs to be substantially revised to ensure that it does.

Decision Requested: GS 11

Submitter

19

RF&B

Bird Habitat

The West Coast region has a number of significant bird species who are vulnerable in terms of their numbers and the potential loss of habitat as a result of activities within and adjacent to the CMA. The Proposed Plan does not properly recognise the importance of these species and their vulnerability to disturbance by human activities. Their breeding locations and the importance of their protection is not specifically referred to in any objective, policy, rule or Schedule. The positive economic, social and cultural benefit of the protection of these species is not considered in any policy. These benefits should be recognised in the Proposed Plan to support the Policy and Rule requirements of avoiding, mitigating and remedying adverse effects.

The protection of bird habitat is further put at risk by the policy approach to directing recognition of employment as a positive effect of use and development (Policy 3.3.1) without recognising potential adverse effects as required by the RMA or to give effect to the NZCPS. Further such direction is inappropriate and unnecessary as the definition of "effects" under the RMA includes both positive and negative.

Activities, such as occupation, access, noise and disturbance can have adverse effects on important bird species including Black Billed Gulls, Red Billed Gulls, Fiordland Crested and Blue Penguins and the Westland Petrel with many of these species being nationally vulnerable or nationally critical.

The Westland petrel is endemic to the West Coast with their breeding location in the coastal ranges near Punakaiki. It is estimated 4,000 pairs breed annually. Human activities within the CMA (lighting, noise for instance) can adversely impact on the flight path to their breeding location and may result in lower fledgling weights and reduced first year survival. The conservation status of this species was changed from nationally vulnerable to nationally endangered in 2013. Conditions on permitted activities and policy direction for consented activities needs to be added into the proposed Plan to avoid adverse effects consistent with Policy of the NZCPS.

The penguin species have breeding colonies along the coast and need to be able to access the foreshore as they move to and from their breeding sites. Disturbance can cause penguins to flee, facilitating nest predation and may cause starvation in moulting penguins. Provisions are needed in the Proposed Plan to ensure that permitted and consented activities to avoid adverse effects.

The proposed Plan has deleted Schedule 3.1 of the Operative Plan. This Schedule identified important marine mammal (fur seal haul out areas) and bird sites and required that any activities within or adjacent to these sites must avoid, remedy or mitigate any adverse effects associated with the values of these sites. The Proposed Plan needs to include this Schedule and provide condition and policy guidance to ensure adverse effects are avoided or mitigated consistent with Policy of the NZCPS.

The Proposed Plan fails to properly consider the adverse effects on birds and their habitat within and adjacent to the CMA and is contrary to both the NZCPS and Part 2 RMA.

Decision Requested: GS 12

Submitter

19

RF&B

Outstanding Natural Landscapes and High Natural Character Areas

The Proposed Plan inexplicably excludes several areas identified in the S Brown reports that were assessed as having either high natural character or outstanding natural landscapes within the CMA. This is entirely inconsistent with the NZCPS including Objective 2 and Policies 11, 13 & 15 that clearly set out what the Council is required to do to protect these values. It is clearly inconsistent with section 6 (a) (b) RMA.

All sites identified in the two technical reports prepared by S Brown should be included in proposed Schedules 3D and 3E of the Plan.

The provisions in the Proposed Plan also fail to ensure that Policies 13 and 15 of the NZCPS are properly recognised. There is no clear evidence in the s32 to support the approach taken, where by permitted activities do not include any conditions to ensure potential adverse effects within these areas are no more than minor. The s32 and Proposed Plan

fail to consider the issue of cumulative effects in terms of permitted activities. Further the monitoring provisions in Chapter 15 rely on complaints and not on any specific monitoring of permitted activities with areas of Outstanding Natural Landscapes and High Natural Character Areas.

Decision Requested: GS 13

Submitter

19

RF&B

Significant wetlands within the Coastal Marine Area

Forest and Bird supports the inclusion in the Proposed Plan of Schedule 2 which is the same as Schedule 3 of the West Coast Land and Water Plan (the L&WP) and provides assessment criteria for significant wetlands within the West Coast region. However the assessment criteria on its own fail to recognise a number of significant wetlands within and adjacent to the CMA that have been identified in the L&WP. To address this failure and for consistency with the L&WP the Proposed Plan needs to include any wetlands listed in the L&WP schedules 1 and 2 (and associated maps) within and adjacent to the CMA . These schedules can then be recognised through policy direction to assist a consent applicant who maybe considering activities that have the potential to impact on these wetlands. Insertion of Schedules and assessment criteria to identify significant wetland is consistent with the NZCPS and Part 2 RMA.

The result of this is a poorly written proposed Plan which provides little or no direction for the next decade around the very important resource management issues facing the West Coast.

Relief sought:

Forest and Bird seeks that the Proposed Plan be withdrawn or significantly amended to address the matters raised in the General submission comments above and the specific submission comments on provision in the following table.

Decision Requested: GS 14

Submitter

25

WDC

Whole plan - Timing of notification

The Coastal Plan process should be postponed until the current proposed Regional Policy Statement (RPS) process is completed. The RPS is the critical RMA document for the West Coast and sets out the management framework for the four territorial authorities, including the management of cross boundary issues. The RPS also sets the objectives and policies for the region as a whole. By notifying the Coastal Plan prior to the hearing and decision on the proposed RPS, parties who have submitted on cross boundary issues in relation to the management of the Coastal Environment and also in relation to the specific objectives and policies for the coastal environment, are forced to make the same submissions through this process. This is not considered to be efficient for any parties.

Relief sought:

Postpone further progress on the coastal plan until a decision is released on the proposed Regional Policy Statement.

Decision Requested: GS 15

Submitter

25

WDC

Whole plan - Amend to comply with amendments sought by Westland District Council to Proposed Regional Policy Statement

As discussed above, in order to protect our submission on the proposed Regional Policy Statement, WDC submits that the following amendments proposed by WDC to the RPS are given effect to within the Coastal Plan.

This includes: Methods 3, 4, 8, 11, 12 and 13 within the Natural Hazards chapter of the RPS:

Method 3 :*"The Regional Council shall, with the support of District Councils, develop or support programmes, where necessary, to investigate the following:*

- a. Identify areas subject to coastal erosion;*
- b. Identify areas subject to coastal inundation including at risk from a tsunami; "*

Method 4: *"The Regional and District Councils will work together to investigate and define potential high hazard areas where information is uncertain or insufficient."*

Method 8: *"The Regional and District Councils will promote the development and use of guidelines to guide the design and assessment of new development in relation to hazards. "*

Method 11: " *Both the Regional and District Councils request applicants for privately initiated plan changes or resource consents, where relevant, to provide baseline information or fund investigation on risks or impacts of natural hazards such as flooding, land instability, coastal hazards or active faults at a local scale, in order that the environmental effects of the proposal or change can be adequately assessed at an appropriate level of detail. This may include the applicant working with the West Coast Regional Council to gather information.*"

Method 12: " *Initiate, coordinate and promote activities that assist communities to build resilience to the effects of natural hazards*"

Method 13: " *Assist vulnerable communities to adapt to the consequences of natural hazards, including those that are likely to be adversely affected by climate change and resultant sea level rise.*"

Also proposed Method 5 in Section 5 Coastal Environment of the RPS: " *Review and amend the Coastal Plan and the Land and Water Plan to ensure that the area influenced by the coastal environment is addressed by both documents including direct connections and overlap between the two documents.*"

The Coastal Plan should be amended to ensure that the plan gives effect to these proposed provisions.

Relief sought:

Postpone further work on the Coastal Plan until decision is released on Regional Policy Statement.

Amend the Coastal Plan to comply with new suggested provisions within the RPS.

Decision Requested: GS 16

Submitter

25

WDC

Whole plan - Implementation of the New Zealand Coastal Policy Statement

Related to the comments above, it is not considered that the draft Coastal Plan implements the NZCPS in its entirety. Specifically, the following policies need to be addressed in greater detail:

- Policy 4 promoting integrated management of the coastal environment,
- Policy 6 in relation to the alteration of character of the coastal environment, coastal settlements, visual effects, set backs for development,
- Policy 7 strategic planning, in relation to providing for future development and areas inappropriate for development, and areas at risk,
- Policy 11, indigenous biological diversity,
- Policy 13 Preservation of natural character
- Policy 15 Natural Features and Landscapes
- Policy 17, historic heritage identification and protection
- Policy 21 enhancement of water quality
- Policy 24 identification of coastal hazards in relation to land potentially affected by hazard and in particular the potential for inundation and tsunami risk
- Policy 25 in relation to the treatment of the above areas in relation to subdivision, use and development
- Policy 27 in relation to promoting long term risk reduction, the costs of permitting hard protection structures and identifying transition mechanisms

The Westland District Council does not consider that these matters are solely District Council functions, or that they are addressed in the Regional Coastal Plan in a manner that would meet the NZCPS. Further assessment of the existing proposed provisions or the addition of further policies or rules would address this.

Relief sought:

Amend the Coastal Plan to implement the NZCPS.

Decision Requested: GS 17

Submitter

15

PERKI

There is reduced emphasis on seabirds and marine mammals

The natural values of the coastal marine area have been mentioned at various places with the Proposed West Coast Regional Coastal Plan (PRCP), but the values have been down played by:

- (a) including them within a shared chapter, chapter 3 "Natural and Human Use Values"
and
- (b) by removing the current Schedule 3.1 "Marine mammal and bird sites above mean high water springs".

Relief sought

I would like to see

- (a) the separation of the natural values into a separate chapter, followed by a chapter covering the human use values, and
- (b) re-instatement of the current Schedule 3.1 "Marine mammal and bird sites above mean high water springs".

Without the inclusion of the current Schedule 3.1, the proposed plan fails to take into account or mention the fur seal and seabird colonies which are present in and use the coastal marine area for foraging, roosting and access to breeding colonies, and which should be included ideally in a chapter on natural values, or failing that, within a Schedule.

I would like to see a better balance between the natural and human values under the PRCP in order to achieve the sustainable management of the coastal marine area sought by the plan. The natural values need to be balanced with, rather than subservient to the human use values.

Decision Requested: GS 18**Submitter**

17

ROGMIC

Coastal Protection:

Following on from the above, there appears to be little in the plan to cover coastal protection. Again, this situation with the erosion in Northern Buller requires urgent attention. A recent report compiled by NIWA suggested such things as monitoring erosion for 2 – 5 years and eventually retreating. The long term goal for this plan needs to be maintaining existing coastlines and therefore retreat would not be included in the medium term.

The suggestions for retreat and monitoring in most instances are impractical and unrealistic due to the issue being urgent now. The monitoring has been done over many years by locals and one only has to look at aerial photos to see the amount of erosion over time. The suggestion for retreat is impractical in most cases as properties are bounded by SH67. To move houses to new sections is most probably not practical as one, there has to be sections available to move to and if they are adjacent to the hill, they may be in an earthquake/ rock fall hazard zone.

My concern is; if these properties are inundated by the sea, people will abandon their properties and just move on. This will leave unsightly homes, lack of rates and this is not a good look for an area pursuing tourism as a major industry.

Decision Requested: GS 19**Submitter**

17

ROGMIC

The Council needs a short and long term plan to deal with erosion region-wide. The local areas could have a special rating system or the ability for individuals or groups to gain a resource consent at minimal and reasonable cost. As an example, I quote the Merritts wall (NIWA report). I believe the cost was within the region of \$6000 to gain the resource consent alone. I do not consider this reasonable. The bulk of this money should have been going into the cost of the construction, and rock, not the paperwork!

Decision Requested: GS 20**Submitter**

21

TRONT

We support the provisions in the Proposed Regional Coastal Plan ("the Proposed Plan") and section 32 report as notified, except where we have made specific requests for changes.

Decision Requested: GS 21**Submitter**

21

TRONT

Provision for Poutini Ngāi Tahu resource management issues and values

We support recognition of Poutini Ngāi Tahu values, and the need to address effects on these, throughout the Plan. However we consider that in some places understanding would be improved by replacing or expanding general references with reference to specific values that are of importance to Poutini Ngāi Tahu. We also suggest some amendments to make it clear that Poutini Ngāi Tahu values are not confined to the areas listed in Schedule 3A, and that adverse effects on these values must also be addressed in other areas.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the

Resource Management Act ("RMA").

We support specific incorporation of Statutory Acknowledgement Areas in Schedule 3A and recognition of these areas in policies and rules. This will help to give effect to the intent of the Ngāi Tahu Claims Settlement Act 1998. We also support recognition of other wāhi taonga, wāhi tapu and tauranga waka and areas that have important mahinga kai values. We consider that Schedule 3A is helpful in drawing attention to these values; however a focus on the schedule should not result in a failure to consider and manage adverse effects on Poutini Ngāi Tahu values outside the areas included in Schedule 3A.

The ability to access and use mahinga kai resources is fundamental to maintaining the identity and culture of Poutini Ngāi Tahu. We consider that it would be appropriate to make specific reference to avoiding adverse effects on mahinga kai in policies and rules to ensure that these resources are sustained for future generations.

Relief sought:

b) Include amendments to policies and rules to make it clear that adverse effects on Poutini Ngāi Tahu values must also be considered and managed outside the areas identified in Schedule 3A.

c) Include specific references to avoiding adverse effects on mahinga kai in relevant policies and rules.

Decision Requested: GS 22

Submitter

21

TRONT

Clarity and consistency of approach in policies, rules and information requirements

We request amendments to make policies clearer and more directive and to ensure conditions in permitted activity rules are certain and appropriately reflect the policy direction.

We request amendments to ensure that positive effects on environmental and cultural values are given the same recognition to as positive economic and social effects.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly in Chapter 6) fails to provide clear direction. Rather than just saying what effects, factors or mitigation measures will be considered in assessing resource consent applications, we consider that policies should make it clear which effects must be avoided, and which may be managed by remedying or mitigation.

Where significant values may be potentially affected, the management approach in policies for the various activities should be consistent with the level of protection afforded to the significant values in Chapter 3. We consider that the policy direction in Chapter 3 also needs to be more clearly reflected in the conditions applying to some permitted activities by restrictions on the location of these activities in areas with significant values or by other measures to protect the values identified in Chapter 3.

Conditions applying to discharges permitted by Rules 31 and 34 require that the activity "does not give rise to adverse effects on aquatic life" or "render the receiving water unsuitable for contact recreation". These conditions are uncertain and would rely on assessment after the effect has been created. Similarly a condition referring to "reasonable mixing" in Rule 36 relies on subjective judgement in the absence of any quantitative measures. We consider that these conditions should be replaced by clear standards and/or exclusions from sensitive areas to ensure that water quality is maintained.

Objectives, policies and information requirements emphasise the need to consider positive economic and social effects of use and development, but references to effects on environmental and cultural values only mention adverse effects. We consider that the positive effects of projects for enhancement of environmental or cultural values, such as enhancement of mahinga kai habitats, should be given similar recognition to the positive effects of projects for economic development.

Relief sought:

a) Amend objectives and policies where necessary to ensure they provide clear direction as to which effects must be managed and how they should be managed.

b) Amend policies in Chapters 4 to 10 where necessary to make them consistent with the policies in Chapter 3.

c) Amend rules where necessary to ensure they appropriately provide for protection of the values identified in Chapter 3.

d) Amend conditions in permitted activity Rules 31, 34 and 36 to make them clear and certain.

e) Amend Section 13.2 of the Information Requirements to recognise that activities may have positive effects on environmental and cultural values, and ensures that this is also reflected in relevant policies.

Decision Requested: GS 23

Submitter 21 TRONT

The Proposed Plan includes spelling mistakes and use of incorrect words. A thorough spelling and grammar check is needed, with particular focus on the use and spelling of Māori words including use of tohūtō (macrons).

Relief sought:

Make all necessary corrections to the use and spelling on Māori words.

Decision Requested: GS 24

Submitter 24 WCPT

There is reduced emphasis on seabirds and marine mammals

The natural values of the coastal marine area have been mentioned at various places with the Proposed West Coast Regional Coastal Plan (PRCP), but the values have been down played by:

- (a) including them within a shared chapter, chapter 3 "Natural and Human Use Values" and
- (b) by removing the current Schedule 3.1 "Marine mammal and bird sites above mean high water springs".

Relief sought:

The West Coast Penguin Trust seeks to have the priority of these values maintained and enhanced by:

- (a) Separating the natural values into a separate chapter, followed by a chapter covering the human use values, and
- (b) Reinstating the current Schedule 3.1 "Marine mammal and bird sites above mean high water springs". See Appendix 1. The Trust Chairperson Kerry-Jayne Wilson has 45 years' experience researching seabirds; we would be pleased to meet with WCRC and DOC to review and update the current Schedule 3.1.

As noted under section 2.11 of the PRCP, Poutini Ngāi Tahu holds a holistic view of the environment and believes that all things are interrelated; their input into resource management policy and plans is driven by an all embracing concern for the total environment.

Many pakeha share these values. **The Trust supports this view and urges** the West Coast Regional Council to establish a better balance between the natural and human values under the PRCP in order to achieve the sustainable management of the coastal marine area sought by the plan. The natural values need to be balanced with, rather than subservient to the human use values.

Should a separate chapter on Natural Values not be approved, **the Trust seeks** the reordering of the Objectives and Policies in Chapter 3 such that natural values are prioritised, and noted as such, i.e. 3.2.3 would become 3.2.1 and 3.3.5 would be come 3.3.1.

Without the inclusion of the current Schedule 3.1, the proposed plan fails to take into account or mention the fur seal and seabird colonies which are present in and use the coastal marine area for foraging, roosting and access to breeding colonies, and which should be included ideally in a chapter on natural values, or failing that, within a Schedule.

Decision Requested: GS 25

Submitter 24 WCPT

In New Zealand, marine mammals, including fur seals, and seabirds are protected in Coastal Marine Areas (CMA) under a range of statutes, including the Marine Mammal Protection Act 1978, the Wildlife Act 1953, and the Conservation Act 1987.

On the West Coast, fur seals and coastal birds, including Blue Penguins or Korora (*Eudyptula minor*), Fiordland Crested Penguins or Tawaki (*Eudyptes pachyrhynchus*), Banded Dotterels (*Charadrius bicinctus*), White-fronted Terns (*Sterna strata*), Oystercatchers (*Haematopus spp.*), Royal Spoonbills (*Platalea regia*), Red-Billed Gulls (*Larus novaehollandiae scopulinus*), Black-billed gulls (*Larus bulleri*), Fairy prions (*Pachyptila turtur*), shags (*Stictocarbo punctatus* and *Phalacrocorax spp.*), and White-faced Herons (*Egretta novaehollandiae*) and less often other coastal species use the CMA for the range of purposes mentioned above.

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they

access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there. These species require passage to and across the foreshore to breeding sites at all times of the year. Disturbance can markedly reduce breeding success.

Relief sought:

Consequently **the Trust regards it as essential** that a chapter or Schedule of the plan addressing the issue of protecting the seabirds and marine mammals which use the CMA be developed.

In order to achieve this, **the Trust urges** the WCRC to seek input from NZ seabird scientists, the Trust and DOC, to ensure that these breeding and foraging areas are recognised, mapped and protected, and to ensure that information is kept up to date.

The Trust further notes that, although the NZ Coastal Policy Statement covers some of the Trust's concerns, there may be common species, for example the Spotted Shag (*Stictocarbo punctatus*) for which localised sites are strongholds on the West Coast.

Decision Requested: GS 26

Submitter

24

WCPT

Tourism

The Trust is well aware of the pressures on the West Coast economy and therefore the desire of the WCRC to create new jobs for the region. However, the Trust urges the Council to ensure that new jobs do not result in adverse effects on the coastal environment.

The Trust is itself investigating an opportunity to provide an eco-tourism operation and encourages the Council to support such projects in the future rather than those based on extraction.

Decision Requested: GS 27

Submitter

26

WESTP

Proposed West Coast Regional Policy Statement (PWCRRPS)

While Westpower understands that the Council is seeking to progress the Proposed Regional Coastal Plan (PRCP) it is concerned at the timing of this given the current Proposed West Coast Regional Policy Statement (PWCRRPS) process being worked through. As you will be aware the submission process has now been completed for the PWCRRPS and there are a number of objectives and policies, submissions and further submissions, related to utility matters and regional infrastructure issues, including a wide range of matters of relevance to the Coastal Marine Area managed by the PRCP. Indeed the PWCRRPS contains a specific section on Regionally Significant Infrastructure plus a number of other references, issues, objectives, policies, methods and definitions relevant to utilities and regionally significant infrastructure throughout the document.

If the current proposal of the Council is to progress this PRCP process prior to completion of the PWCRRPS process it will mean that the PRCP may well not give effect to the PWCRRPS. The outcome is potentially that the PRCP sections are finalised prior to the PWCRRPS finalisation, the end result being that there is potential for the Coastal Plan and RPS cycles to be out of sequence. The alternative is that the Council is intending to undertake another review of the Coastal Plan as soon as the PWCRRPS process is finalised in order that appropriate matters are given effect by the Coastal Plan provisions. However given the costs of such processes this would seem to be inefficient and not what the Council would intend. Section 73 of the Act is relevant in this regard, particularly Section 73(4). The other alternative is that there is an intention that the outcome of the Coastal Plan process would essentially determine the outcome of matters arising in the PWCRRPS process, however this is not supported under the Act or the hierarchy of documents (see Section 1.3 Relationship to other Resource Management Documents, page 3-4, of the Proposed Coastal Plan for reference).

Westpower is of the opinion that there is an opportunity to coordinate the various planning processes on the West Coast to ensure an RPS is established for the West Coast and then both Regional and District Plans developed/reviewed to give effect to the RPS. This would be an effective and efficient process and sound resource management for the region. It also enables all parties to be effectively and efficiently involved in the processes without the need for duplication of discussions and processes.

The fact that a number of Policies and Plans across the region are being considered, or being worked on, for review provides a somewhat unique region wide ability to coordinate the development of Policy and Plan Documents from a top down perspective where the RPS guides the development of those plans and policies. Certainly the intentions of the Proposed RPS are clear in respect of trying to achieve this outcome for resource management on the West Coast.

Westpower does note that some matters arising in the PWCRRPS are included in the PRCP, including some matters on

which it made submissions, but there is a clear potential for a disconnect to occur in this regard. For clarity Westpower made submissions to the PWCRPS with respect to;

- Resilient and Sustainable Communities
- Resource Use and Development
- Regionally Significant Infrastructure
- Biodiversity and Landscape Values
- Land and Water
- Coastal Environment
- Natural Hazards
- Glossary

There were a number of further submissions made by both Westpower and other parties in relation to these matters which are yet to be resolved and would have a direct bearing on matters arising in the PRCP.

Relief sought:

Westpower requests that the West Coast Regional Council aligns its Policy and Plan making process to ensure efficient and effective processes and outcomes and ensures that the outcomes of the PWCRPS process are given effect to in the PRCP.

Given the order of the processes Westpower makes this submission on a without prejudice basis to any of the submissions made to the PWCRPS process.

1. INTRODUCTION

GENERAL SUBMISSIONS ON INTRODUCTION

Decision Requested: 1.1

Submitter 1, 8 BCG, INTAF

Submission

The only proper reference to sea level rise in the whole of the proposed coastal plan is at 5.3.7, where it is confirmed as existing. Climate change, global warming, and sea-level rise should be addressed as a matter of importance in the introduction to the plan. A discussion of sea-level rise should include what is underpinning sea-level rise.

Relief sought:

(Insert at end of 1.1) *"The coastal marine area is the first line of defence against the sea, particularly with respect to sea-level rise, a confirmed phenomenon. Sea-level rise is predominantly a result of global warming, where carbon dioxide (CO₂) and other greenhouse gas levels have been steadily rising over the last century, with CO₂ levels rising from below 300ppm in the 1950's to a record of 400ppm in February 2016, although that figure has not been adjusted for the extant El Nino Southern Oscillation event. Nevertheless, with an extensive record of temporal global temperature data, most recent years have broken temperature records, with February 2016 being globally the hottest on record.*

We are seeing more extremes of weather, reflected, for instance, in flooding of not only our coastal settlements but further inland as well, along with the collateral damage; with reinstatement being a massive drain on regional resources.

New Zealand has made a strong commitment to reduce greenhouse gas emissions and this must be supported regionally. The West Coast Regional Council will do this by promoting and encouraging carbon-neutral, or even carbon-sequestering new development in commerce {see 13.2.10(a)(ii)}.

It is imperative that coastal defences are robust now and in the future. One particular problem in relation to coastal stability along the west coast is gravel extraction. Gravel from the hills replenishes spits and beaches along the coastline but gravel extraction can deplete that resource and make coastal settlements vulnerable to inundation. Another problem is removal of coastal vegetation, particularly indigenous vegetation. Retaining, or reinstating coastal vegetation, especially indigenous, not only provides coastal stability but also contributes to carbon sequestration.

Our region has a classic case of loss in relation to sea-level rise at Punakaiki. The Punakaiki township is suffering the effects of sea-level rise quite dramatically, where the sea wall now needs to be extended to protect baches, tavern and camping ground."

Decision Requested: 1.2

Submitter 2 CPHWC

CPH applauds Council for the development of the Proposed West Coast Regional Coastal Plan (hereinafter referred to as the Plan). We support in principle the objectives, policies and rules included in the plan.

Decision Requested: 1.3

Submitter 3 DOC

Support in part.

This section is good resource management practice and consistent with the RMA in particular s67 including (2) (f) and s104 (b)(iv) and gives effect to New Zealand Coastal Policy Statement 2010 (NZCPS) in particular Policy 4.

A new sentence is required to identify that the Department of Conservation is a major manager of land on and adjacent to the coastal marine area (CMA). On parts of the West Coast there are significant resource management issues where there is the requirement for integrated management between Councils' and the Department. Such an approach is consistent with NZCPS in particular Policy 4(b).

Relief sought:

Retain as notified with the addition of a new sentence in 1.1:

Where there is a significant resource management issue and the land in the coastal environment or coastal marine area is managed by the Department of Conservation, integrated planning processes with the Department will also be considered.

Decision Requested: 1.4**Submitter**

19

RF&B

The delineation between Regional Council and District council functions in the CMA is not clearly described.

Reference to Island areas is incomplete.

Relief sought:

Amend the plan to clearly explain that District Councils functions do not generally apply in the CMA. Retain reference to the exception for Westland DC and explain whether this means both the Coastal Plan and the Westland District Plan apply to the "foreshore" within that district.

Provide further guidance on connect of the coastal plan in terms of district plans such as "While both plans should be considered for those undertaking activities in CMA, because activities within the CMA can affect adjacent land uses, it is unlikely there will be overlap in terms of consenting requirements unless the activity is both within and landward of the CMA".

Amend the last sentence as follows: *"Island areas above mean high water springs are not subject to rules in this Plan. Effects of activities above mean high water springs are addressed by the Land and Water Regional Plan and in West Coast District Plans."*

Decision Requested: 1.5**Submitter**

19

RF&B

Chapter 1 sets out the purpose and scope of the Proposed Plan, however it is not clear that within the CMA the default requirement is for resource consents to be sought under the RMA. Without the permitted rules in this plan consents would be required for all activities. This should be reflected in the wording relating to Chapter 3-10.

Relief sought:

Amend 1.1 to clarify the precautionary approach of the RMA to activities in the coastal marine area.

Amend 1.4 as follows:

"Chapter 1

This Chapter provides an introduction to the Plan, describing the Coastal Marine area where this Plan applies and a diagram of the resource management framework applying to the coast."

Amend 1.4 as follows:

"Chapters 3-10

These Chapters...These provisions...consent applications. The Rules determine whether an activity is permitted or where consent is required for a particular activity within the coastal marine area."

Decision Requested: 1.6**Submitter**

19

RF&B

The purpose of the schedules should be briefly outlined as for the other chapters of the plan.

Relief sought:

Amend 1.4 as follows:

"The Schedules follow Chapter 16. The Schedules set out specific requirements, criteria, standards and maps to be met by permitted activities and guide consents applications."

Decision Requested: 1.7**Submitter**

25

WDC

Section 1.1 and 1.2 : Area of coverage of the Coastal Plan: The scope of the Coastal Plan should extend to manage the entire Coastal Environment

The Coastal Plan clearly manages the Coastal Marine Area from the Mean High Water Spring out to sea. This is not considered to provide for integrated management as required by Policy 4 of the New Zealand Coastal Policy Statement (NZCPS).

Through managing effects only on the seaward side of Mean High Water Springs, land uses immediately adjoining the

CMA that is within the "Coastal Environment" as defined by the NZCPS, and has an effect on the coastal environment above and below the Mean High Water Spring are unable to be considered and managed in a holistic way. This is particularly in relation to greenfields development where a decision is required to be made as to whether the development should occur in that location at all, rather than assessing the effects of individual components below mean high water spring as is provided for in the current Plan. It can also lead to a requirement for consent from the West Coast Regional Council and the Westland District Council when if effects were managed across Mean High Water Spring the activity may require consent from WCRC only providing a clearer and more efficient process for the applicant and Councils alike.

Relief sought:

Broaden out to manage the full coastal environment through this plan.

1.1 Purpose and Scope of the Plan

Decision Requested: 1.8

Submitter

21

TRONT

The description of the scope of the Plan does not make it clear what range of activities is controlled by the Plan.

Relief sought:

Amend section 1.1 to read as follows:

The West Coast Regional Council (the Council) has prepared this Plan to provide a framework to promote the integrated and sustainable management of the West Coast's coastal marine area.

The Plan controls the following activities in the coastal marine area:

- *Reclamation*
- *Erection, modification and removal of structures*
- *Disturbance of the foreshore, seabed, or beds of lakes, rivers, estuaries or lagoons*
- *Deposition of any substance on the foreshore, seabed, or beds of lakes, rivers, estuaries or lagoons*
- *Introduction or planting of vegetation*
- *Removal of sand, shingle, shell, vegetation or other natural material*
- *Occupation of space*
- *Taking, use, damming, or diversion of water*
- *Discharge of water or contaminants to land or water*
- *Generation of noise.*

These activities in the coastal marine area need resource consent unless Activities in the coastal marine area do not need resource consent provided they meet the conditions of a relevant permitted rule. Other activities can only occur if they are authorised by a resource consent.

There are a number of Transitory activities that take place in the coastal marine area, such as swimming, walking, horse riding, diving, surfing, kayaking, boating, launching and retrieval of vessels, fishing, beach combing, that do not require any authorisation under the Resource Management Act 1991 (the Act) or this plan. For example swimming, walking, horse riding, diving, surfing, kayaking, boating, launching and retrieval of vessels, fishing, beach combing.

This plan does not apply to managing fishing or fisheries resources controlled under the Fisheries Act 1996, The Plan but does may control aquaculture activities for the purpose of avoiding, remedying or mitigating the their effects of aquaculture activities on fishing and fisheries resources.

Activities in the coastal marine area may have adverse effects above the mean high water springs line, and these are addressed in this Coastal Plan. This-However the Plan does not apply to activities above the mean high water spring line that may have adverse effects in the coastal marine area. These are managed under other regional and district plans. Activities in the coastal marine area may have adverse effects above the mean high water spring line, and these are addressed in this Coastal Plan. Some development may involve activities both above and within the coastal marine area...

1.2 Area covered by the Plan

Decision Requested: 1.9

Submitter

22

WATLAN

In order to achieve effective control of CHA21 we would like to see the seaward boundary for the control of driftwood material to be extended seaward.

Relief sought:

Suggested amended clause:

"With respect to the Westland District Council, the seaward district boundary at the mean high water spring mark has been altered by a Local Government Boundary Alteration Notice. The boundary has been extended to mean low water springs for the purpose of controlling nuisance activities such as dogs, fires, vehicles and driftwood removal."

1.3 Relationship with other Resource Management Documents

Decision Requested: 1.10

Submitter 21 TRONT

We also consider there is a need to amend the reference to iwi management plans in Chapter 1 to clearly describe their relationship to the Proposed Plan.

Relief sought:

Include a reference to Section 1.3 to the need to take into account iwi management plans.

Decision Requested: 1.11

Submitter 21 TRONT

We support the identification of iwi management plans in Figure 3, and recognition of future iwi management plans that may be prepared. However, the relationship to the Proposed Regional Coastal Plan to iwi management plans is not clearly described.

Relief sought:

Amend the first paragraph of Section 1.3 to read as follows:

This Plan fits within a framework of national, regional and local resource management policies, standards and plans (see Figure 3). The Coastal Plan should be read in conjunction with the Regional Land and Water Plan and the relevant district plan. The Regional Coastal Plan must also take into account the iwi management plans listed in Figure 3. Further iwi management plans may be prepared during the life of this Plan.

1.4 Structure of the Coastal Plan

Decision Requested: 1.12

Submitter 21 TRONT

There is an error in chapter numbering in the discussion of the structure.

Relief sought:

Amend paragraph headings to read as follows:

Chapters ~~3~~12

Chapters ~~11~~3-16

2. POUTINI NGĀI TAHU VALUES

GENERAL SUBMISSIONS ON ISSUES OF SIGNIFICANCE TO POUTINI NGĀI TAHU

Decision Requested: 2.1

Submitter 2 CPHWC

CPH applauds Council for engaging with Poutini Ngāi Tahu in the development of this section of the Plan.

Relief sought:

Include statement in final Plan – 2.1 Background:

This acknowledges Poutini Ngāi Tahu's status as Mana whenua and their role as Kaitiaki of Te Tai o Poutini. It also demonstrates that Council is giving effect to the provisions of sections 6(e), 7(a) and 8 of the Resource Management Act.

Decision Requested: 2.2

Submitter 21 TRONT

We support the recognition of Poutini Ngāi Tahu, their role, rights, traditions and values. Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices, and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Retain Chapter 2 with amendments requested elsewhere in this submission.

Decision Requested: 2.3

Submitter 21 TRONT

Provision for Poutini Ngāi Tahu resource management issues and values

In general, we support the description of Poutini Ngāi Tahu values in Chapter 2 of the Proposed Plan. However we consider that some further explanation of concepts including kaitiakitanga and mauri, and values associated with mahinga kai and pounamu, will assist users to be aware of and understand the importance of managing adverse effects on Poutini Ngāi Tahu values. We also consider there is a need to state Poutini Ngāi Tahu resource management issues more clearly than by reference to identification of issues in the Proposed Regional Policy Statement ("PRPS"). Our submission on the PRPS requests that further detail be provided in that document, and we also note that the PRPS has a different function than the Proposed Plan. It is important that the issues in the coastal marine area are clearly set out in the Proposed Plan to support interpretation of policies and rules referring to Poutini Ngāi Tahu values.

We consider it would be appropriate to include a specific objective and policies relating to Poutini Ngāi Tahu resource management issues and values to provide clearer direction for resource management decision-making.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

The ability to access and use mahinga kai resources is fundamental to maintaining the identity and culture of Poutini Ngāi Tahu. We consider that it would be appropriate to make specific reference to avoiding adverse effects on mahinga kai in policies and rules to ensure that these resources are sustained for future generations.

The absence of any objectives and policies in Chapter 2 results in poor linkage between the issues and values described in this chapter and the management response in other chapters. We consider that decision-making would be assisted by inclusion of clear objectives and policies providing direction as to how Poutini Ngāi Tahu values will be considered and maintained.

Relief sought:

a) Retain content of Chapter 2 except as follows:

- i. Include additional explanation of kaitiakitanga and mauri, and values associated with mahinga kai and pounamu;
- ii. Include a clearer statement of the resource management issues of significance to Poutini Ngāi Tahu;
- iii. Include an objective and policies providing direction for management of the issues described.

(b) Include a new section headed 'Mahinga kai', incorporating content from Section 2.9 of the Operative West Coast

Land and Water Plan and the fourth paragraph of Section 2.7 (regarding mātaihai reserves).

Decision Requested: 2.4

Submitter

21

TRONT

Provision for involvement of Poutini Ngāi Tahu in resource management processes

We support the recognition, in Chapter 2, of the mana whenua role of Poutini Ngāi Tahu in the West Coast Region, and the rights accorded to ngā rūnanga by the Ngāi Tahu Claims Settlement Act 1998. We support the consultation approach in Section 2.12 but request amendment to reflect and intent to pursue a partnership relationship. We also request inclusion of an objective and policies to provide clear direction about expectations for Poutini Ngāi Tahu involvement in resource management processes.

We consider that some amendments are necessary in other chapters to reflect the role of Poutini Ngāi Tahu described in Chapter 2.

Our reasons are:

Recognition of the mana whenua role of Poutini Ngāi Tahu, together with the commitment to consultation described in Section 2.12, is consistent with section 8 of the RMA. However we consider that it would be desirable for the wording of section 2.12 to reflect and intent to move towards a partnership relationship reflecting Treaty of Waitangi principles.

The absence of any objectives and policies in Chapter 2 results in poor linkage between the content of this chapter and the management response in other chapters.

Although section 2.12 describes a process providing Poutini Ngāi Tahu opportunity for involvement in all resource consent processes, this is not clearly reflected in statements about notification and affected parties in some other parts of the Proposed Plan.

Relief sought:

- a) Amend the wording of section 2.12 to reflect an intent to move towards a partnership relationship with Poutini Ngāi Tahu.
- b) Include an objective and policies in Chapter 2 providing direction for involvement of Poutini Ngāi Tahu in resource management processes for matters in the Proposed Plan.
- c) Include amendments where necessary in the rules to clarify that ngā rūnanga will be identified as affected parties wherever an application has potential for adverse effects on Poutini Ngāi Tahu values.

Decision Requested: 2.5

Submitter

21

TRONT

Management of sewage effluent discharges

We request a clear framework, in policies and rules, discouraging discharges of human sewage effluent directly to coastal waters and encouraging appropriate alternative treatment and disposal.

Our reasons are:

The Proposed Plan does not distinguish between the wide range of discharges that may be proposed, apart from some small-scale discharges and stormwater/land drainage. This provides no direction as to the acceptability or unacceptability of particular types of discharges, and the discretionary activity status applied to most discharges suggested that any discharge is equally acceptable subject to appropriate conditions.

Direct discharges of human sewage to water are culturally offensive to Ngāi Tahu. It is a fundamental principal of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

We recognise that immediate upgrade of existing discharges that use some other form of treatment is not practical and that time needs to be allowed for this to be addressed. We request that provisions be included in the Proposed Plan to require serious consideration of alternatives to direct discharge. Where direct discharge is the only practicable option, it should be designed to avoid adverse effects on Poutini Ngāi Tahu values and treated to a standard that ensures there will not be adverse effects on kaimoana. We request that direct discharges of human sewage effluent be clearly discouraged by giving them non-complying activity status.

Relief sought:

Include wording in Chapter 2 to clearly reflect the cultural objection to such discharges.

2.6 Pounamu**Decision Requested: 2.6****Submitter**

21

TRONT

Support in part. We support the recognition of Poutini Ngāi Tahu ownership rights in relation to pounamu. However we consider that further explanation of the Poutini Ngāi Tahu values associated with pounamu will assist users to be aware of and understand the importance of managing adverse effects on Poutini Ngāi Tahu values.

References to the pounamu resource management plans also needs to be corrected to reflect that the Māwhera Incorporation is a landowners trust, not one of the Papatipu Rūnanga.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

(a) **Amend** first paragraph to read as follows:

"Pounamu is a taonga of utmost importance to Poutini Ngāi Tahu that lies within the coastal marine area. For generations, pounamu has been discovered, identified, collected, worked, traded and protected, and in turn provided for the livelihood, mana and mauri of those whānau and hapū where it was associated with the taonga. It was pounamu that in essence fed those whānau and hapū, where it was traded for kai and resources from other regions. The traditions and customs involved in the collection working and trading pounamu remain important, particularly for those who uphold the ahi kā of where pounamu is found.

On 14 June 1996, the Crown entered into a Deed of "on Account" settlement..."

(b) **Amend** second paragraph to read as follows:

The three Rūnanga - Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and the Mawhera Incorporation have each prepared a resource management plan to manage appropriate use and protection of pounamu. Council must have regard to these management plans in this Regional Coastal Plan, and when considering resource use activities in the coastal marine area that might affect pounamu resources.

2.7 Kaitiakitanga and Rangatiratanga**Decision Requested: 2.7****Submitter**

21

TRONT

We consider that further explanation of the concept of kaitiakitanga will assist users to be aware of and understand the importance of managing adverse effects on Poutini Ngāi Tahu values.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

(a) **Amend** the second and third paragraphs of Section 2.7 to read as follows:

"The exercise of kaitiakitanga (~~guardianship~~) rests with the two papatipu rūnanga who are responsible to future generations for the protection of their cultural values. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of power in a manner beneficial to the resource. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations in as good, if not better, quality than they currently exist.

The exercise of rangatiratanga (customary authority) also rests with the two papatipu Rūnanga.

To give effect to the concepts of kaitiakitanga and rangatiratanga it is important to consult with the appropriate Papatipu Rūnanga."

New Section 2.X Mauri

Decision Requested: 2.8

Submitter 21 TRONT

New Section 2.X Mauri

We consider that explanation of the concept of mauri will assist users to be aware of and understand the importance of managing adverse effects on Poutini Ngāi Tahu values.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Include a new section, following Section 2.7, consistent with Section 2.8 (Mauri) of the Operative West Coast Land and Water Plan.

2.9 Resource Management Issues in the CMA for Poutini Ngāi Tahu

Decision Requested: 2.9

Submitter 2 CPHWC

CPH supports Poutini Ngāi Tahu's desire to ensure mahinga kai and other resources of importance to them are protected from the effects of other activities in the coastal marine area.

Relief sought:

Include statement in final Plan:

This assists in safeguarding Māori cultural practice and ensures sustainability and wellbeing for future generations. It also demonstrates that Council is committed to giving effect to section 6(e) of the Resource Management Act.

Decision Requested: 2.10

Submitter 21 TRONT

Support in part. We support the identification of Poutini Ngāi Tahu resource management issues, but consider that further detail is needed to ensure the issues are clearly understood and to support interpretation of policies and rules referring to Poutini Ngāi Tahu values. In particular, we consider that clearer explanation is needed of the following issues:

- Potential effects on mahinga kai
- Concerns about discharge of sewage effluent into coastal waters
- Concerns about removal of taonga, including aotea and waitai.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Amend Section 2.9 to read as follows:

...Poutini Ngāi Tahu consider that Te Tai o Poutini coastal environment is still rich with natural resources which, despite the impacts of modern civilisation, have remained intact. For the past generations, coastal resources were a pataka (food storage) that was of central importance to the survival of the coastal dwelling communities. These are of such importance that protocols of access, take and management are deeply embedded in the culture and attitude of Poutini Ngāi Tahu.

The coastal environment holds many values for Poutini Ngāi Tahu that range from the spiritual realm to the practical use of coastal resources. It is a taonga (treasure) that has sustained the generations. Poutini Ngāi Tahu wish to ensure that mahinga kai and other resources of importance to them are protected from the effects of other activities in the coastal marine area. Effects of particular concern include degradation of water quality and the effects of disturbance or deposition of material on fishing grounds and shellfish beds.

Removal of taonga is also a significant concern. In particular, aotea in the Makaawhio River is of paramount importance to Ngāti Māhaki, and is valued in the same way as pounamu. Waitai on Māori Beach are highly valued as

life-sustaining because of their traditional and continuing importance as cooking stones. Poutini Ngāi Tahu wish to ensure both of these taonga are protected from activities that could lead to their removal.

Important sites associated with Poutini Ngāi Tahu's values, history, customs and traditions are listed in Schedule 3A of this Plan. The objectives, policies, and Rules of this Coastal Plan aim to protect such sites and values from the adverse effects of resource use in the coastal marine area.

In the preparation of this Plan Poutini Ngāi Tahu have expressed concern about some activities in the coastal marine area, for example discharges and certain types of disturbance, being consider direct discharges of human sewage effluent to water to be culturally offensive in relation to their spiritual and other Poutini Ngāi Tahu values of associated with coastal water. and potentially adversely affecting their Other discharges and disturbance are also of concern to Poutini Ngāi Tahu where they have potential to adversely affect mahinga kai resources and other important cultural sites and values. These concerns are addressed as much as practically possible in the relevant Chapters on discharges and disturbance.

2.12 Consultation

Decision Requested: 2.11

Submitter 2 CPHWC

CPH supports activities which ensure that Poutini Ngāi Tahu have appropriate input into resource management decisions.

We encourage Council to actively engage with all West Coast-based Māori and not just those affiliated to Poutini Ngāi Tahu.

Relief sought:

Include section 2.12 in final Plan.

Decision Requested: 2.12

Submitter 21 TRONT

Support in part. We support the consultation approach in Section 2.12, but consider that, to appropriately reflect the requirements of s.8 RMA, an approach that provides for development of an active partnership with Poutini Ngāi Tahu is required.

Our reasons are:

Recognition of the mana whenua role of Poutini Ngāi Tahu, together with the commitment to consultation described in Section 2.12 is consistent with section 8 of the RMA. However we consider that it would be desirable for the wording of section 2.12 to reflect an intent to move towards a partnership relationship reflecting Treaty of Waitangi principles.

Relief sought:

Amend Section 3.1 to read as follows:

"Through consultation, Poutini Ngāi Tahu will continue to develop a good working relationship, working towards active partnership with the Regional Council."

New Section 2.Y

Decision Requested: 2.13

Submitter 21 TRONT

New section 2.Y Objectives and Policies

We consider that inclusion of objectives and policies providing direction on Poutini Ngāi Tahu values would assist decision-making.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

The absence of any objectives and policies in Chapter 2 results in poor linkage between the content of this chapter and the management response in other chapters.

Relief sought:

Add a new section after Section 2.12, including the following objectives and policies:

Objectives

"1. The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account through effective involvement of Poutini Ngāi Tahu in resource consent and plan development processes.

2. Wāhi tapu, wāhi taonga and sites of significance are protected and mahinga kai and customary resources are sustained so they are healthy, abundant and accessible to Poutini Ngāi Tahu.

Policies

1. Enable and facilitate Poutini Ngāi Tahu involvement in resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/ Te Tiriti o Waitangi.

2. When making resource management decisions, have regard to tikanga Māori and Poutini Ngāi Tahu values, and recognise and provide for:

(a) continuation and further development of Poutini Ngāi Tahu customary practices relating to natural resources;

(b) the kaitiaki role of Poutini Ngāi Tahu;

(c) maintaining healthy mahinga kai resources;

(d) protection of sites and areas of spiritual or cultural value to Poutini Ngāi Tahu."

3. NATURAL AND HUMAN USE VALUES

GENERAL SUBMISSIONS ON NATURAL AND HUMAN USE VALUES

Decision Requested: 3.1

Submitter 2 CPHWC

CPH agrees it is important the adverse effects on the existing natural and human use values supported by the coastal marine area are avoided, remedied, or mitigated.

Decision Requested: 3.2

Submitter 4 ELWEP

Chapter 3 bundles natural and human use values together in the same chapter. **I strongly oppose** this device which, the way it is worded in the objectives, policies and explanations, devalues the natural values, making them subservient to the human use values.

This anthropocentric world view is surely as obsolete and misguided as the once held beliefs that the sun revolved around the earth, or that the earth was flat.

Humanity forms an intergral part of the web of life, which is everywhere, ultimately has no centre or hierarchy, and is a dynamic symbiosis and cooperative of living things.

Relief sought:

I strongly urge council to create separate chapters for natural and human use values. In that context, the plan fails to take into account or mention the fur seal and seabird colonies which are present in and use the coastal marine area for foraging, roosting, and access to breeding colonies, and which deserve to be included in a chapter on natural values.

Decision Requested: 3.3

Submitter 4 ELWEP

Chapter 3, Objectives and Policies, are strongly slanted towards mineral extraction in the CMA, which **I strongly oppose**.

These objectives and policies are founded on the old and unimaginative extractive industries mindset of the 19th century and the first 60-70 years of the 20th. There is a serious lack of vision here, as well as the risk of opening the door to seabed mining in the CMA, and consequent impact on the marine ecology.

Other than the permitted small-scale activities in the CMA, any larger-scale ones risk significant pollution and erosion issues.

Even small-scale activities must avoid impacting marine mammal and seabird breeding and foraging areas.

The West Coast attracts many people to live and work there because of its relatively wild and undeveloped environment, which, in today's world, is a rare asset.

Enterprises formed around IT R&D, education, tele-medicine, distribution, tourism, agricultural added value products, and as yet undiscovered online applications, are most likely to be more significant sources of employment and community prosperity, and attract and keep more people on the coast than mining.

Decision Requested: 3.4

Submitter 6 GDC

Support in part. This section should refer to Policy 4 (integration) and 7 (strategic planning) of the NZCPS. The RCP does not refer to these two important policies in the RCP at all. This might be a good place to ensure that the RCP reiterates that there needs to be co-ordinated approach between Councils.

It is noted that the RPS refers to Policy 6 but not Policy 4.

Decision Requested: 3.5**Submitter**

19

RF&B

There is no reference to the RMA or how this chapter fits strategically.

The objectives and policies in this chapter are not consistent with the NZCPS.

Relief sought:

Delete chapter.

Decision Requested: 3.6**Submitter**

19

RF&B

Include a new Chapter to provide for Indigenous Biodiversity, Natural Character, Natural Features and Natural Landscapes.

This is needed to recognise and provide for the matters of National Significance under section 6 of the RMA.

To give effect to Policies 11, 13, 14 and 15 of the NZCPS.

Incorporate and strengthen the policy direction around cumulative effects of Policy 3.3.10 of the proposed plan by recognising permitted as well as consented activities in this new chapter.

Add the following schedules to be recognised within the policies of this chapter (as other chapters as appropriate to address this submission):

Schedules 3.1 "Marine Mammal and Bird Sites Above Mean High Water Springs" from the currently operative RCP. This schedule should be updated prior to adding it into the Plan. Forest and Bird would be happy to meet contribute to this.

Schedules 3.2 "Outstanding Natural Features and Landscapes Above Mean High Water Springs" from the currently operative RCP.

To provide protection of significant wetlands to align with the approach as in Land and water Plan by including the Wetland schedules. Include policy direction to exclude permitted activities from identified significant wetlands and include policy guidance and rule classification for consented activities to recognise both the identified significant wetlands and the criteria for consented activities only.

Rationalise the Coastal Management Areas from the currently operative plan against the wetland schedule (from Land and Water Plan) and include any areas identified in the Coastal Management Area schedule, which are not listed in the Land and water plan Wetland schedule, into this Plan.

The Proposed Plan does not set Policy direction consistent with the NZCPS. New Policies are needed to ensure activities to avoid adverse effects of activities on outstanding natural character, natural features and natural landscapes in the coastal environment. Any activities which could have significant adverse effects on Natural Character, natural features and natural landscapes must be avoided and all activities must avoid, remedy or mitigate other adverse effects of on natural character in all other areas of the coastal environment.

Opportunities to restore or improve natural character seem to be limited to an offset mechanism in the proposed Plan under 'Financial Contributions'. This is inconsistent with the NZCPS approach to avoid, mitigate or remedy and should be replaced by policy direction to restore or improve natural character.

Removal of redundant, abandoned or unauthorised structures and providing remediation is already indicated in the proposed Plan and could be strengthened to achieve this direction.

Relief sought:

Add a new chapter for Indigenous Biodiversity Natural Character, Natural Features and Natural Landscapes.

Include an introduction recognising the relevant aspects of the RMA and NZCPS and the positive economic, social and cultural benefits of protecting significant biodiversity and outstanding natural character and landscapes, through the implementation of the Regional Coastal Plan to the West Coast.

The work Council has done to identify outstanding natural landscapes and character areas included in Schedules 3D and 3E and significant wetlands referring to schedule and criteria.

The work Council has done with thr Department of Conservation and others to identify habitats within schedules 3.1

and 3.2 from the currently operative RCP.

Recognise the issues of cross boundary effects and that activities in the CMA need to consider effects on adjacent land values.

Significant Biodiversity:

Set objectives and policy framework to achieve biodiversity and landscape outcomes for the west Coast CMA consistent with section 6 of the RMA and Policy 11 of the NZCPS. This should include conditions on permitted rules to avoid effects in identified significant areas/habitat, during nesting seasons, and to sufficiently minimise effects to be no more than minor.

At a minimum this should include a condition excluding permitted activities within significant wetlands and adjacent to the sites identified in schedules 3.1 and 3.2 (from the currently operative RCP) during breeding season.

Outstanding Natural Character and Natural Features and Natural Landscapes:

Set objectives and policy framework to achieve outcomes for the West Coast CMA consistent with section 6 of the RMA and Policy 13, 14 and 15 of the NZCPS. This requires a thorough assessment of potential adverse effects including cumulative effects to establish whether and to what scale activities can be provided for as permitted activities within these areas. Some Outstanding areas could be more susceptible than others to the scale of activities permitted within the plan and this could be addressed through specific exclusion within those areas. Because the uptake of permitted activities could change during the lifetime of the plan, policy direction should recognise the need for monitoring on cumulative effects from these activities.

Policy direction needs to be consistent with the NZCPS to avoid adverse effects on outstanding natural character outstanding natural features and outstanding natural landscapes, avoid significant adverse effects on natural character, natural features and natural landscapes and avoid, remedy or mitigate other adverse effects of on natural character, natural features and natural landscapes in all other areas of the coastal environment and to promote restoration. This means ensuring policies and rules set out where activities cannot occur and that activities within the CMA avoid, or appropriately mitigate adverse effects on adjacent land, air or water in the coastal environment and provide opportunities for restoration.

Policy direction should include direction for restoration and process for identification of areas and opportunities for restoration or rehabilitation of natural character.

Decision Requested: 3.7

Submitter 23 WCCB

There is no specific indication relating to protecting the West Coast Marine Reserves or for providing 'buffer' regions relating to the areas adjacent to the Marine Reserves to ensure their integrity.

Decision Requested: 3.8

Submitter 25 WDC

WDC supports the recognition within the plan that some uses and development within the coastal environment have positive effects and that other activities are required to locate within the CMA. The requirement for new development to consider our infrastructure within the CMA is supported.

Relief sought:

Retain the plan provisions that recognise the necessity of occupation of the coastal environment by infrastructure and the positive effects of use and development.

3.1 INTRODUCTION

Decision Requested: 3.9

Submitter 1, 8 BCG, INTAF

Submission

Development in the CMA is a fait accompli, what is needed is stronger protection of the natural values, which are falling victim to ad hoc and cumulative development.

Relief sought:

Amend the Introduction as follows:

3.1 Introduction

"Under section 6(a) of the Resource Management Act the preservation of the natural character of the coastal environment, including the coastal marine area, and the protection of it from inappropriate subdivision, use, and development, is a matter of national importance.

This Plan recognises the values, uses, and natural processes of the West Coast's coastal marine area and the need for continued use, development, and protection. However, in enabling continued use, development and protection, it is important that adverse effects on the existing natural ~~and human use~~ values ~~supported by~~ of the coastal marine area are avoided, remedied, or mitigated and that appropriate human use values are supported.

In addition to the natural and human use values identified in Schedule 3, the West Coast coastal marine area has other natural and human use values which are protected by the Plan, including indigenous biodiversity, historic heritage, public access, amenity values and existing lawful uses."

Decision Requested: 3.10

Submitter 3 DOC

Support. The introduction outlines the interrelationship between the objectives and policies in this chapter and Schedule 3. This section aids plan clarity.

Relief sought:

Retain as notified.

Decision Requested: 3.11

Submitter 5 FFNZ

Federated Farmers supports the plan recognising the values, uses, and natural processes of the West Coast's coastal marine area alongside the need for continued use, development, and protection within the region.

Relief sought:

Adopt the introduction as notified.

Decision Requested: 3.12

Submitter 21 TRONT

Support in part. The section does not recognise the cultural, mahinga kai, ecological and water quality values that exist outside the areas identified in Schedule 3.

Amendments are also needed to make the intent and scope of Section 3 clearer. In particular "protection" should be separated from "use and development" in describing the approach of the Plan.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Amend section 3.1 to read as follows:

"This Plan recognises the values, uses, and natural processes of the West Coast's coastal marine area. ~~and~~ It recognises the need for continued use, and development, ~~and as well as the need for protection of important values.~~ However, in enabling continued use and development, ~~and protection~~, it is important that adverse effects on the existing natural and human use values supported by the coastal marine area are avoided, remedied, or mitigated.

This chapter ...

Schedule 3...

In addition to the natural and human use values identified in Schedule 3, the West Coast coastal marine area has other natural and human use values which are also protected by this Plan, including water quality, cultural, mahinga kai, historic heritage, public access, ecological and amenity values and existing lawful uses.

3.2 OBJECTIVES

Decision Requested: 3.13

Submitter

26

WESTP

Westpower generally supports the objectives as set out in this section. The objectives overall seek to enable activities and recognise the benefits of activities whilst seeking to manage potential effects of activities. Having said that, the explanation to Policy 3.2.3 could be amended to articulate what protection from inappropriate use and development means. Whilst it is understood that this is reflective of the Act and other Policies this is a very strong directive outcome and it should be clear that is what is intended. We note for example that the explanation refers to significant values however the Objective does not contain the word significant, rather referring to all natural and amenity values within and adjacent to the coastal marine area. This has very wide implications, including across authority boundaries (with reference to "*adjacent to*" in the objective) in terms of consistency of approach for developing complementary plans and policies. Is it intended that this objective be interpreted to mean that any use or development with an effect on any natural and amenity value which is more than minor would be inappropriate?

Relief sought:

That the Objectives are retained, with the exception of Objective 3.2.3 and associated explanation which are reviewed and amended to clearly articulate the outcome sought. Based on the existing explanation this would require reference to significant values to be added to the objective, ie. "*3.2.3 To protect significant natural and amenity values ...*"

OBJECTIVE 3.2.1

Decision Requested: 3.14

Submitter

1, 8

BCG, INTAF

Relief sought:

~~"3.2.3~~ To enable the sustainable use and development of resources in the coastal marine area.

Explanation

This Objective recognises that traditionally people have made use of resources in the coastal marine area and the ability to continue to sustainably use and develop these resources is vitally important. ~~Extraction of mineral reserves, for example, contributes significantly to the regional economy, and provided that environmental impacts can be avoided, remedied, or mitigated, this is considered appropriate.~~

Extraction of mineral reserves, for example, contributes significantly to the regional economy, and it is important to ensure that any adverse environmental impacts in the CMA are avoided, remedied or mitigated."

Decision Requested: 3.15

Submitter

2

CPHWC

CPH agrees that the positive effects of new employment opportunities should be recognized: it is true that jobs attract people to the West Coast.

However, we are concerned that the explanation focuses on mineral extraction and large scale resource-based projects. We are aware that mineral extraction in particular is an industry prone to boom and bust cycles, oftentimes at the expense of the social and economic wellbeing of West Coast communities, and that the adverse environmental effects of the industry are not always minor, or adequately mitigated. Large scale resource-based projects also have the potential to have effects that are more than minor on the coastal environment. By contrast, the potential for economic benefits to the community from tourism are enhanced by protection, rather than exploitation of the natural resources of the coastal environment. The West Coast Wilderness Trail (in particular the Coastal Pathway) is an example of this type of beneficial development. Although the pathway itself is not in the coastal marine area covered by the plan, its value as a tourist attraction depends at least in part on the state of the adjacent coastal environment.

Relief sought:

Reword the explanation under 3.2.2 to include reference to the employment opportunities created through tourism.

Decision Requested: 3.16

Submitter

3

DOC

Support. Consistent with RMA in particular s5 and gives effect to NZCPS in particular Objective 6, second bullet point. The emphasis on long term sustainability of the region's communities is important, for new activities can displace

other existing activities resulting in an overall loss of jobs.

Relief sought:

Retain as notified.

Decision Requested: 3.17

Submitter

5

FFNZ

Federated Farmers supports the recognition of growth and development as fundamental to the continued sustainability of rural communities. We support the enabling framework that the Proposed West Coast Regional Coastal Plan provides.

Relief sought:

Adopt both the objective and the explanation to the objective as notified.

Decision Requested: 3.18

Submitter

21

TRONT

Management of mining in the coastal marine area

Support in part. We support the intent of the objective in enabling sustainable use and development. This is consistent with the exercise of kaitiakitanga. However Ngāi Tahu does not consider it appropriate, in the explanation, to use extraction of mineral reserves in the coastal marine area as an example of sustainable use, as mineral reserves are not renewable.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

Amend Explanation to Objective 3.2.1 to read as follows:

This Objective recognises that traditionally people have made use of resources in the coastal marine area and the ability to continue to sustainably use and develop these resources is vitally important. ~~Extraction of mineral reserves, for example, contribute significantly to the regional economy, and provided that environmental impacts can be avoided, remedied, or mitigated, this is considered appropriate.~~

OBJECTIVE 3.2.2

Decision Requested: 3.19

Submitter

1, 8

BCG, INTAF

Employment opportunities provided by new development cannot be a positive effect on the coastline; they cannot mitigate for or offset any adverse environmental effects on the coastline as the connection is too indirect.

There is nothing in the NZ Coastal Policy Statement to support objective 3.2.2 but rather the NZCPS promotes a cautionary stance, where NZCPS Policy 3(1) says, "Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse."

Policy 3(1) (of the NZCPS) needs to be applied to the reference to mineral reserves, above, too.

Policy 6(b) (of the NZCPS) says, "consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;"

So it can be seen that development should not compromise other values of the CMA.

Policy 6(j) (of the NZCPS) says, "where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value."

Relief sought:

Delete Objective 3.2.2.

Decision Requested: 3.20

Submitter

2

CPHWC

CPH agrees that the positive effects of new employment opportunities should be recognized: it is true that jobs attract people to the West Coast.

However, we are concerned that the explanation focuses on mineral extraction and large scale resource-based projects. We are aware that mineral extraction in particular is an industry prone to boom and bust cycles, oftentimes at the expense of the social and economic wellbeing of West Coast communities, and that the adverse environmental effects of the industry are not always minor, or adequately mitigated. Large scale resource-based projects also have the potential to have effects that are more than minor on the coastal environment. By contrast, the potential for economic benefits to the community from tourism are enhanced by protection, rather than exploitation of the natural resources of the coastal environment. The West Coast Wilderness Trail (in particular the Coastal Pathway) is an example of this type of beneficial development. Although the pathway itself is not in the coastal marine area covered by the plan, its value as a tourist attraction depends at least in part on the state of the adjacent coastal environment.

Relief sought:

Reword the explanation under 3.2.2 to include reference to the employment opportunities created through tourism.

Decision Requested: 3.21

Submitter

3

DOC

Support. Consistent with RMA in particular s5 and gives effect to NZCPS in particular Objective 6, second bullet point. The emphasis on long term sustainability of the region's communities is important, for new activities can displace other existing activities resulting in an overall loss of jobs.

Relief sought:

Retain as notified.

Decision Requested: 3.22

Submitter

5

FFNZ

Federated Farmers supports the positive recognition of both new and existing development as fuelling the growth which is fundamental to the sustainability of both the region's rural and urban communities. We support the recognition of the need to provide for ongoing employment opportunities in the region, and the acknowledgement of the sustainable use of natural resources to the economic development of the region.

Relief sought:

Adopt both the objective and explanation to the objective as notified.

Decision Requested: 3.23

Submitter

21

TRONT

Oppose. We support recognition of employment opportunities as a positive effect. However this should be a policy that is subsidiary to achieving sustainable use rather than an objective to be given equal weight to Objective 3.2.1.

Relief sought:

Delete Objective 3.2.2 and include its intent in Policy 3.3.1 as shown in the submission point on Policy 3.3.1.

OBJECTIVE 3.2.3**Decision Requested: 3.24**

Submitter 1, 8 BCG, INTAF

The first objective should be the protection of natural values, not development of resources. 3.2.3 should be 3.2.1 (although the list of objectives and policies is probably not technically hierarchical, nevertheless it can be interpreted as such).

Decision Requested: 3.25

Submitter 3 DOC

Support in part. Consistent with RMA in particular Part 2. As identified in the WCRC studies some of West Coasts natural features and landscapes are outstanding and are in the CMA. Specific mention should be included on natural features and landscapes to give effect to NZCPS in particular Policy 15(d) and (e).

The explanation appropriately acknowledges the lack of full knowledge of the values of the CMA.

Relief sought:

Amend as follows:

"To protect the natural and amenity values within and adjacent to the coastal marine area from inappropriate use and development in the coastal marine area, including natural character, natural features and landscapes, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes."

Retain Explanation as notified.

Decision Requested: 3.26

Submitter 5 FFNZ

Federated Farmers has concerns with the reference to the need to protection of amenity values both within and adjacent to the coastal marine area. However, we support Council focussing on inappropriate activities.

We are concerned that, by the inclusion of the term "and adjacent to" this policy seeks to manage areas beyond the coastal marine area. The Coastal Plan should only manage activities within the coastal marine area, not seek to manage activities that are controlled by other plans, such as the Land and Water Plan.

Relief sought:

That the policy is amended as follows (or similar):

"Where appropriate, to protect sustainably manage the natural and amenity character values within and adjacent to the coastal marine area from inappropriate use and development. in the coastal marine area, including natural character, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes."

Decision Requested: 3.27

Submitter 21 TRONT

Support. We support protection of the natural values within and adjacent to the coastal marine area, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes. This is consistent with the NZ Coastal Policy Statement and the exercise of kaitiakitanga.

Relief sought:

Retain Objective 3.2.3.

OBJECTIVE 3.2.4**Decision Requested: 3.28**

Submitter 2 CPHWC

CPH supports the objective to maintain, or enhance, the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu.

This ensures ongoing access to cultural practice which is essential to hauora /wellbeing.

Relief sought:

Retain the objective.

Decision Requested: 3.29**Submitter**

3

DOC

Support. The objective is consistent with RMA in particular s6(e), s8 and Ngāi Tahu Act 1996, Ngāi Tahu Claims Settlement Act 1998 and regulations and gives effect to NZCPS in particular Objective 3.

Relief sought:

Retain as notified.

Decision Requested: 3.30**Submitter**

21

TRONT

Support. We support the intent of the objective to maintain and enhance the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu. This is consistent with s. 6(e) and s. 8 RMA.

However we consider that understanding would be assisted by including a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2 and by clarifying that effects on Poutini Ngāi Tahu values must be considered wherever they exist, not just in areas identified in Schedule 3A.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Retain Objective 3.2.4, and **amend** the Explanation to read as follows:

"Poutini Ngāi Tahu values are identified for specific parts of the coastal marine area in Schedule 3A of this Plan. Further explanation of important values can be found in Chapter 2.

This Objective seeks to avoid the loss or degradation of Poutini Ngāi Tahu values and uses and, where practicable, enhance them. This Schedule is not exhaustive, and effects on Poutini Ngāi Tahu values that are found outside the areas in Schedule 3A also need to be considered."

OBJECTIVE 3.2.5**Decision Requested: 3.31****Submitter**

2

CPHWC

CPH supports the objective to avoid or mitigate the exacerbation of any natural hazards or creation of hazards that can affect infrastructure, transport routes and wellbeing of communities.

Relief sought:

Retain the objective.

Decision Requested: 3.32**Submitter**

3

DOC

Support. The objective is consistent with RMA in particular s30(1)(d)(v) and gives effect to NZCPS in particular Policy 25(a).

Relief sought:

Retain as notified.

POLICY 3.3.1**Decision Requested: 3.33****Submitter**

1, 8

BCG, INTAF

The development of the CMA is in general not supportive of people's cultural values, unless that cultural value is interpreted to be one of development of the CMA, in which case it applies to a small proportion of people on the coast. Cultural well-being would be more aligned to open spaces, public access to natural areas, fresh air, good ecosystem services and a resilient, natural biosphere. Mineral extraction in general is destructive, with many adverse effects. Positive effects of it run to the people involved but everyone plus the environment may also be adversely affected.

Relief sought:

"3.3.1 Recognise the positive effects of the use and development of the coastal marine area. The provision of infrastructure, and the potential for renewable marine energy, and mineral extraction, can be are critically important to the social, and economic and cultural wellbeing of people and communities."

Decision Requested: 3.34

Submitter

2

CPHWC

CPH acknowledges that use and development of the coastal marine area can provide community benefits, including employment. However there is no definition of the 'significant community benefits' from activities ("renewable energy, infrastructure, or mineral developments") for which it may be sufficient to remedy or mitigate unavoidable effects.

This lack of clarity may result in pressure to allow development which may have short term community benefits at a higher than anticipated environmental cost.

Furthermore, this policy contains no indication as to how the potential significant community benefits would be assessed against potential adverse effects. The use of Integrated Impact Assessment is a useful and inclusive process to address such an analysis and inform decision-making.

Relief sought:

Include a definition of 'significant community benefits' in the Glossary.

Make reference in the Plan regarding the use of Impact Assessment Tools to assist with decision-making where proposed activities have potential significant community benefits but also have unavoidable effects.

Decision Requested: 3.35

Submitter

3

DOC

Support. The policies are consistent with RMA in particular s5 and gives effect to NZCPS in particular Policy 6 including (1)(a) and (2)(c) and Policy 8. Activities that have no more than minor adverse effects that are categorised as permitted activities is an appropriate resource management practice.

Relief sought:

Retain as notified.

Decision Requested: 3.36

Submitter

5

FFNZ

We support the proposed policy but consider that farming activities are also critically important to the social, economic and cultural wellbeing of the West Coast region, and should as such be specifically recognised.

Relief sought:

That the policy is amended as follows:

"Recognise the positive effects of the use and development of the coastal marine area. The provision of infrastructure, the potential for renewable marine energy, farming activities and mineral extraction, are critically important to the social, economic and cultural wellbeing of people and communities."

And also specifically provide for farming activities within the explanation to the policy.

Decision Requested: 3.37

Submitter

10

KIWIR

Support. That positive effects from the use and development of the coastal marine area is recognised, specifically in relation to infrastructure and the social, economic and cultural benefits this can generate, is supported by KiwiRail.

KiwiRail further support that this includes recognising the community benefits at both the regional and national level arising from infrastructure.

Relief sought:

Retain as notified.

Decision Requested: 3.38

Submitter

12

NZDF

Support. NZDF supports this policy as it recognises the importance of uses and development in the coastal marine area that provide significant community benefits, such as the provision of infrastructure.

Relief sought:

Retain policy 3.3.1 as notified.

Decision Requested: 3.39

Submitter

21

TRONT

Management of mining in the coastal marine area

Support in part. We support recognition of the positive effects of use and development of the coastal marine area. However, we consider that identification of mineral extraction in the coastal marine area as "critically important" to social, economic and cultural wellbeing gives this activity inappropriate emphasis over other uses of resources.

Recognition of employment opportunities as a positive effect would be more appropriate in this policy than as Objective 3.2.2.

We request a clear framework, in policies and rules, to avoid potential adverse effects of mining on fishing grounds and other areas of cultural, recreational and commercial significance.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

Amend Policy 3.3.1 to read as follows:

"3.3.1 Recognise the positive effects of the use and development of the coastal marine area, including:
(a) The critical importance of provision of infrastructure to the social, cultural and economic wellbeing of communities;
(b) the importance of employment opportunities for sustaining communities;
~~*(c) the potential for renewable marine energy, and mineral extraction, are critically important to the social, economic and cultural wellbeing of people and communities.*~~

Explanation

This Policy recognises that use and development of the coastal marine area, including ~~the activities listed in the Policy,~~ can provide significant community benefits, both locally and nationally, particularly employment opportunities. Where renewable energy, infrastructure, or ~~mineral~~ other development provide significant community benefits (locally or nationally), it may be sufficient to remedy or mitigate unavoidable effects."

Decision Requested: 3.40

Submitter 26 WESTP

Westpower supports the Policy and the recognition of the importance of infrastructure for the social, economic and cultural wellbeing of the community.

Relief sought:

That the Policy is retained in its current form.

POLICY 3.3.2**Decision Requested: 3.41**

Submitter 3 DOC

Support. The policies are consistent with RMA in particular s5 and gives effect to NZCPS in particular Policy 6 including (1)(a) and (2)(c) and Policy 8. Activities that have no more than minor adverse effects that are categorised as permitted activities is an appropriate resource management practice.

Relief sought:

Retain as notified.

Decision Requested: 3.42

Submitter 5 FFNZ

We support the enabling of activities within the coastal marine area, where there is the need for people and communities to provide for their safety and wellbeing. The clearing of drains outlets and channels is an important mechanism for reducing erosion problems and preventing the inundation of farmland. We support the enabling framework that the Plan provides for these preventative activities, where less than minor effects will occur, to continue with little regulatory and financial burden on the community.

Relief sought:

That the explanatory text is amended to provide for farming activities including stock movement.

Decision Requested: 3.43

Submitter 10 KIWIR

Support. KiwiRail support that there is recognition proposed through policy of the functional need for some activities to locate within the coastal marine area.

While much of the rail corridor is outside the marine environment, there are a number of bridges that cross watercourses within what is the defined as the marine environment. The physical ability to relocate these is limited. Further, any works to these structures to ensure their structural integrity and the continued safe operation of the rail network, by default will occur within the coastal environment and this is unable to be avoided.

Relief sought:

Retain as notified.

Decision Requested: 3.44

Submitter 21 TRONT

Management of mining in the coastal marine area

Support in part. We support recognition of the functional need for some activities to be located in the coastal marine area, but do not consider it is necessary for the Plan to provide for all such activities. Some activities that are confined to the coastal marine area may not be appropriate in the area covered by the Plan. Ngāi Tahu does not consider it is appropriate to consider mineral extraction in the same way as activities such as channel clearance, as is suggested by the explanation to Policy 3.3.2.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the

nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

Amend Policy 3.3.2 to read as follows:

"3.3.2 Recognise there is a functional need for some activities to locate within the coastal marine area ~~and that these activities need to be provided for in this Plan.~~

Explanation

Some activities need to occur in the coastal marine area...

~~Mineral deposits in the coastal marine area are fixed in location and can only be extracted from where they are found."~~

Decision Requested: 3.45

Submitter

26

WESTP

Westpower supports the Policy and the recognition of the functional need for some activities to be located in the coastal marine area. This includes network utilities and regionally significant infrastructure which may have a technical or operational need to locate in the coastal area. The policy and explanation should be amended to refer to these activities.

Relief sought:

That the Policy and explanation is retained and amended to include reference to utilities and regionally significant infrastructure, ie

"3.3.2 functional need for some activities, including network utilities and regionally significant infrastructure, to locate within ...",

and in terms of the explanation,

"Some activities ... and wellbeing. For example, network utilities and regionally significant infrastructure ..."

POLICY 3.3.3

Decision Requested: 3.46

Submitter

3

DOC

Support. The policies are consistent with RMA in particular s5 and gives effect to NZCPS in particular Policy 6 including (1)(a) and (2)(c) and Policy 8. Activities that have no more than minor adverse effects that are categorised as permitted activities is an appropriate resource management practice.

Relief sought:

Retain as notified.

POLICY 3.3.4

Decision Requested: 3.47

Submitter

3

DOC

Support. The policies are consistent with RMA in particular s5 and gives effect to NZCPS in particular Policy 6 including (1)(a) and (2)(c) and Policy 8. Activities that have no more than minor adverse effects that are categorised as permitted activities is an appropriate resource management practice.

Relief sought:

Retain as notified.

Decision Requested: 3.48**Submitter**

5

FFNZ

Federated Farmers believes that where activities will incur only minimal adverse effects, these should be allowed without requiring the resource user to go to the time, expense and inconvenience of applying for resource consent. This policy positively reduces unnecessary consenting fees and time, reducing the regulatory burden on landowners.

Relief sought:

Adopt the policy and explanation as notified.

Decision Requested: 3.49**Submitter**

10

KIWIR

Support. KiwiRail support the specific recognition that some activities can have a no more than minor effect on the environment, and therefore are able to be provided for as a permitted activity.

Relief sought:

Retain as notified.

POLICY 3.3.5**Decision Requested: 3.50****Submitter**

1, 8

BCG, INTAF

Relief sought:

Amend as follows:

"3.3.5 Except for situations covered by Policy 5.3.6, in the management of any activity in the coastal marine area, to avoid adverse effects on:...."

Decision Requested: 3.51**Submitter**

2

CPHWC

CPH supports the policy to avoid adverse effects on (a) threatened species habitats and (b) outstanding natural features and landscapes etc.

This seeks to ensure the West Coast remains an environment that supports local, national and global species biodiversity essential to sustainability.

Relief sought:

Retain the policy.

Decision Requested: 3.52**Submitter**

3

DOC

Support in part. The policy gives effect in part to NZCPS in particular Policies 11(a)(i)(ii), Policy 13(1)(a) and 15(a). However indigenous taxa is not recognised.

The policy also fails to consider NZCPS Policy 11 (a)(iii), (iv), (v), and (vi). By including the word "areas" and "indigenous ecosystems and vegetation types", Policy 3.3.5 will give effect to the all of NZCPS Policy 11. A number of areas which satisfy the criteria of Policies 5 and 11 (a) are identified in the new Schedule 3G Coastal Protection Areas. With relation to schedule 3G please see Page 27 of this submission.

The Department of Conservation manages significant areas within the CMA of the West Coast that are areas set aside for full or partial protection of indigenous biodiversity. These areas include marine reserves, lagoons including those in Westland National Park and river beds in the CMA.

Significant parts of coastal environment are also managed by the Department.

Relief sought:

Amend as follows:

"3.3.5 Except for situations covered by Policy 5.3.6, in the management of any activity in the coastal marine area, to avoid adverse effects on:

(a) Indigenous taxa, indigenous ecosystems and vegetation types, habitats of threatened species or areas which meet the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement or are listed in 3G Coastal Protection Areas;

(b) Outstanding natural features and landscapes, and areas of outstanding natural character identified in Schedules 3D and 3E."

Explanation

Policy 3.3.5 gives effect to Policies 11(a), 13(1)(a), and 15(a) of the NZCPS 2010, which requires protection or preservation of threatened biodiversity, outstanding natural features and landscapes, and areas of outstanding natural character from inappropriate use and development. In applying this Policy, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects in outstanding areas and still give effect to Policies 11, 13, and 15 of the NZCPS, where avoidance of an activity is not necessary (or relevant) to preserving natural character or protecting biodiversity or landscapes.

For any development proposed on or adjacent to land managed by the Department of Conservation such as ~~a~~ a marine reserve or a lagoon in a national park the developer will need to consult with the Department of Conservation and obtain appropriate permissions."

Decision Requested: 3.53**Submitter**

5

FFNZ

Schedule 3D identifies Outstanding Natural Features and Landscapes. It provides a mechanism for recognising the existence of the values within and adjacent to the coastal marine area, where a proposed activity requiring consent may have adverse effects on the landscape values. Schedule 3E identifies Outstanding Natural Character areas. Similarly, it also provides a mechanism for identifying key attributes.

Where farm land is a feature of these ONF/Ls and ONCs, this needs to be recognised and provided for when considering future decisions around the management of activities in these areas and we strongly support this inclusion. Where a landscape identified is part of a working farm environment, it needs to be recognised that these areas are dynamic in nature.

It is unclear whether landowners have been actively involved in the Brown NZ Ltd study to map these areas. Federated Farmers is a strong advocate for the engagement of landowners where private land has been mapped.

We support Council acknowledging that the case law has indicated that it may be acceptable to allow activities that have minor or transitory adverse effects in outstanding areas and still give effect to Policies 11, 13, and 15 of the NZCPS.

Relief sought:

Adopt the policy as proposed.

Decision Requested: 3.54**Submitter**

26

WESTP

Westpower supports the Policy and the recognition of the importance of infrastructure for the social, economic and cultural wellbeing of the community. The Policy sets a bottom line of avoidance of adverse effects in respect to certain values with the exception of protection works for regionally significant infrastructure where remediation or mitigation is required as far as practicable. Westpower submits that from an infrastructure perspective this should also apply to where there is a functional need to locate in these areas and the Policy should be amended to reflect that.

Relief sought:

That the Policy is retained with an amendment that provides an additional exception with respect to Policy 3.3.2, ie *"3.3.5 Except ... Policies 3.3.2 and 5.3.6, in the ..."*

POLICY 3.3.6**Decision Requested: 3.55****Submitter**

1, 8

BCG, INTAF

The preamble for Schedule 3 admits that the lists of schedule 3 are not exhaustive so the rest of this plan needs to reflect that.

Relief sought

Amend as follows:

"3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) Spiritual and cultural values and uses of significance to Poutini Ngai Tahu, including those identified in Schedule 3A;

(b) Development activities in Coastal Development Areas, including those identified in Schedule 3B;

(c) Significant historic heritage;

(d) Existing public access to and along the coastal marine area;

(e) Existing lawful uses;"

Decision Requested: 3.56

Submitter

2

CPHWC

CPH strongly endorses the policy to give priority to avoiding adverse effects to the situations listed in 3.3.6 (1) as well as avoiding causing or exacerbating a natural hazard in any Coastal Hazard Area.

Relief sought:

Retain the policy.

Decision Requested: 3.57

Submitter

3

DOC

Support in part. Consistent with RMA in particular Part 2 including s5, s6(d), (e), (f) and (g) and s8. Gives effect to NZCPS in particular Policies 2(g) and 25(a). However the wording in Policy 3.3.6 (2) is unclear.

Giving priority to avoiding adverse effects is an appropriate management response in managing adverse effects on the matters outlined in Policy 3.3.6.

Relief sought:

Retain as notified with the following amendment:

"3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) Spiritual and cultural values and uses of significance to Poutini Ngai Tahu identified in Schedule 3A;

(b) Development activities in Coastal Development Areas identified in Schedule 3B;

(c) Significant historic heritage;

(d) Existing public access to and along the coastal marine area;

(e) Existing lawful uses;

2) Any adverse effect causing or exacerbating a natural coastal hazard in any Coastal Hazard Area listed in Schedule 3C."

And retain the explanation as notified.

Decision Requested: 3.58

Submitter

5

FFNZ

Under this policy, Federated Farmers would hope that legitimate farming activities would be considered an existing lawful use. By this interpretation, the policy will seek to avoid adverse effects on lawfully established farming activities. However, it would be beneficial if this could be clarified.

Relief sought:

That clarification is provided to Federated Farmers as to the intent of this policy.

Decision Requested: 3.59

Submitter

6

GDC

Support in part. Under Policy 3.3.6, explanation – this states that only expert investigation is only required for

activities in the CHA identified in the RCP. The Grey District Council (GDC) believes that there may be situations where expert reports are required for areas outside the CHA that might pose a potential coastal hazard and this should be catered for in the RCP.

Decision Requested: 3.60

Submitter 10 KIWIR

Support. KiwiRail support this policy, specifically clause 1(d) and (e) of the policy, whereby adverse effects on existing public access to and along the coastal marine area and on existing lawful uses are to be avoided as a preference.

Recognition of the nature of existing public access is submitted by KiwiRail as being important. The rail network is not publicly accessible, and therefore there is already a public access impediment where the rail network crosses watercourses located within the coastal environment. This is for safety reasons. The policy as proposed enables that existing restriction to be considered.

Further, the rail network is an existing lawful use and considering the effects of works proposed by KiwiRail, but also those proposed by other parties and the impacts that will have on the rail network, is supported.

Relief sought:

Retain as notified.

Decision Requested: 3.61

Submitter 21 TRONT

Support in part. Clearer and stronger policy direction is needed to reflect the direction in s.6 RMA on the matters of national importance included in Policy 3.3.6.

The Explanation states that proposals affecting significant values will be assessed *"in accordance with recognised criteria that are relevant to the regional context of the West Coast coastal marine area"*, but it is not clear what these criteria are.

We consider that understanding would also be assisted by including a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2.

Relief sought:

1. **Amend** Policy 3.3.2 to read as follows:

"3.3.6 In the management of any activity in the coastal marine area, ~~avoid~~ give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) Spiritual and cultural values and uses of significance to Poutini Ngāi Tahu identified in Schedule 3A;..."

2. **Clarify**, in the second paragraph of the Explanation, what "recognised criteria" will be applied to proposals affecting significant values.

3. **Add** a further paragraph to the Explanation as follows:

Explanation of values and uses important to Poutini Ngāi Tahu can be found in Chapter 2.

Decision Requested: 3.62

Submitter 25 WDC

Support the introduction of Policy 3.3.6(2) and 3.3.7(2) which require the consideration of the creation or exacerbation of natural hazard risk for any activity within the CMA.

Relief sought:

Retain Policy 3.3.6(2) and 3.3.7(2).

POLICY 3.3.7

Decision Requested: 3.63

Submitter 1, 8 BCG, INTAF

Policy 3.3.7 should be deleted and 3.3.7.1(a) to (f) should be added to 3.3.6. Policy 3.3.7.2 could then stand alone, or

be listed as 3.3.6.3.

Relief sought:

"3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) *Spiritual and cultural values and uses of significance to Poutini Ngai Tahu including those identified in Schedule 3A;*

(b) *Natural values in relation to development activities in Coastal Development Areas identified in Schedule 3B;*

(f) *the natural character of the coastline*

2) *Causing or exacerbating a natural coastal hazard in any Coastal Hazard Area, including those listed in Schedule 3C.*

3.3.7 In the management of any activity in the coastal marine area:

1) ~~Avoid, remedy, or mitigate adverse effects on:~~ give priority to avoiding, in preference to remedying or mitigating adverse effects on:

(a) *Water quality;*

(b) *Indigenous biodiversity, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6;*

(c) *Intrinsic values of ecosystems;*

(d) *Recreational values in any Coastal Recreation Area, including those identified in Schedule 3F;*

(e) *Human health;*

(f) *Infrastructure;"*

Decision Requested: 3.64

Submitter

2

CPHWC

CPH supports the policy to avoid, remedy or mitigate adverse effects on water quality, recreational values and human health.

Relief sought:

Retain the policy.

Include a provision in the Plan requiring structures such as bridges and wharves to be built to a standard to withstand heavy rain, storm surges and flooding events.

Decision Requested: 3.65

Submitter

3

DOC

Support in part. The proposed policy omits consideration of natural features. Natural features which meet the policy criteria are present on the West Coast.

With regard to water quality the proposed policy fails to give effect to NZCPS Policy 23(i).

With regard to indigenous biodiversity, natural character, landscapes and natural features which meet the tests of NZCPS Policies 11(b), 13(1)(b) and 15(b) the proposed policy fails to give effect to the above policies.

With regard to human health and the related contact recreation and kaimona, the test should be avoid significant adverse effects because of potential risks to human health and the significance of the resources.

(2) gives effect to NZCPS 2010 in particular Policy 25(a).

Relief sought:

Amend as follows:

"3.3.7 In the management of any activity in the coastal marine area:

1) Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects on:

(a) *Water quality;*

(b) *Indigenous biodiversity, cultural and amenity values, natural character, landscapes, natural features, and historic heritage values not described in Policies 3.3.5 or 3.3.6 or is a marine mammal site listed in Schedule Cross Boundary Areas; (see Appendix 1)*

(c) *Intrinsic values of ecosystems;*

(d) *Recreational values in any Coastal Recreation Area identified in Schedule 3F;*

(e) *Human health;*

(f) *Infrastructure;*

2) *Avoid increasing the risk of harm to people, or damage to land, property, or infrastructure, from a coastal hazard*

in any area not listed in Schedule 3C."

Explanation:

This policy manages adverse effects of activities in the coastal marine area that are not covered by Policies 3.3.5 and 3.3.6."

Decision Requested: 3.66

Submitter

5

FFNZ

The policy fails to recognise that adverse effects of activities may be only minor and may of such a nature as to be acceptable, given the benefits the activities involved provide.

As proposed, the potential restrictions could be disproportionate entirely to the actual effect of the activity.

Council either needs to reference 'significant' adverse effects or provide acknowledgement that avoid, remedy or mitigation will not always be appropriate or necessary.

Relief sought:

Amend the policy as follows (or similar):

"3.3.7 In the management of any activity in the coastal marine area:

1) Where appropriate or necessary, avoid, remedy, or mitigate adverse effects on:

(a) Water quality;

(b) Indigenous biodiversity, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6;

(c) Intrinsic values of ecosystems;

(d) Recreational values in any Coastal Recreation Area identified in Schedule 3F;

(e) Human health;

(f) Infrastructure;

2) Avoid increasing the risk of harm to people, or damage to land, property, or infrastructure, from a coastal hazard in any area not listed in Schedule 3C."

Decision Requested: 3.67

Submitter

10

KIWIR

Support. In respect of policy 3.3.7 (1) (f), managing the effects of activities on the environment, KiwiRail support that the adverse effects from that activity on infrastructure are to be avoided, remedied or mitigated.

Relief sought:

Retain as notified.

Decision Requested: 3.68

Submitter

21

TRONT

Support in part. We support management of adverse effects on the values listed in Policy 3.3.7, but consider that mahinga kai should also be specifically included.

Maintenance and enhancement of mahinga kai is important to sustain the wellbeing of Poutini Ngāi Tahu. Although some mahinga kai areas are recognised in Schedule 3A, the Plan recognises that the Schedule is not comprehensive. Adverse effects of activities on mahinga kai outside the areas in Schedule 3A also need to be managed.

Our reasons are:

The ability to access and use mahinga kai resources is fundamental to maintaining the identity and culture of Poutini Ngāi Tahu. We consider that it would be appropriate to make specific reference to avoiding adverse effects on mahinga kai in policies and rules to ensure that these resources are sustained for future generations.

We consider that understanding would also be assisted by including a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2.

Relief sought:

1. **Amend** Policy 3.3.7 to read as follows:

"3.3.7 In the management of any activity in the coastal marine area:

1) Avoid, remedy, or mitigate adverse effects on:

(a) Water quality;

(b) Indigenous biodiversity, mahinga kai, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6;...”

2. **Add** a further paragraph to the Explanation as follows:

"Explanation of mahinga kai and other cultural values and uses important to Poutini Ngāi Tahu can be found in Chapter 2."

Decision Requested: 3.69

Submitter 25 WDC

Support the introduction of Policy 3.3.6(2) and 3.3.7(2) which require the consideration of the creation or exacerbation of natural hazard risk for any activity within the CMA.

Relief sought:

Retain Policy 3.3.6(2) and 3.3.7(2).

Decision Requested: 3.70

Submitter 26 WESTP

Westpower supports the Policy and the management of activities which could compromise infrastructure. Having said that item (2) of this policy seeks avoidance of increased risk of coastal hazards in any area not identified, while at the same time providing no exceptions. As discussed elsewhere and supported by proposed Policy 3.3.2 there may be a functional need for infrastructure to be located in such areas given the topography of the West Coast. This part of the policy should be amended to refer to this and provide for remediation or mitigation against hazards as far as practicable.

Relief sought:

That the Policy is retained with an amendment to (2) to reflect the function need for some activities to locate in such areas, ie

"3.3.7 (2) ... in Schedule 3C, with the exception of instances where infrastructure needs to be located within such areas in which case mitigation will be required as far as is practicable."

POLICY 3.3.8

Decision Requested: 3.71

Submitter 1, 8 BCG, INTAF

There are many working landscapes along the coast but some have been created either prior to the RMA or have been created by stealth, in which case that working landscape is not legitimately consented and that coastline should be reinstated to its natural state. A prime example is the saga of the Fox River baches where titles were provided retrospectively. The coastline has many such unpublicized instances.

Relief sought:

"3.3.8 When considering effects of a proposed coastal consent activity on natural character within and adjacent to the coastal marine area, take into account factors including:

(a) The degree of modification of the surrounding environment;

(b) Whether the landscape includes a legally consented working landscape;

(c) The degree to which the surrounding landscape can absorb the change resulting from the proposed activity."

Decision Requested: 3.72

Submitter 1, 8 BCG, INTAF

(Explanation, 2nd paragraph, 1st sentence): *"It is important to remember that there is an abundance of natural character along the West Coast coastline...."*

Urbanised areas, including coastal farms, have in many cases altered, drained and very significantly degraded the CMA.

Decision Requested: 3.73

Submitter 3 DOC

Support in part. A description of an activity on the site of natural character is required to be taken account of under

the RMA Fourth Schedule. This natural character description should include the sites attributes, characteristics and qualities that contribute to the natural character of the area.

Relief sought:

Amend as follows:

"3.3.8 When considering effects of a proposed coastal consent activity on natural character within and adjacent to the coastal marine area, take into account factors including:

(a) The attributes, characteristics and qualities that contribute to the natural character of the area.

~~*(b) The degree of modification of the surrounding environment;*~~

~~*(c) Whether the landscape includes a working landscape;*~~

~~*(d) The degree to which the surrounding landscape can absorb the change resulting from the proposed activity."*~~

Retain Explanation as notified.

Decision Requested: 3.74

Submitter

4

ELWEP

3.3.8(a)(b)(c): These clauses and the accompanying explanation refer to landscape values in the CMA, and suggest that because there is plenty of unmodified coastline on the West Coast, that in that context developments should be facilitated and expedited. Furthermore, the clauses introduce the view that if the landscape contains a "working" element, or a degree of modification, that further development will be acceptable.

I challenge that approach.

The most unmodified sections of CMA on the West Coast are largely remote and relatively inaccessible.

It is therefore misleading to claim an abundance of natural character in the CMA on the coast, when much of it is too remote or inaccessible for most people to get to.

Merely because a landscape contains elements of "working" or modification should not be an excuse for further development, especially when it is readily accessible and largely wild and unmodified.

Decision Requested: 3.75

Submitter

5

FFNZ

Federated Farmers supports the need to take into account the extent of adjacent modified environments, the existence of working landscapes and the extent to which the proposed change could be absorbed within the surrounding landscape. This is an appropriate acknowledgement that in considering effects, there is a need for practical, pragmatic and workable factors to be included in considerations.

Relief sought:

Adopt the policy as notified.

Decision Requested: 3.76

Submitter

10

KIWIR

Support. In respect of Policy 3.3.8 (a), KiwiRail support that the degree of modification of the surrounding environment is identified as a relevant factor in considering the effects of an activity within the coastal environment.

For KiwiRail the rail is an existing asset, thereby the works anticipated are likely to be within the existing corridor, or very close to it, thereby being within an environment that is to some extent already modified.

Relief sought:

Retain as notified.

Decision Requested: 3.77

Submitter

26

WESTP

Westpower supports the Policy and the provision of guidance with respect to consideration of effects. However to reflect policies elsewhere it is considered that, from an infrastructure perspective, the technical and operation requirements should be a consideration in ensuring the continued ability of infrastructure to provide for the well being of the community.

Relief sought:

That the Policy is retained with the addition of an item (d) to the effect,
 "3.3.8 *When considering effects*
 (d) *The functional, technical and operational needs and requirements of infrastructure.*"

POLICY 3.3.9**Decision Requested: 3.78**

Submitter 3 DOC

Support. Iwi involvement in resource management processes is critical for sound resource management.

Relief sought:

Retain as notified.

Decision Requested: 3.79

Submitter 5 FFNZ

We have concerns with the proposal for Poutini Ngāi Tahu to be provided with information on all resource consent applications. The RMA provides a clear regime relating to the appropriateness of when consents need to be notified beyond the applicant. We do not consider that Poutini Ngai Tahu are resourced, or needed to be involved to the degree proposed.

Relief sought:

Amend the explanation to the policy as follows (or similar):

"Explanation

Where it is considered appropriate, Poutini Ngāi Tahu will be ~~are~~ provided with information on ~~all~~ resource consent applications. They will be advised in their capacity as an affected party with regard to some applications, and may be notified of publicly advertised applications."

Decision Requested: 3.80

Submitter 21 TRONT

Support in part. We support provision for involvement of Poutini Ngāi Tahu in resource consent processes. However wording of the explanation to Policy 3.3.9 could be interpreted as only providing for involvement where spiritual and cultural values are identified in Schedule 3A.

Our reasons are:

Although Section 2.12 describes a process providing Poutini Ngāi Tahu opportunity for involvement in all resource consent processes, this is not clearly reflected in statements about notification and affected parties in some other parts of the Proposed Plan.

Relief sought:

Amend the last sentence of the Explanation to Policy 3.3.9 to read as follows:

"...This will allow Poutini Ngāi Tahu to assess the implications of each resource consent application on their spiritual and cultural values, and uses as they relate to the coastal marine area (identified in Schedule 3A)."

POLICY 3.3.10**Decision Requested: 3.81**

Submitter 3 DOC

Support. The policy is consistent with RMA in particular s3 and s5. Examples of cumulative effects that will continue to require management include gravel extraction from West Coast river beds exacerbating coastal hazard risk.

Relief sought:

Retain as notified.

Decision Requested: 3.82

Submitter 4 ELWEP

Cumulative effects of many activities are inevitable, and must always be a central consideration in decision-making under the provisions of sections 5(a)(b)(c) and 6(a) of the RMA. "Have regard" is inappropriate and far too weak in this case.

Relief sought:

I request that "*Have regard to*" be changed to "*Shall recognise*".

4. PUBLIC ACCESS AND OCCUPATION OF SPACE

4.1 INTRODUCTION

Decision Requested: 4.1

Submitter 1, 8 BCG, INTAF

4th paragraph: *“ Vehicle access in the coastal marine area associated with commercial activities can result in damage to habitats, flora, fauna and sand dune stability, from compaction and crushing. These effects can be assessed through the consent process.”*

It is not just via commercial activities that vehicles can compromise natural values within the CMA. There has been escalating use of vehicles in general in the CMA in recent years. The use of recreational vehicles in the CMA needs to be addressed in this plan: this chapter; that it is not is an aberration.

Decision Requested: 4.2

Submitter 3 DOC

Support. The introduction identifies activities where public access may be restricted or where public access may adversely affect values.

Relief sought:

Retain as notified.

Decision Requested: 4.3

Submitter 5 FFNZ

Public access is an important issue for Federated Farmers. There are significant costs associated with the maintenance of public access. It is inappropriate to facilitate access to the entire region’s coastal marine area, as it is inappropriate to facilitate or enhance access where security, health safety and private property rights may be undermined. Access should be determined based on demand in which the public have identified a desire to have access. It must be noted, there is also no legal requirement for public access to areas of value on privately owned land and access must be negotiated with the landowner without the presumption of a right to public access.

Relief sought:

Adopt the introduction as notified.

That in the chapter landowner access is clearly separated from public access.

OBJECTIVE 4.2.1

Decision Requested: 4.4

Submitter 3 DOC

Support. The objectives give effect to NZCPS in particular Objective 4 and Policies 18 and 19.

Relief sought:

Retain as notified.

Decision Requested: 4.5

Submitter 5 FFNZ

Federated Farmers understands that enjoyment of the coastal marine area is a past time and resource for the community. However, public access, including vehicle access should not place in conflict the interests of the landowners that manage the land adjacent to the coastal marine areas. Federated Farmers submits that this policy should recognise the need to minimise conflicts with other users of land in the coastal environment.

While Federated Farmers is supportive of the principle of enhancing public access, we do not consider it appropriate in all instances to manage access to and along the coastal marine area in a manner that maximises public use. Managing access to the coastal marine area to achieve this objective may in some circumstances unduly restrict common farming practices.

It is only appropriate to facilitate public access where there is an identified public need for it, and the circumstances appropriately allow for it. If members of the public have to walk across private property to get to the coast, it requires landowner permission. Landowners should not be impacted or controlled in their farming activities simply because they neighbour a coastal marine area. Federated Farmers is concerned that by referring to access to the coastal marine area, this objective concerns public access to private land beyond the coastal marine area. In this chapter landowner access needs to be clearly separated from public access.

Relief sought:

Amend Objective 4.2.1 to read:

"To maintain and as far as practical enhance where a demand exists, public access to and along the coastal marine area, while recognising the needs of private property owners in that some activities require the occupation of space."

Decision Requested: 4.6

Submitter

10

KIWIR

Support. KiwiRail support that existing impediments to public access can be for health and safety reasons, and that these are recognised in relation to public access along the coastal marine area. The rail network is not available for public access for health and safety reasons, therefore consideration of that is fundamental for KiwiRail when going through the RMA process in relation to works on the network.

Relief sought:

Retain as notified.

Decision Requested: 4.7

Submitter

12

NZDF

Support. It is appropriate to recognise at a policy level that public access along the coastal marine area may be restricted during military training activities. NZDF considers these provisions are consistent with Policy 19 of the NZCPS 2010, which requires the Coastal Plan to provide for restrictions on public access for defence purposes.

Relief sought:

Retain Objective 4.2.1 and Policy 4.3.2 as notified.

Decision Requested: 4.8

Submitter

19

RF&B

Support the general intent of the objective however note that this does not provide an objective for the occupation of space.

Relief sought:

Incorporate an objective to provide for the occupation of space within the CMA where this does not have adverse effects within the CMA or on sensitive sites adjacent to the CMA.

OBJECTIVE 4.2.2

Decision Requested: 4.9

Submitter

3

DOC

Support. The objectives give effect to NZCPS in particular Objective 4 and Policies 18 and 19.

Relief sought:

Retain as notified.

Decision Requested: 4.10

Submitter

5

FFNZ

Federated Farmers understands this is a new objective that will only capture the effects of vehicle access relating to consented activities, as opposed to the broad ranging effects of vehicle access the current plan is expected to manage, and is failing to provide management of.

Farmers may sometimes need to drive on the coastal marine area to access remote areas of their farm. The policies

associated with this objective are related to public access, as opposed to landowner access. We are concerned that this objective will result in regulation that will limit farmer's access around their property and be impractical.

Relief sought:

That more information on the intent of this policy is provided to Federated Farmers.

Decision Requested: 4.11

Submitter 6 GDC

Support in part. Explanation under 4.2 objectives. Should refer to policy 20 (vehicle access) of NZCPS since this section not only relates to walking access but also vehicle as explained in objective 4.2.2.

Decision Requested: 4.12

Submitter 19 RF&B

Effects of access can be from more than vehicles and effects can come from permitted activities too.

Relief sought:

Amend

"To enable access where effects are no more than minor and manage effects of access where this has potential to be more than minor through the resource consent process".

POLICY 4.3.1

Decision Requested: 4.13

Submitter 3 DOC

Support in part. The policy gives effect to NZCPS in particular Objective 4, Policy 19 including (2), (3)(g) and (i).

Relief sought:

Retain as notified.

Decision Requested: 4.14

Submitter 5 FFNZ

Federated Farmers is concerned that there are a number of circumstances which rather than be seen as exceptional, are more regular activities which are not covered by this policy. There are many cases where public access may not be suitable. For example, management decisions to restrict access where lambing or calving is taking place may be appropriate, as well as for health and safety and security reasons.

Landowners have the right to determine who has access over their property. The Coastal Plan needs to ensure that it does not override landowner's right to allow or refuse access to members of the public who may want to cross over private land to access the coastal marine area, or where the certificate of title extends into the coastal marine area.

Relief sought:

Amend Policy 4.3.1 to read:

"Public access along the coastal marine area will only be restricted where necessary:

(a) For health and safety reasons in relation to a consented activity;

(b) To ensure a level of security consistent with the purpose of a resource consent;

(c) In other exceptional circumstances sufficient to justify the restriction.

(d) To maintain a level of security for lawfully established activities, uses and management of areas within or adjacent to the coastal marine areas.

(e) Where the coastal marine area is in private ownership."

Decision Requested: 4.15

Submitter 6 GDC

Support in part. Policy 4.3.1(a) – refers to "reasons in relation to a consented activity" – so what if not consented? People can do what they like?

Decision Requested: 4.16

Submitter 7 HERRR

It would be useful under clause 4.3.1(c) to have allowances made for closure to include erosion control measures. ie exceptional circumstances should include erosion and damage to the foreshore.

Decision Requested: 4.17

Submitter 10 KIWIR

Seek amendment. In respect of policy 4.3.1 (a), KiwiRail support that public access to the coastal marine area is to only be restricted in certain circumstances, however the clause as currently worded restricts that to consented activities.

The rail corridor has been in place for a very long time, and is covered by a designation. The majority of bridges hold resource consents where these are required. However some activities will have been undertaken as permitted activities, thereby not requiring consent. KiwiRail would prefer that the provisions is altered to reflect lawful activities, rather than consented activities.

Relief sought:

Amend as proposed:

*"4.3.1 Public access along the coastal marine area will only be restricted where necessary:
(a) for health and safety reasons in relation to a consented lawful activity ..."*

Decision Requested: 4.18

Submitter 16 REYNR

I support the existing legislations especially the following areas:

Permitted use of beach for stock and vehicle movement, there are at present three farmers that on limited occasions use the beach to drove stock from one area to another, this has no environmental effect and is an occasional use that keeps stock of public roads.

Decision Requested: 4.19

Submitter 19 RF&B

It may be "necessary" to restrict access for protection of significant habitat or breeding seasons.

Clause (c) is vague. Policies 4.3.2 and 4.3.3 appear to sufficiently cover 'exceptional circumstance.

Relief sought:

Amend policy to include a new clause:

"For the protection of habitats and breeding times of birds and mammals, including areas adjacent to those listed in Schedules 3.1 "Marine Mammal and Bird Sites Above Mean High Water Springs".

Delete clause (c).

POLICY 4.3.2**Decision Requested: 4.20**

Submitter 3 DOC

Support in part. The wording "military exercises" should be changed to "defence purposes in accordance with the Defence Act 1990".

Relief sought:

Retain as notified with the following amendment:

"4.3.2 Public access along the coastal marine area may be restricted to provide for public activities and events, or defence purposes in accordance with the Defence Act 1990—military exercises, which require a degree of occupation for short periods."

Decision Requested: 4.21

Submitter 12 NZDF

Support. It is appropriate to recognise at a policy level that public access along the coastal marine area may be restricted during military training activities. NZDF considers these provisions are consistent with Policy 19 of the NZCPS 2010, which requires the Coastal Plan to provide for restrictions on public access for defence purposes.

Relief sought:

Retain Objective 4.2.1 and Policy 4.3.2 as notified.

Decision Requested: 4.22

Submitter 19 RF&B

Support. Provides direction as to when access may be restricted.

Relief sought:

Retain

POLICY 4.3.3**Decision Requested: 4.23**

Submitter 3 DOC

Support in part. The policy gives effect to NZCPS in particular Objective 4, Policy 19 including (2), (3)(g) and (i).

Relief sought:

Retain as notified.

Decision Requested: 4.24

Submitter 19 RF&B

Support approach as appropriate to consider these options under RMA.

Relief sought:

Retain

POLICY 4.3.4**Decision Requested: 4.25**

Submitter 1, 8 BCG, INTAF

Amend Policy 4.3.4:

"Where a reclamation restricts public access in the coastal marine area, Council will ~~consider whether it is necessary or practicable to~~ require an esplanade reserve/strip, or access strip under section 229 of the Act."

Decision Requested: 4.26

Submitter 3 DOC

Support in part. The policy gives effect to NZCPS in particular Objective 4, Policy 19 including (2), (3)(g) and (i).

Relief sought:

Retain as notified.

Decision Requested: 4.27

Submitter 19 RF&B

Support in part approach as appropriate to consider these options under RMA.

Relief sought:

Retain but needs to be supported by adequate rules and schedules to assist in the identification of where these sites maybe, not only Schedule 10.

POLICY 4.3.5**Decision Requested: 4.28****Submitter**

1, 8

BCG, INTAF

Policy 20 of the NZCPS: Vehicle access: provides a list of adverse effects that any vehicle needs to be controlled in relation to. In this plan there needs to be narrative on protection of coastal processes in relation to use of any motor vehicle on the shore, especially in relation to the nesting sites of dotterels, and little blue penguins, of which there are many sites on the coast, particularly for dotterels around estuaries. Dotterel nesting sites should be identified and vehicles banned from such sites (and dogs controlled also at those sites). Fairy terns congregate at some estuaries and these sites need protected, as do shellfish beds, also other areas of congregating birds, especially vulnerable species. Disturbance of the peace and quiet by recreational vehicles needs to be addressed. Other local councils in New Zealand have rules around such activities and it is time our regional council provided protection where necessary, from recreational vehicle impacts.

Relief sought:

"4.3.5 Motorised vehicle access to, and use in, the coastal marine area associated with a consented activity may be restricted to manage adverse effects on habitats, water quality, flora, fauna, kaimoana beds on the foreshore, including those shown in Schedule 10,...."

Decision Requested: 4.29**Submitter**

3

DOC

Support in part. Motorised vehicle access can have adverse effects on habitats for fish such as spawning areas, on roosting and nesting birds and on kaimoana such shellfish.

Relief sought:

Retain as notified.

Decision Requested: 4.30**Submitter**

19

RF&B

The adverse effects on habitats recognised in this policy could also occur from access on foot access and from non-consented activities.

Relief sought:

Retain and amend consistent with amendments sought Policy 4.3.1

Decision Requested: 4.31**Submitter**

21

TRONT

Support. Vehicles can cause significant damage to shellfish beds, and we support provision to restrict vehicle access to kaimoana beds to avoid such adverse effects.

Relief sought:

Retain policy 4.3.5.

NEW POLICY**Decision Requested: 4.32****Submitter**

5

FFNZ

Federated Farmers notes that some other Coastal Plans have included policies and explanatory text to recognise that parts of the coastal marine area are in private ownership. We submit that an additional policy be included that recognises the rights of landowners, to support and recognise the rights of landowners. In order for this to be given weighting we believe that a specific policy should be included in this section of the Plan.

Relief sought:

Include an additional policy, Policy 4.3.6 that reads:

"Rights of land owners to deny public access to privately owned land is maintained."

Explanatory text is included to read:

"It is recognised that some parts of the region's coastal marine area are in private ownership. As such, the owners of these areas have the right to deny public access. This plan does not restrict the rights of land owners to deny public access to privately owned land, nor does it restrict or impinge on obligations under other legislation."

5. STRUCTURES

GENERAL SUBMISSIONS ON STRUCTURES

Decision Requested: 5.1

Submitter 6 GDC

Support. This section now includes alternatives in relation to soft versus hard engineering protection in a CHA, which the GDC supports.

5.1 INTRODUCTION

Decision Requested: 5.2

Submitter 3 DOC

Support. The introduction provides an overview of the NZCPS policy direction with regard to hard shoreline protection structures. These structures are found in a number of places in or adjacent to the CMA of the West Coast.

Decision sought:

Retain as notified.

OBJECTIVE 5.2.1

Decision Requested: 5.3

Submitter 3 DOC

Support in part. The explanation recognises there may be an operational need to locate structures in the CMA, a matter discussed in NZCPS Objective 6 and Policy 6. This matter should be in the Objective itself.

Relief sought:

Amend the Objective as follows:

"5.2.1 To provide for structures to be located within the coastal marine area with an operational need, while avoiding, remedying, or mitigating adverse effects."

Retain the explanation as notified.

Decision Requested: 5.4

Submitter 10 KIWIR

Support. That there is specific provision providing for structures within the coastal marine area is supported by KiwiRail.

The rail corridor is not easily relocated, therefore there is a necessity that KiwiRail cannot avoid for structures to be located within the coastal marine area. Recognition of the practicality of that is appreciated.

Relief sought:

Retain as notified.

Decision Requested: 5.5

Submitter 19 RF&B

Support intent of this objective however policy guidance is needed to ensure structures are avoided in Outstanding areas as per policies 11, 13, 14 and 15 of the NZCPS.

Relief sought:

Retain but add clarification in the explanation to include reference to requirements under NZCPS policies 11, 13, 14 and 15 and policy direction to address submission.

Decision Requested: 5.6

Submitter 26 WESTP

Westpower supports the Objective and the recognition of the functional need for some structures to be located in the coastal marine area. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

Relief sought:

That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that, "5.2.1 To enable structures to be located"

POLICY 5.3.1**Decision Requested: 5.7**

Submitter 3 DOC

Support in part. The policy is supported as the identified effects can be potentially significant when a structure is constructed in the CMA.

The policies of Chapter 4 with regard to public access and vehicle access should also be considered when considering applications for structures such as hard protection structures.

Relief sought:

Amend as notified:

"5.3.1 In addition to the policies in Chapters 3 and 4, avoid, remedy, or mitigate adverse effects of the construction, operation, repair, maintenance, reconstruction, or alteration of structures, including effects on:

- (a) Sediment movement;
- (b) Coastal hydrological and geomorphic processes;
- (c) Navigation safety;
- (d) Existing hazard protection works;
- (e) The coastal environment adjoining the coastal marine area;
- (f) Existing lawful uses and users of the coastal marine area;
- (g) Poutini Ngāi Tahu values not identified in Schedule 3A."

Retain Explanation as notified.

Decision Requested: 5.8

Submitter 10 KIWIR

Support. KiwiRail support that the policy seeks to enable construction, operation, repair, maintenance, reconstruction or alteration of structures, while ensuring that adverse effects are avoided, remedied or mitigated in relation to the listed effects.

Relief sought:

Retain as notified.

Decision Requested: 5.9

Submitter 19 RF&B

Support in part but needs consider effects on adjacent biodiversity values.

Relief sought:

if not already provided for in the other policies add a clause as follows:

"x) areas adjacent to the CMA identified in the Wetland schedule, Schedules 3.1 and Schedule 3.2."

Decision Requested: 5.10

Submitter 21 TRONT

Support. We support recognition of the need to manage adverse effects on Poutini Ngāi Tahu values. This is consistent with s.6(e) and s. 8 RMA.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Retain policy 5.3.1.

Decision Requested: 5.11

Submitter 26 WESTP

Westpower supports the Policy to manage effects of activities related to structures. It is noted that effects on infrastructure are not provided for in the Policy.

Relief sought:

That the Policy is retained with the following amendment,
"5.3.1 in addition to ... (h) Infrastructure."

POLICY 5.3.2**Decision Requested: 5.12**

Submitter 3 DOC

Support. Maintenance of structures ensures that the structures do not become damaged and a hazard. Good design and location can minimise visual effects of the structure.

Relief sought:

Retain as notified.

Decision Requested: 5.13

Submitter 10 KIWIR

Support. KiwiRail support that Policy 5.3.2 is to be retained within the Proposed Coastal Plan, in relation to structures being required to be maintained in a structurally sound state and blend as far as practicable with the adjoining landscape.

Relief sought:

Retain as notified.

Decision Requested: 5.14

Submitter 19 RF&B

Support. Appropriate direction to mitigate visual effects.

Relief sought:

Retain

POLICY 5.3.3**Decision Requested: 5.15**

Submitter 3 DOC

Support. Consistent with Marine and Coastal Area (Takutai Moana) Act 2011 and Regulations.

Removal of structures that are redundant, abandoned or unauthorised is excellent management of the CMA. Such an approach gives effect to NZCPS in particular Policy 14(vii).

Wrecked ships are not structures.

Relief sought:

Retain as notified.

Decision Requested: 5.16

Submitter 19 RF&B

Support intention to require removal of redundant structures.

Relief sought:

Retain

POLICY 5.3.4**Decision Requested: 5.17**

Submitter 3 DOC

Support. Poorly located or poorly designed or poorly operated whitebait stands can adversely affect river bank stability and river beds within the CMA.

Relief sought:

Retain as notified.

Decision Requested: 5.18

Submitter 19 RF&B

Support Policy approach where whitebait stands may affect riverbanks and beds and consistency with Land and Water Plan.

Relief sought:

Retain

Decision Requested: 5.19

Submitter 23 WCCB

Although there is a specific focus on the construction of whitebait stands there is no indication of protection of whitebait fisheries despite the area of the Plan covering one kilometre upstream of the river mouth or estuary (section 1.2). The Board recognises that species management is the responsibility of the Department of Conservation, however land use can have significant impact on whitebait spawning sites.

In making this submission the Board is aware that the proposed Marine Protected Areas Act (currently out for submission) may influence Coastal Management Policy.

POLICY 5.3.5**Decision Requested: 5.20**

Submitter 3 DOC

Support in part. This policy should also reference Policy 5.3.1 as the matters in this policy are very relevant when considering whether a coastal land protection structure is the best practicable option.

The policy should also give effect to NZCPS in particular Policy 25(c) with regard to whether managed retreat by relocation is feasible.

Relief sought:

Amend as follows;

"5.3.5 When considering resource consent applications for coastal protection structures, have regard to whether the structure is the best practicable option, taking into account:

(a) any environmental including those matters in Policy 5.3.1, social, cultural, and economic effects and costs;

(b) the safety of people and communities;

(c) whether managed retreat by relocation of buildings or infrastructure is feasible;

(e) (d) whether the structure is proposed in a Coastal Hazard Area in Schedule 3C, and the priority ranking;

(d) (e) whether the works are likely to be properly maintained over the long term;

(e) (f) the design of the proposed structure and likely effects at either end."

Retain Explanation as notified.

Decision Requested: 5.21

Submitter 18 ROGMIT

Coastal Protection structures:

The entire coastline of the West Coast is known to be 'wild' and very active. Basically every coastal settlement is marked as a "Coastal Hazard Zone", yet under general RMA terminology, avoidance of coastal protection structures is recommended.

With appropriate mitigation measures, these kind of protection structures will have a less than minor effect on the natural beach environment, while hugely increasing the benefit to townships.

Relief sought:

There needs to be more open-minded policy towards gaining Resource Consents for people in Coastal Hazard Zones. If it is too difficult, or costly for locals to get permission for coastal protection, the outcomes may be ad-hoc structures (which can make the problems worse), or abandonment of homes.

A generic type of consent needs to be provided to give guidance to locals, and so structures are up to regional standard.

Decision Requested: 5.22

Submitter 19 RF&B

A consent process should be required for all new or alteration of coastal protection structures.

Relief sought:

Add policy direction for all such structures to require resource consent for erections, placement or alteration in the CMA.

Decision Requested: 5.23

Submitter 25 WDC

It is not considered that the amendments to the introduction and explanation of Policy 5.3.5 go far enough to encourage alternative protection mechanisms than hard protection structures. Policy 25 and 27 of the NZCPS require the provision of guidance as to whether an area is suitable for development at all, and the reduction of risk. The Coastal Plan should be seeking to avoid the social, economic and environmental effects of coastal hazard by addressing alternatives to hard protection structures, including avoidance, within the policy itself, rather than in the surrounding explanation.

Relief sought:

Amend policy 5.3.5 to include consideration of:

"Assessment of available alternatives to hard protection structures"

Decision Requested: 5.24

Submitter 26 WESTP

Westpower supports the Policy and the need to consider options. Having said that in considering options it is important from an infrastructure point of view to consider location, operational and technical needs and requirements.

Relief sought:

That the Policy is retained with the following amendment,

"5.3.5 When considering ... (f) the location, operational and technical requirements of infrastructure."

POLICY 5.3.6

Decision Requested: 5.25

Submitter 3 DOC

Support. Retention of the policy test "may take priority" is essential, otherwise this policy fails to give effect to NZCPS.

Relief sought:

Retain as notified.

Decision Requested: 5.26**Submitter**

14

NZTA

Support. This policy recognises the importance of significant infrastructure, including the transport network, and the explanatory note specifically mentions state highways. The Transport Agency supports the inclusion of this policy.

Relief sought:

Retain policy 5.3.6 in its entirety.

Decision Requested: 5.27**Submitter**

19

RF&B

This policy is inconsistent with NZCPS.

Relief sought:

Delete

Decision Requested: 5.28**Submitter**

25

WDC

The specific ranking of values contained within Policy 5.3.6 is not necessary and erodes any requirement to consider effects on landscape or biodiversity. Policy 5.3.5 specifically addresses the safety of people and communities and the positive impacts of the protection works. Plan users will be able to balance the requirements of the two policies during the assessment of any consent application.

There are limited provisions within the coastal plan requiring avoiding or mitigating effects on landscape and biodiversity and the most significant effects on landscape and biodiversity will potentially be bought about by the introduction of coastal protection structures. The section 32 analysis states the intent of the clause within policy 5.3.6 was to avoid delays when urgent hazard protection works were required. It is considered that any urgent protection works would proceed under emergency works provisions rather than requiring specific policy creation.

Relief sought:

Remove Policy 5.3.6. Sufficient provision is made elsewhere to provide for the mitigation and avoidance of coastal hazard risk, and the ability to consider the positive effects of protection of infrastructure, people and townships.

Decision Requested: 5.29**Submitter**

26

WESTP

Westpower supports the Policy and the recognition of the functional need to protect regionally significant infrastructure whilst managing potential effects. To assist with ensuring all utilities are covered the Policy should be amended to include network utilities.

Relief sought:

That the Policy is retained with an amendment such that,
"5.3.6 Where a ... adjoining regionally significant infrastructure and network utilities,"

POLICY 5.3.7**Decision Requested: 5.30****Submitter**

1, 8

BCG, INTAF

This is the only proper reference to sea level rise in the whole document. Climate change, global warming, and sea-level rise should be addressed as a matter of importance in the first chapter, the Introduction. A discussion of sea-level rise should include what is underpinning sea-level rise (see amendments to introductory chapter).

Decision Requested: 5.31

Submitter 2 CPHWC

CPH commends the inclusion of the policy to take the effects of climate change and sea level rise into consideration when designing and building permanent structures in the coastal marine area.

Notwithstanding policy 5.3.7 concerning sea level rise there is no mention in this section regarding requirement for bridges, wharves etc to be built to a standard to withstand heavy rain, storm surges and flooding events.

Relief sought:
Retain the policy.

Include a provision in the Plan requiring structures such as bridges and wharves to be built to a standard to withstand heavy rain, storm surges and flooding events.

Decision Requested: 5.32

Submitter 3 DOC

Support. The policy gives effect to NZCPS in particular Policy 24 (e).

Relief sought:
Retain as notified.

Decision Requested: 5.33

Submitter 4 ELWEP

I support this clause.

The recognition of sea-level rise is timely.

Decision Requested: 5.34

Submitter 19 RF&B

This policy needs to properly recognise responsibilities under the NZCPS.

Relief sought:
Delete the last sentence

6. DISTURBANCE, EXTRACTION/REMOVAL, DEPOSITION, RECLAMATION

GENERAL SUBMISSIONS ON DISTURBANCE, EXTRACTION/REMOVAL, DEPOSITION, RECLAMATION

Decision Requested: 6.1

Submitter 6 GDC

Support - No comments to make on this section.

6.1 INTRODUCTION

Decision Requested: 6.2

Submitter 3 DOC

Support. The introduction provides an overview of the existing activities with the CMA of the West Coast. It also identifies potential future activities.

Relief sought:

Retain as notified.

Decision Requested: 6.3

Submitter 21 TRONT

Support in part. We consider that potential for adverse effects on mahinga kai should be identified in addition to effects on the other values described. Maintenance and enhancement of mahinga kai is important to sustain the wellbeing of Poutini Ngāi Tahu.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Amend third paragraph of Section 6.1 to read as follows:

"Other disturbance to the foreshore or seabed can have potentially more than minor adverse effects. Foreshore disturbance can damage mahinga kai, sites of cultural significance or indigenous species' habitat, or ..."

OBJECTIVE 6.2.1

Decision Requested: 6.4

Submitter 3 DOC

Support. The objective has the potential to develop a strategic planning approach in the CMA when considering resource consent applications for example for land protection work.

Relief sought:

Retain as notified.

Decision Requested: 6.5

Submitter 5 FFNZ

Federated Farmers supports the provision of permitted activity standards to manage the disturbance, gravel extraction and removal from riverbeds, where the effects of these are minor or they can be remedied, mitigated or offset. Many of these activities have positive effects for the community, both reducing the risk of coastal hazards from flooding, and in the economic benefit these activities provide for the community.

Relief sought:

Adopt the objective as notified.

Decision Requested: 6.6**Submitter**

10

KIWIR

Support. KiwiRail support that there is specific provision enabling disturbance, extraction, removal of natural material, deposition and reclamation in the coastal marine area, where adverse effects are managed.

The rail infrastructure in the coastal marine area can be susceptible to storm events requiring works to clear debris and also to protect the asset itself. In addition, regular maintenance works are required also to ensure the safe and efficient operation of the rail network. KiwiRail support these being facilitated.

Relief sought:

Retain as notified.

Decision Requested: 6.7**Submitter**

19

RF&B

Not consistent with RMA to avoid, remedy or mitigate. Permitted rules should include standards where necessary to ensure effects are no more than minor using the avoid, mitigate and remedy approach.

Relief sought:

Amend to:

"To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in appropriate places and forms, and within appropriate limits to manage adverse effects."

"Explanation

The objective enables people and communities to provide for their social, economic and cultural wellbeing, whilst avoiding, remedying or mitigating adverse effects within and adjoining the coastal marine area. Or consideration through a consent process where effects have potential to be more significant, including where ~~Appropriate activities are considered to be those that meet the permitted rules, or where a resource consent can be granted to avoid, remedy, or mitigate adverse effects, or in rare instances effects cannot be avoided, remedied, or mitigated and offsetting measures can be considered are applied.~~

Decision Requested: 6.8**Submitter**

21

TRONT

Support in part. The objective does not provide clear direction as to what places are appropriate for these activities, and what limits might be appropriate. We consider the objective should refer to the effects that must be avoided.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly in Chapter 6) fails to provide clear direction. Rather than just saying what effects, factors or mitigation measures will be considered in assessing resource consent applications, we consider that policies should make it clear which effects must be avoided, and which may be managed by remedying or mitigation.

Relief sought:

Amend Objective 6.2.1 to read as follows (or similar), and amend the Explanation to reflect this:

"6.2.1 To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in ~~appropriate places and forms, and within appropriate limits that to manage adverse effects ensure:~~

(a) water quality is maintained or enhanced;

(b) the natural functioning of coastal processes is maintained;

(c) the life-supporting capacity of the coastal marine area is maintained or enhanced;

(d) adverse effects on significant indigenous habitats and Poutini Ngāi Tahu values are avoided;

(e) public access and navigation safety is not impeded."

Decision Requested: 6.9**Submitter**

26

WESTP

Westpower supports the Objective and the recognition of the need for such activities in the coastal marine area whilst managing effects. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

Relief sought:

That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that,

"6.2.1 To *enable* disturbance, extraction ..."

POLICY 6.3.1

Decision Requested: 6.10

Submitter 3 DOC

Support. The policy gives effect to NZCPS in particular Policy 26 with regard to natural defences such as coastal beach shingle ridges and Policy 11 as some of these areas are very significant habitats of indigenous fauna.

Significant cultural values are also found in these areas.

Restoration of man made defences may be appropriate especially when they protect coastal land that contains crucial infrastructure.

Relief sought:

Retain as notified.

Decision Requested: 6.11

Submitter 19 RF&B

Support.

Relief sought:

Retain

Decision Requested: 6.12

Submitter 21 TRONT

Support in part. Inclusion of the qualifier "where appropriate" weakens the policy and makes it uncertain. We consider the qualifier is unnecessary and unhelpful.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly Chapter 6) fails to provide clear direction.

Relief sought:

Amend Policy 6.3.1 to read as follows:

"6.3.1 Provide ~~where appropriate,~~ for the protection, restoration or enhancement of natural or man-made defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards."

POLICY 6.3.2

Decision Requested: 6.13

Submitter 3 DOC

Support. By restoring the foreshore in way that blends in the adjacent areas enables natural movement of water and sediment to occur and the visual impact be minimised thus protecting the natural character of the area. The policy therefore gives effect to NZCPS Policy 13.

Relief sought:

Retain as notified.

Decision Requested: 6.14

Submitter 19 RF&B

Support – clarify what "major" disturbance is or amend.

Relief sought:

Amend as follows: "Any major ~~d~~Disturbance *activities in* the foreshore should blend... "

POLICY 6.3.3**Decision Requested: 6.15**

Submitter 3 DOC

Support. The methods proposed will be effective in managing the effects of disturbance, removal of natural material or deposition. It is also noted the cross reference to Chapter 3 which enables consideration of in particular NZCPS matters.

Relief sought:

Retain as notified.

Decision Requested: 6.16

Submitter 10 KIWIR

Support. In respect of policy 6.3.3 (b) and (c), the policy outlines specific considerations to support resource consent applications and the determination of whether elements can avoid, remedy or mitigate adverse effects. Further, the wording specifically references 'may' therefore enabling a discretion as to what from the identified options is relevant to each proposal. KiwiRail support that this includes location, duration and industry best practice guidelines. In many instances the work KiwiRail undertake is short term maintenance or construction works, not on going continual operations in relation to disturbance, removal of material or deposition of material.

Relief sought:

Retain as notified.

Decision Requested: 6.17

Submitter 21 TRONT

Support in part. The policy is unclear; although it requires consideration of a variety of factors and mitigation measures, it does not state what effects these measures are intended to manage.

We consider that the types of effects discussed in the Explanation to the policy should be referred to in the policy itself to make the direction clearer. Adverse effects on water quality and aquatic ecosystems should also be considered and addressed.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly Chapter 6) fails to provide clear direction.

Relief sought:

Amend Policy 6.3.3

"6.3.3 When processing resource consent applications for disturbance, removal of natural material, or deposition, consider whether the following may be effective to avoid, remedy, or mitigate adverse effects:

(a) Buffers or setbacks to protect adjacent indigenous habitats or Poutini Ngāi Tahu values;

(b) Limits on the activity, including the location, rate, volume, size of material, area, timing, duration, methods, or equipment used, to avoid adverse effects on water quality, coastal processes, aquatic or estuarine ecosystems, indigenous habitats, mahinga kai or other Poutini Ngāi Tahu sites or values;..."

"Explanation

Disturbance, removal of natural material, and depositions have the potential to change beach sediment volumes and budgets, affect wave flow and energy, degrade shore stability along the harvested shore and adjacent coast, and increase the risk of creating a hazard. Disturbance can also affect other values such as water quality, aquatic ecosystems, mahinga kai, birds nesting, nearby residences, and sites important to Poutini Ngāi Tahu..."

Decision Requested: 6.18

Submitter 26 WESTP

Westpower supports the Policy and the need to consider potential methods in this regard. There is also a need to ensure that activities do not effect regionally significant infrastructure and network utilities.

Relief sought:

That the Policy is retained with an amendment such that,

"6.3.4 When processing ... (a) Buffers or setbacks ... values, including Regionally Significant Infrastructure and Network Utilities."

POLICY 6.3.4

Decision Requested: 6.19

Submitter

1, 8

BCG, INTAF

"6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:

- (a) The capacity of rivers to carry flood flows;
- (b) The sustainable yield of the river system;
- (c) Adverse effects on bed levels and channel location;
- (d) Adverse effects on riverbank stability and riverbank vegetation;
- (e) Adverse effects on Poutini Ngai Tahu values;
- (f) Navigation safety;
- (g) Fish passage;
- (h) Potential spread of pest plants and invasive, aquatic micro-algae."

Estuaries are among the most productive places of all, when compared with other biological zones. These sheltered places provide habitat and feeding grounds for fish such as snapper, flatfish, kahawai and whitebait, also shellfish, crustaceans, mammals and other wildlife. Many are threatened species. There are indigenous and other beneficial plants that need protecting also, including eelgrass, rushes, turf, sedges such as pingao.

Migratory birds use estuaries to rest and find food during their journeys. A large variety of native birds depend on clean, functional estuaries. These include oystercatchers, herons, banded dotterels, pied stilts, shags. Worms, fish and shellfish in the tidal zone are important sources of food for them. The pied oystercatcher, for instance, eats an average of 368 cockles per day in winter, and 261 per day in summer. (<http://www.nrc.govt.nz/For-Schools/School-information-packs/Estuaries/>), (<http://www.doc.govt.nz/nature/habitats/estuaries/about-estuaries/>)

Land change generally produces elevated nutrient levels which have an adverse effect on receiving waters, including the CMA. Four major key stressors and pressures on the CMA are: sedimentation, high nutrient levels, chemical contamination and habitat loss. Extra sediment and nutrients make the water murky. This can be a problem for estuarine plants that need a lot of light, and for animals that need to 'breathe' the water. Estuaries can maintain water quality in the sea by filtering out sediment and nutrients. Microorganisms break down organic matter and sediments bind pollutants. Extra nutrients create algal blooms, and increasing contamination will see good species become scarce and problem/ nuisance species increase. (<http://www.doc.govt.nz/nature/habitats/estuaries/about-estuaries/>)

Relief sought:

Such matters should be considered when consents to disturb the estuary are being applied for; the priority should be to avoid disturbance there. There needs to be narrative about the importance of estuaries, such as we have included here, probably in the introduction, or chapter 3. Contrarily, this plan emphasizes the importance of economic development.

Decision Requested: 6.20

Submitter

3

DOC

Support in part. The matters considered in Policies 6.3.3, 6.3.4 and 6.3.5 give Council the ability to sustainably manage the potential adverse effects of gravel extraction in a way that is consistent with the RMA in particular Part 2 within riverbeds in the CMA.

However, inappropriate gravel extraction in the active part of a river bed may reduce gravel supply to the open coast and exacerbate coastal erosion risk.

Relief sought:

Amend as follows.

"6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:

- (a) The capacity of rivers to carry flood flows;
- (b) The sustainable yield of the river system and the downstream effects on supply of gravel to the open coast including any effects on coastal hazard areas in Schedule 3C;

- (c) Adverse effects on bed levels and channel location;
- (d) Adverse effects on riverbank stability and riverbank vegetation;
- (e) Adverse effects on Poutini Ngāi Tahu values;
- (f) Navigation safety;
- (g) Fish passage;
- (h) Potential spread of pest plants and invasive, aquatic micro-algae."

"Explanation

Removing material from riverbeds has the potential to impact Chapter 3 Policy 3.3.6 and 3.3.7 matters, plus Policies 6.3.4 and 6.3.5 matters listed above. However, the significance of this impact will depend on the type of activity and site specific factors. Excessive build-up of gravel may contribute to flooding or impacts on infrastructure, for example, on bridges and culverts, and these hazards may be avoided or mitigated by removal of the material. Gravel removal from islands can have the benefit of reducing flow against riverbanks, thereby reducing the likelihood of bank erosion. Adverse effects of extraction activities can include dust and the spread of pest plants or invasive algae like *Didymo*. It may be possible to prevent the spread of particular pests by not transporting material between some catchments and by high pressure cleaning of trucks and machinery between jobs."

Decision Requested: 6.21

Submitter

10

KIWIR

Seek amendment: KiwiRail support that there are specific matters to consider in relation to gravel extraction resource consent applications outlined. However KiwiRail note that no consideration to positive effects or the purpose of the works is provided for within the policy direction as well as the duration.

For KiwiRail, gravel extraction would occur to address any risk issues with a structure and to ensure the safe and efficient operation of the rail network, being identified as regionally significant infrastructure. These works are short term and one off works, rather than enduring works. Such works have the potential to require consent, noting the distinction between disturbance and gravel extraction, and also between extraction works located in the dry part of the riverbed and within the wetted channel within the rule framework.

The Explanation below the policy discusses gravel build up and the effect this may have on infrastructure, and that the hazard may be avoided or mitigated by the removal of the material, however there appears to be no corresponding consideration in the policy itself.

Relief sought:

Amend as follows:

"6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:

- (a) The capacity of rivers to carry flood flows;
- (b) The sustainable yield of the river system;
- (c) Adverse effects on bed levels and channel location;
- (d) Adverse effects on riverbank stability and riverbank vegetation;
- (e) Adverse effects on Poutini Ngāi Tahu values;
- (f) Navigation safety;
- (g) Fish passage;
- (h) Potential spread of pest plants and invasive, aquatic micro-algae;
- (i) Any positive effects in relation to regionally significant infrastructure;**
- (j) The duration of the activity."**

Decision Requested: 6.22

Submitter

19

RF&B

Support in part.

Relief sought:

Amend as follows:

"... consider the extent to which the activity:

- (x) Protects natural character of the coastal environment;
- (x) avoids adverse effects on habitat and the breeding times of threatened and vulnerable bird species;
- (a) Maintains The capacity of rivers to carry flood flows;
- (b) Provides for The sustainable yield of the river system;
- (c) Adverse avoids, mitigates or remedies effects on bed levels and channel location;
- (d) Adverse avoids, mitigates or remedies effects on riverbank stability and riverbank vegetation;
- (e) Adverse avoids, mitigates or remedies effects on Poutini Ngāi Tahu values;

- (f) *avoids, mitigates or remedies effects Navigation safety;*
 (g) *avoids, mitigates or remedies effects Fish passage;*
 (h) *avoids Potential spread of pest plants and invasive, aquatic micro-algae."*

Decision Requested: 6.23

Submitter

21

TRONT

Protection of aotea and waitai

Support in part. The policy only requires that the listed matters be considered, rather than providing clear direction as to how effects are to be managed. In particular, we consider that there should be a clear policy direction to avoid effects of gravel extraction on Poutini Ngāi Tahu values. This would be consistent with the requirements of section 6(e) of the RMA.

Our reasons are:

We have concerns about the potential for adverse effects on Poutini Ngāi Tahu values from removal of taonga. Specific matters of concern include gravel extraction from the Makaawhio River and removal of waitai (white stones) from Māori Beach, Bruce Bay.

Aotea (kyanite) occurring in the Makaawhio River is the taonga of paramount importance to Ngāti Māhaki ki Makaawhio. The relationship of Ngāti Māhaki of Makkawhio to this taonga is described in Schedule 2 to this submission. Its cultural significance is similar to that of pounamu. Provision for gravel extraction in the Makaawhio River would be culturally offensive because of its effect on aotea. The Proposed Plan does not treat gravel extraction in the Makaawhio river differently from other rivers. We consider that restricted discretionary activity status for gravel extraction in the Makaawhio River does not adequately recognise the values held by Poutini Ngāi Tahu for this taonga, and request that gravel extraction in the Makaawhio River bed made a non-complying activity.

Policy 6.3.4, which is the key guiding policy for gravel extraction, only requires that adverse effects on Poutini Ngāi Tahu values be considered, not avoided. We consider that Policy 6.3.4 should be strengthened to provide for more effective protection of Poutini Ngāi Tahu values.

Waitai (white stones) that are present on Māori Beach, Bruce Bay, are also a taonga of considerable cultural significance. From time immemorial, waitai have been life sustaining as they have always been used as cooking stones in hāngī. No other stone locally is suitable for this purpose.

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly in Chapter 6) fails to provide clear direction. Rather than just saying what effects, factors or mitigation measures will be considered in assessing resource consent applications, we consider that policies should make it clear which effects must be avoided, and which may be managed by remedying or mitigation.

Relief sought:

Amend Policy 6.3.4 to read as follows:

"6.3.4 ~~When processing a resource consent application to extract~~ Extraction of gravel from a river bed in the coastal marine area should be managed to, consider;

- (a) *~~The Maintain the capacity of rivers to carry flood flows;~~*
 (b) *~~The Maintain the sustainable yield of the river sistem;~~*
 (c) *Avoid, remedy or mitigate aAdverse-effects on riverbank stability and riverbank vegetation;*
 (e) *Avoid adverse effects on Poutini Ngāi Tahu values;*
 (f) *Maintain navigation safety;*
 (g) *Maintain fish passage;*
 (h) *Avoid potential spread of pest plants and invasive, aquatic micro-algae."*

Decision Requested: 6.24

Submitter

26

WESTP

Westpower supports the Policy and the need to consider effects in this regard. There is also a need to ensure that such activities do not effect regionally significant infrastructure and network utilities.

Relief sought: That the Policy is retained with an amendment such that,

"6.3.4 When processing ... (i) Adverse Effects on Regionally Significant Infrastructure and Network Utilities."

POLICY 6.3.5

Decision Requested: 6.25

Submitter

3

DOC

Support in part. This policy should also refer to gravel extraction, as gravel extraction in river beds or on the open coast could adversely affect the gravel supply to coast and exacerbate the risk of coastal hazards.

Relief sought:

Amend as follows:

"6.3.5 When processing resource consent applications for disturbance including gravel extraction activities in or near a Coastal Hazard Area identified in Schedule 3C, or in an area which may potentially be subject to coastal hazards, a hazard risk assessment may be required to further assess the effects of the proposed disturbance on the hazard risk."

"Explanation

In areas already prone to coastal erosion or inundation, disturbance activities including gravel extraction can potentially increase the erosion rate or inundation risk when undertaken in conjunction with erosion phases, storm events or higher tides. A coastal hazard assessment by an expert in coastal processes will give a more thorough analysis of the risks and effects, and make recommendations on possible measures to alleviate these."

POLICY 6.3.6

Decision Requested: 6.26

Submitter

1, 8

BCG, INTAF

"6.3.6 For reclamations, and deposition of material other than rock for erosion protection works, consideration will be given to the reasons for undertaking the activity in the coastal marine area, and to any other available alternatives."

Effects of occupation of space by reclamations and depositions is only touched on in chapter 4, although rule 25 does say that reclamations usually have effects that are greater than minor, which should be stated in the preamble to this chapter.

Decision Requested: 6.27

Submitter

3

DOC

Support. Gives effect to NZCPS Policy 10(1).

Relief sought:

Retain as notified.

Decision Requested: 6.28

Submitter

21

TRONT

Oppose. The policy requires consideration of alternatives, and the need for the reclamation, but does not provide any direction as to the effects that need to be addressed. The explanation says these are dealt with in Chapter 4, but that chapter only deals with public access to and along the coastal marine area. There is no reference to effects on coastal processes or the values identified in Chapter 3.

Reclamation and damming in the coastal marine area

We request a clear framework, in policies and rules, to discourage reclamations in the coastal marine area and damming of open coastal waters, and in particular to avoid potential adverse effects of these activities on mahinga kai and other Poutini Ngāi Tahu values, ecosystems, water quality and other values identified in Chapter 3.

Our reasons are:

Policy 10 of the New Zealand Coastal Policy Statement provides a strong direction to avoid reclamation unless there are no practical alternatives and the reclamation will provide significant regional or national benefit. We do not consider that this direction is clearly reflected in the Proposed Plan.

Reclamation has potential to directly displace benthic communities or to disrupt coastal and marine ecosystems by altering the natural coastal processes. This could have significant impacts on ecological, mahinga kai, recreational and commercial values. Inappropriate location of reclamations could also have adverse effects on wāhi tapu, wāhi taonga or natural character values.

To reflect the direction of the New Zealand Coastal Policy Statement and avoid adverse effects on cultural and natural values, we consider that reclamation in the coastal marine area and damming of open coastal waters should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

Amend Policy 6.3.6 to read as follows:

"6.3.6 ~~For Reclamations, and deposition of material other than rock for erosion protection works will be avoided in locations identified in Schedules 3A, 3C, 3D, 3E, 3F, 6 or 10, or where the activity may have significant adverse effects on:~~

- (a) the functioning of coastal processes in the wider environment, or*
- (b) significant indigenous habitats, or*
- (c) Poutini Ngāi Tahu values.*

In assessing any proposal for reclamation or deposition of material, consideration will be given to the reasons for undertaking the activity in the coastal marine area, and to other available alternatives."

"Explanation

Reclamations can have significant adverse effects on natural values, Poutini Ngāi Tahu values and physical coastal processes. This policy requires that reclamations be avoided in areas that are significant for these values, and enables Council to consider the adverse effects of reclamations, and deposition involving disposal of materials such as cleanfill in the coastal marine area. These activities may change the form of the foreshore, or have effects in other locations depending on the size of area or quantity of material involved. Effects of ~~occupation of space by~~ reclamations and depositions on public access is dealt with in Chapter 4."

New Policy 6.3.X**Decision Requested: 6.29****Submitter**

21

TRONT

Support. We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects on ecological, mahinga kai, recreational and commercial values.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

Add new policy to read as follows:

"To ensure that fishing grounds and coastal areas of cultural, recreational and commercial significance are appropriately protected from disturbance and deposition associated with mining in the coastal marine area by:

- (1) avoiding establishment of mining activities in locations in or near recognised fishing grounds and areas identified in Schedule 3; and*
- (2) placing limits on the scale and intensity of potential mining activity."*

7. VEGETATION REMOVAL AND PLANTING

7.1 INTRODUCTION

Decision Requested: 7.1

Submitter 1, 8 BCG, INTAF

Amend the first paragraph: *The Resource Management Act requires the preservation of the natural character of the coastal marine area as a matter of national importance. Policy 14 of the NZCPS recognises restoration of natural character as a valid activity that should be undertaken.* Restoration or enhancement planting has been undertaken occasionally in the past. It is preferable to retain or replace *with*, where practicable, *indigenous* coastal vegetation for erosion *and habitat* protection, ~~and for habitat purposes~~. While this is mostly above the Mean High Water Spring mark, it can also occur within the coastal marine area, for example, around estuaries and lagoons.

Decision Requested: 7.2

Submitter 3 DOC

Support in part. The introduction identifies some issues with regard to vegetation removal and planting.

Relief sought:

Retain as notified.

OBJECTIVE 7.2.1

Decision Requested: 7.3

Submitter 1, 8 BCG, INTAF

Objective 7.2.1: *The priority is to avoid indigenous vegetation removal in the coastal marine area. If this cannot be avoided then it will be necessary to* ~~To avoid~~, remedy or mitigate adverse effects associated with the planting or removal of *that* vegetation in the coastal marine area. *The planting of indigenous vegetation in the CMA, especially to replace invasive exotic vegetation, is encouraged; the planting of exotic vegetation in the CMA is discouraged. See 7.3.2.*

Decision Requested: 7.4

Submitter 3 DOC

Support in part. The Objective and its explanation identify some of the issues with regard to vegetation removal and planting and allows a broad response that is consistent with the RMA in particular s5(c). However the removal could also be of areas of predominantly indigenous vegetation. (NZCPS Policy 11 (b) (i)).

Relief sought:

Retain the objective as notified and amend the explanation as follows:

"Vegetation removal associated with disturbance, structures, or damming or diversion activities can potentially exacerbate erosion. Vegetation removal can also adversely affect areas of predominantly indigenous vegetation, habitat for indigenous fauna, and natural character."

And retain the last paragraph of the explanation as notified.

Decision Requested: 7.5

Submitter 21 TRONT

Oppose. The objective does not provide clear direction as to what effects need to be managed to achieve. We consider the objective should refer to desired outcomes.

Relief sought:

Amend Objective 7.2.1 to read as follows:

~~"7.2.1 To avoid, remedy or mitigate adverse effects associated with the~~ *ensure planting or removal of vegetation in the coastal marine area:*

(a) maintains or enhances water quality;

(b) maintains the natural functioning of coastal processes;

(c) maintains or enhances the life-supporting capacity of the coastal marine area;

(d) avoids adverse effects on significant indigenous habitats and Poutini Ngāi Tahu values;

(e) does not create or exacerbate natural hazards.”

POLICY 7.3.1

Decision Requested: 7.6

Submitter

1, 8

INTAF

Amend Policy 7.3.1:

"7.3.1 To ~~manage~~ control vegetation removal in the coastal marine area in order to avoid, ~~rather than~~ remedy, or mitigate:

1) adverse effects, including on:

(a) the natural character of the coastal marine area.

(b) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;

(c) sites that meet the ecological criteria for significant wetlands in Schedule 2;

(d) the habitat of fauna;

(e) water quality;

(f) whitebait spawning sites, including those listed in Schedule 6;

(g) the integrity of property or structures;

2) any increase in the risk of causing or exacerbating a coastal hazard.”

Decision Requested: 7.7

Submitter

3

DOC

Support in part. The key effects identified when considering resource consent applications for vegetation removal are appropriate. Given the key effects and the potential of vegetation removal to have very significant adverse effects on the matters identified, the use of the avoid, remedy or mitigate is inappropriate. With regard to vegetation removal that increases the risk of natural hazards the test is avoid (NZCPS Policy 25(a)). Similarly with regard to a wetland that meet the criteria of Schedule 2 the test is avoid adverse effects (NZCPS Policy 11(a)(iii)).

With regard to whitebait spawning sites and other predominantly indigenous vegetation in the CMA the test is avoid significant adverse effects (NZCPS Policy 11(b)). Such a test does not stop vegetation removal but for example allows vegetation removal outside the period when vegetation can recover to allow whitebait spawning and eggs to hatch.

Similarly with regard to water quality, the higher test of of avoid significant adverse effects is appropriate given s69(3) RMA.

Relief sought:

Amend as follows:

"7.3.1 To manage vegetation removal in the coastal marine area in order to:

1) avoid adverse effects on:

(a) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;

(b) sites that meet the ecological criteria for significant wetlands in Schedule 2;

(c) the integrity of property or structures;

2) avoid significant adverse effects and avoid, remedy, or mitigate:

1) other adverse effects on:

(a) other areas of predominantly indigenous vegetation

(b) whitebait spawning sites listed in Schedule 6;

(c) water quality;

2) 3) Avoid any increase in the risk of causing or exacerbating a coastal hazard.

3) And recognise the importance of ~~to~~ the positive benefits of removal of a pest plant.”

Retain the explanation as notified.

Decision Requested: 7.8

Submitter

6

GDC

Support in Part. Policy 7.3.1 should ensure that when managing vegetation removal in the CMA, this should include avoiding, remedying, or mitigating adverse effects on the NCA and ONFL. These two key areas of the RCP are not mentioned in some way of protection when vegetation removal is occurring in the CMA.

Another significant area is the West Coast Wilderness Trail which has vegetation that needs to be controlled and maintained. There are various groups undertaking plantings adjacent to the trail which will have a positive effect which could be recognised. Need to ensure planting of this area and protection from vegetation removal to ensure that the coastal dune system is not impacted.

Relief sought:

That maintenance, renewal and enhancement of vegetation adjacent to the West Coast Wilderness Trail is permitted.

Decision Requested: 7.9**Submitter**

10

KIWIR

Support. In respect of policy 7.3.1 (1) (e), the policy seeks to manage vegetation removal within the coastal marine area to avoid, remedy or mitigate adverse effects on the integrity of property or structures. This is supported by KiwiRail.

Relief sought:

Retain as notified.

Decision Requested: 7.10**Submitter**

15

PERKI

Although this may be more relevant immediately above the mean high water springs, it could be possible that vegetation clearance is proposed that straddles the MHWS. The natural spread of some weed species, notably gorse and blackberry, provide shelter for threatened native bird species, including blue penguin and weka. The fact that these plants are not indigenous should not mean that clearance can be presumed to be a good idea. Such areas of vegetation may have become established following clearance and they not only provide substitute habitat for blue penguins, but also support dune stability around and above the MHWS.

Relief sought:

I would like to see an additional section (f) be added to 7.3.1(1) to read "nesting areas for native birds".

Decision Requested: 7.11**Submitter**

19

RF&B

Support recognition of "ecological criteria for significant wetlands in Schedule 2", however this needs to include a reference to the significant wetland identified in the schedule from the operative L&WP.

Relief sought:

Add under 1)

"bird nesting areas and indigenous habitats within the CMA or adjacent to the activity;"

Amend clause (b) to include reference to the schedule of identified significant wetlands.

Decision Requested: 7.12**Submitter**

21

TRONT

Support in part. We consider that Policy 7.3.1 does not fully reflect the direction on values protected in Chapter 3. Adverse effects on significant wetlands and whitebait spawning sites should be required to be avoided, rather than 'avoided, remedied or mitigated'. We consider it would also be appropriate to avoid adverse effects on wāhi tapu and to manage effects on plant species that are important for mahinga kai.

Relief sought:

Amend policy 7.3.1 to read as follows:

~~"7.3.1 To manage vegetation removal in the coastal marine area in order to avoid, remedy, or mitigate:~~

1) avoid adverse effects on:

~~(a) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;~~

~~(a-b) sites that meet the ecological criteria for significant wetlands in Schedule 2;~~

~~(b-c) whitebait spawning sites listed in Schedule 6;~~

~~(c) wāhi tapu;~~

~~(d) water quality;~~

~~(e) the integrity of property or structure;~~

(2) avoid, remedy or mitigate:

(a) adverse effects on the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;

(b) adverse effects on water quality;

(c) adverse effects on the abundance of mahinga kai species;

(d) adverse effects on the integrity of property and structures;

(e) any increase in the risk of causing or exacerbating a coastal hazard."

Decision Requested: 7.13

Submitter 24 WCPT

Although this may be more relevant immediately above the mean high water springs, it could be possible that vegetation clearance is proposed that straddles the MHWS. The Trust wishes to highlight the fact that the natural spread of some weed species, notably gorse and blackberry, provide shelter for threatened native bird species, including blue penguin and weka. The fact that these plants are not indigenous should not mean that clearance can be presumed reasonable. Such areas of vegetation may have become established following clearance and they not only provide substitute habitat for blue penguins, but also support dune stability around and above the MHWS.

Relief sought:

The Trust requests that an additional section (f) be added to 7.3.1(1) to read "nesting areas for native birds".

Decision Requested: 7.14

Submitter 26 WESTP

Westpower supports the Policy and the need to consider effects in this regard. There is also a need to ensure that such activities do not effect regionally significant infrastructure and network utilities.

Relief sought:

That the Policy is retained with an amendment such that,
"7.3.1 To manage ... (f)Regionally Significant Infrastructure and Network Utilities."

POLICY 7.3.2**Decision Requested: 7.15**

Submitter 3 DOC

Support. The policy is consistent with RMA in particular Part 2 and s6(c). Past experience has shown that planting of exotic plants in the CMA has had significant adverse effects on coastal ecosystems.

Relief sought:

Retain as notified.

Decision Requested: 7.16

Submitter 19 RF&B

Support the preference for indigenous vegetation however this vegetation needs to be locally sourced and be naturally occurring species within the region.

What about location of planting or effects associate with planting?

Relief sought:

Amend as follows:

"For any vegetation planting in the coastal marine area, preference will be given to the use of indigenous species, ~~with a further preference for the use of local genetic stock, where practicable.~~ Any new planting are species that are naturally occurring within the region."

8. DISCHARGES

GENERAL SUBMISSIONS ON DISCHARGES

Decision Requested: 8.1

Submitter 2 CPHWC

With the exception of discharges of fuel from vessels, this section does not include a specific policy relating to discharges to water of substances such as fuel, wastewater and sludge.

Discharge of such substances has potential to have a negative impact on the quality of the West Coast coastal marine environment.

Relief sought:

Include a policy which prohibits discharges of substances such as fuel, wastewater and sludge to the Coastal marine environment.

Alternatively, make specific reference to the related elements of the relevant district and regional plans which have this effect.

Decision Requested: 8.2

Submitter 6 GDC

Support in part. Typo correction – there are two policy 8.3.3.

Decision Requested: 8.3

Submitter 20 SILFF

Section 8 is generally supported, in that it makes provision for point source discharges into coastal water.

Silver Fern Farms, under agreement with the Westland District Council, discharges wastewater to the council oxidation ponds north of Hokitika, where treated wastewater is subsequently discharged to coastal waters.

Relief sought:

Retain provision for point source discharges into coastal water.

Decision Requested: 8.4

Submitter 21 TRONT

Management of sewage effluent discharges

We request a clear framework, in policies and rules, discouraging discharges of human sewage effluent directly to coastal waters and encouraging appropriate alternative treatment and disposal.

Our reasons are:

The Proposed Plan does not distinguish between the wide range of discharges that may be proposed, apart from some small-scale discharges and stormwater/land drainage. This provides no direction as to the acceptability or unacceptability of particular types of discharges, and the discretionary activity status applied to most discharges suggests that any discharge is equally acceptable subject to appropriate conditions.

Direct discharges of human sewage to water are culturally offensive to Ngāi Tahu. It is a fundamental principle of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

We recognise that immediate upgrade of existing discharges that use some other form of treatment is not practical and that time needs to be allowed for this to be addressed. We request that provisions be included in the Proposed Plan to require serious consideration of alternatives to direct discharge. Where direct discharge is the only practicable option, it should be designed to avoid adverse effects on Poutini Ngāi Tahu values and treated to a standard that ensures there will not be adverse effects on kaimoana. We request that direct discharges of human sewage effluent be clearly discouraged by giving them non-complying activity status.

Relief sought:

b) Include a policy in Chapter 8 providing clear direction for consideration of applications for direct discharge of

human sewage effluent to coastal waters.

Decision Requested: 8.5

Submitter

21

TRONT

Management of mining in the coastal marine area

We request a clear framework, in policies and rules, to avoid potential adverse effects of mining on fishing grounds and other areas of cultural, recreational and commercial significance.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

Relief sought:

a) Include policies in Chapter 6 and Chapter 8 providing specific direction for consideration of mining proposals.

8.1 INTRODUCTION

Decision Requested: 8.6

Submitter

3

DOC

Support in part. This introduction sets the scene for management of discharges on the West Coast.

Because the West Coast CMA is generally free of exotic organisms and its significance and the flow of water and vessels to Fiordland where the fiords are globally unique, the management of risk of introducing exotic organisms to the West Coast must be undertaken.

Relief sought:

Retain as notified with the following new paragraphs:

"Vessels arriving to the West Coast region, whether from other domestic locations or from places outside New Zealand, may be carrying organisms that are exotic to the West Coast region. These organisms could be discharged into the marine environment by in-water hull cleaning. The best way to minimise the risks associated with harmful aquatic organisms is to restrict their introduction, or, if they are already present, limit their spread."

"The origin of vessel biofouling is an important factor in assessing the risk it presents. The provisions in the Plan allow for the cleaning of micro-fouling (Slime layer) but get progressively stricter (such as requiring capture and removal from the CMA) dependent of the level of fouling and the origin of the fouling."

OBJECTIVE 8.2.1

Decision Requested: 8.7

Submitter

3

DOC

Support. These provision are consistent with RMA in particular Part 2, give effect to NZCPS in particular Policies 11 and 23.

Relief sought:

Retain as notified.

Decision Requested: 8.8

Submitter 19 RF&B

Support intent.

Provide for both in Objective and then set guidance in Policy.

Relief sought:

8.2.1 *"To avoid, remedy, or mitigate adverse effects of contaminants ~~directly~~ discharged to the coastal marine area."*

Decision Requested: 8.9

Submitter 21 TRONT

Oppose. The objective does not provide clear direction as to what effects need to be managed to achieve. We consider the objective should refer to desired outcomes.

Relief sought:

Amend Objective 8.2.1 to read as follows:

"8.2.1 To avoid, ~~remedy, or mitigate~~ adverse effects of contaminants directly discharged to the coastal marine area on:

- (a) water quality;*
- (b) the life-supporting capacity of the coastal marine area;*
- (c) mahinga kai resources and other Poutini Ngāi Tahu values;*
- (d) significant indigenous habitats."*

POLICY 8.3.1**Decision Requested: 8.10**

Submitter 3 DOC

Support in part. This policy can be read that Policy 8.3.1 has priority over the Policies 3.3.5, 3.3.6 and 3.3.7. These policies identify potentially sensitive areas in the receiving environment and give effect to NZCPS.

Relief sought:

Amend as follows:

"8.3.1 Mixing zones will be required for discharges of contaminants needing resource consent. These mixing zone will be limited to the extent necessary to:

1) take account of:

- (a) The size and sensitivity of the receiving environment, and the capacity to assimilate the contaminants;*
- (~~ε~~ b) The physical processes acting on the area of discharge;*
- (~~d~~ c) The nature of the contaminants discharged, including contaminant type, concentration, and volume;*
- (~~e~~ d) Whether adverse effects on the life-supporting capacity of water within the mixing zone can be minimised;*
- (~~f~~ e) The risk and scale of adverse effects if the concentration of contaminants is exceeded beyond the mixing zone.*

And

2) Will give effect to the matters identified in Policies 3.3.5, 3.3.6, and 3.3.7."

And retain the explanation as notified.

POLICY 8.3.2**Decision Requested: 8.11**

Submitter 3 DOC

Support in part. The matters outlined in Policies 8.3.1, 3.3.5, 3.3.6 and 3.3.7 should be given effect to to enable this plan to implement NZCPS in particular Objective 1.

Relief sought:

Amend as follows:

"8.3.2 When considering applications for resource consent to discharge contaminants to the coastal marine area:

1) Have regard to:

- (a) Whether adverse effects of the discharge on any estuary, lagoon, or intertidal area can be shown to be minor;*
- (b) Poutini Ngāi Tahu values and the effects of the discharge on those values;*
- (c) The financial implications, and the effects on the environment, of the proposed method of discharge when*

- compared with other methods;*
- (d) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;*
- (e) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site;*
- (g) An appropriate standard of water quality for the receiving waters;*
- (h) The best practicable option for the treatment and disposal of human sewage wastewater, including the use of land disposal or wetland treatment; and*
- 2) Give effect to ~~The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7.~~"*

And retain the explanation as notified.

Decision Requested: 8.12

Submitter

10

KIWIR

Seek amendment. While the policy sets out criteria to be had regard to when considering applications for discharge in the coastal marine area, there is no consideration proposed in relation to the duration of the discharge and the purpose of it, i.e. that arising from works in relation to regionally strategic infrastructure and only temporary in nature. KiwiRail would support amendment to the policy to ensure that these elements were also able to be considered.

While there is a permitted activity rule in relation to discharges for aspects such as maintenance works, it is possible that the permitted standard setting out that this occur for no more than 10 days may be breached, depending on the scale of the works. In that event consent will be required. Such a consent may seek that the works occur for 12 or 14 days, therefore the duration of the discharge becomes relevant for the consideration of the application.

Relief sought:

Amend as follows:

"8.3.2 When considering applications for resource consent to discharge contaminants to the coastal marine area, have regard to:

- (a) Whether adverse effects of the discharge on any estuary, lagoon, or intertidal area can be shown to be minor;*
- (b) Poutini Ngāi Tahu values and the effects of the discharge on those values;*
- (c) The financial implications, and the effects on the environment, of the proposed method of discharge when compared with other methods;*
- (d) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;*
- (e) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site;*
- (f) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7;*
- (g) An appropriate standard of water quality for the receiving waters;*
- (h) The best practicable option for the treatment and disposal of human sewage wastewater, including the use of land disposal or wetland treatment*
- (i) The duration of the discharge;***
- (j) The nature of the works giving rise to the discharge."***

Decision Requested: 8.13

Submitter

19

RF&B

As written the policy does not consider the protection of significant biodiversity.

Relief sought:

Amend to protect the value of significant wetlands as identified in the wetland schedule in the operative L&WP.

Decision Requested: 8.14

Submitter

21

TRONT

Support in part. The policy requires regard to be had to a range of effects, including effects on Poutini Ngāi Tahu values, but provides no direction as to whether these effects are to be avoided or addressed in some other way.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly in Chapter 6) fails to provide clear direction. Rather than just saying what effects, factors or mitigation measures will be considered in assessing resource consent applications, we consider that policies should make it clear which effects must be avoided, and which may be managed by remedying or mitigation.

Relief sought:

Amend Policy 8.3.2 to read as follows:

"8.3.2 (1) Discharge of contaminants to the coastal marine area shall have no more than minor effects on:

(a) any estuary, lagoon, or intertidal area;

(b) Poutini Ngāi Tahu values;

(c) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7;

(d) The quality of the receiving waters;

(2) When considering applications for resource consent to discharge contaminants to the coastal marine area, have regard to:

(a) Whether adverse effects of the discharge on any estuary, lagoon or intertidal area can be shown to be minor;

(b) Poutini Ngāi Tahu values and the effects of the discharge on those values;

(a-e) The financial implications, and the effects on the environment, of the proposed method of discharge when compared with other methods;

(b-d) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;

(c-e) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site;

(f) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7;

(g) An appropriate standard of water quality for the receiving waters;

(d-h) The best practicable option for the treatment and disposal of human sewage wastewater, including the use of land disposal or wetland treatment."

POLICY 8.3.3**Decision Requested: 8.15****Submitter**

1, 8

BCG, INTAF

There needs to be some constraints on faecal coliforms. For example, since the Westport sewage treatment was installed there has not been any health incidents with shellfish at Mussel Rocks, Nikau, yet previously there had been increasing periods of shellfish contamination.

Relief sought:

"8.3.3 Resource consent applications to discharge contaminants into coastal water with the potential to adversely affect a any shellfish gathering site, including those listed in Schedule 10, must ensure that the water quality remains high, including meeting the standards in this Schedule are met.

Explanation

This Policy recognises the importance of having good water quality, and shellfish that are fit for human consumption. The water quality standards set out in Schedule 10 of the Plan are nationally recognised standards for water quality, and are applicable for coastal water. The Schedule 10 standards do not include the commonly used measure of median faecal coliform concentration in water, as this is not a practical measure of shellfish health in the West Coast coastal marine area. There is often a raised background level of pathogens in suspended sediment in coastal water, due to rainfall, river flows, and turbulent coastal currents."

Decision Requested: 8.16**Submitter**

2

CPHWC

CPH supports the proposal to have regard to opportunities to enhance the existing water quality of the receiving environment when renewing resource consents for existing discharges.

This policy will assist in improving the quality of the coastal recreational water environment and has potential benefits for the protection of the wellbeing of people and communities.

Relief sought:

Retain the policy.

Decision Requested: 8.17**Submitter**

3

DOC

Support in part. Whilst it is acknowledged that some of the faecal contamination found in coastal water is from land sources discharged to freshwater, discharges of contaminants direct to coastal water should have to meet a faecal coliform standard for shellfish gathering at those sites.

Relief sought:

Retain as notified with the following deleted from the explanation:

"The Schedule 10 standards do not include the commonly used measure of median faecal coliform concentration in water, as this is not a practical measure of shellfish health in the West Coast coastal marine area. There is often a raised background level of pathogens in suspended sediment in coastal water, due to rainfall, river flows, and turbulent coastal currents."

Decision Requested: 8.18

Submitter 4 ELWEP

Should read 8.3.4.

I partly support this clause.

Enhancement of water quality to the level where it supports a healthy population of aquatic organisms is highly desirable as it indicates that the water is safe for any recreational use.

Decision Requested: 8.19

Submitter 13 NZS

NZ Steel would like to have statements relating to zinc levels removed or justified by supporting data. This is a requirement for evidence-based policy and rules.

Relief sought:

NZ Steel would like to see information relating to environmental effects in local taxa and justification for the proposed zinc limits referenced. This includes referencing source data to support the statement that limits are "*nationally recognised standards for water quality*".

Decision Requested: 8.20

Submitter 21 TRONT

Support. We support the requirement to meet water quality standards in shellfish gathering areas.

Relief sought:

Retain policy 8.3.3.

POLICY 8.3.4**Decision Requested: 8.21**

Submitter 3 DOC

Support. These provision are consistent with RMA in particular Part 2, give effect to NZCPS in particular Policies 11 and 23.

Relief sought:

Retain as notified.

Decision Requested: 8.22

Submitter 21 TRONT

Support. We support the consideration of opportunities for improvement of water quality when resource consents are being renewed.

Relief sought:

Retain Policy 8.3.4 and correct error in numbering.

NEW POLICIES**Decision Requested: 8.23**

Submitter 2 CPHWC

With the exception of discharges of fuel from vessels, this section does not include a specific policy relating to discharges to water of substances such as fuel, wastewater and sludge.

Discharge of such substances has potential to have a negative impact on the quality of the West Coast coastal marine environment.

Relief sought:

Include a policy which prohibits discharges of substances such as fuel, wastewater and sludge to the Coastal marine environment.

Alternatively, make specific reference to the related elements of the relevant district and regional plans which have this effect.

Decision Requested: 8.24

Submitter

3

DOC

A new policy is required to reduce the risk of introduction of harmful aquatic organisms. Harmful aquatic organisms can adversely affect marine ecosystems and the aquaculture industry.

Relief sought:

Add a Policy 8.3.5:

"To maintain and protect biodiversity, the intrinsic values of ecosystems and natural character by reducing the risk of introducing harmful aquatic organisms.

Explanation

The risk of introducing harmful aquatic organisms, whether new to New Zealand or new to the region, should be minimised. Introducing such organisms can result in a number of adverse effects, including changes to ecosystem structures and worst case scenario, could result in local extinctions or extinctions of species. The aquaculture industry may also be adversely affected. The most common mechanisms of introducing harmful aquatic organisms are ballast water discharges and fouling of vessels hulls and niche areas. Ballast water discharges from vessels arriving to New Zealand from overseas are regulated by an Import Health Standard under the Biosecurity Act 1993 and implemented by the Ministry for Primary Industries. Ballast water discharges from domestic vessels are regulated by the Resource Management (Marine Pollution) Regulations. In-water cleaning of vessel biofouling, however, should be managed in this plan."

Decision Requested: 8.25

Submitter

21

TRONT

New Policy 8.3.X.

We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Relief sought:

Add a new policy as follows:

"To ensure that fishing grounds and coastal areas of cultural, recreational and commercial significance are appropriately protected from discharges associated with mining in the coastal marine area by:
(1) avoiding establishment of mining activity in locations in or near areas identified in Schedule 3; and
(2) placing limits on the scale and intensity of potential mining activity.

Explanation

A precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential

scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.”

Decision Requested: 8.26

Submitter

21

TRONT

New Policy 8.3.Y

Direct discharge of human sewage effluent to coastal water is culturally offensive to Ngāi Tahu and we consider this should be reflected by inclusion of a strong policy direction to discourage such discharges unless there are no practicable alternatives.

Our reasons are:

It is a fundamental principle of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

We recognise that immediate upgrade of existing discharges that use some other form of treatment is not practical and that time needs to be allowed for this to be addressed. We request that provisions be included in the Proposed Plan to require serious consideration of alternatives to direct discharge. Where direct discharge is the only practicable option, it should be designed to avoid adverse effects on Poutini Ngāi Tahu values and treated to a standard that ensures there will not be adverse effects on kaimoana. We request that direct discharges of human sewage effluent be clearly discouraged by giving them non-complying activity status.

Relief sought:

Add a new policy to Section 8.3 to read as follows:

“Human sewage should not be discharged directly into the coastal marine area where alternative methods, sites and routes for undertaking discharges are practicable. Where the human sewage is to be discharged to the coastal marine area:

- (2) Particular regard shall be had for Poutini Ngāi Tahu values and the effects of discharges on those values; and
(3) The discharge shall be treated to meet a “Shellfish Gathering” standard.*

Explanation

Direct discharge of human sewage effluent to coastal water is culturally offensive to Poutini Ngāi Tahu. Such discharges should be avoided wherever there is a practicable alternative available. Where there is no practicable alternative, measures will be required to avoid adverse effects on Poutini Ngāi Tahu values and food sources.

METHOD 8.4.1

Decision Requested: 8.27

Submitter

2

CPHWC

CPH commends the proposal to encourage district councils to require an assessment of centralised sewage effluent treatment and disposal systems for coastal subdivisions and land use.

The disposal of human waste water is an important public health issue on the West Coast. Untreated or inadequately treated sewage effluent discharged into the coastal marine environment can cause potentially serious negative impacts on human health and also on marine life.

Relief sought:

Retain the policy.

Decision Requested: 8.28

Submitter

3

DOC

Support. The efficiency of onsite sewage schemes can be severely limited by site suitability issues, their cost, and maintenance requirements. Centralised schemes properly managed will give better water quality outcomes.

Relief sought:

Retain as notified.

Decision Requested: 8.29

Submitter

6

GDC

Support policy 8.4.1 – where District Councils will encourage an assessment of whether centralised sewage effluent treatment and disposal system is appropriate for coastal subdivision and land use. How far from the CMA should subdivisions/land use consent be before the subdivision/land use is considered coastal? Within 100 metres would be where GDC would encourage an assessment.

Relief sought:

That an assessment of centralised sewage effluent treatment and disposal systems is required within the CMA and within 100 metres of the CMA.

Decision Requested: 8.30

Submitter 21 TRONT

Support in part. We support the intent of Method 8.4.1 to encourage better management of sewage effluent. However framing this as a policy would provide clearer and stronger direction to district councils in developing district plans and considering resource consent applications.

Relief sought:

Delete Method 8.4.1 and replace it with the following policy in Section 8.3:

"In developing district plans and in considering resource consents for coastal subdivision and development, district councils should require an assessment of whether a centralised sewage effluent treatment and disposal system is appropriate to avoid or minimise effects on the water quality and cultural values of the coastal marine area."

Decision Requested: 8.31

Submitter 25 WDC

The Council supports the introduction of a policy (Policy 8.4.1) relating to the encouragement of reticulated or centralised systems to avoid adverse effects on the CMA. However, the reference to this function being carried out by District Councils should be amended. As any potential discharges are managed through this proposed plan, and the Land and Water Plan, it is more appropriate that the encouragement of centralised systems be undertaken by the West Coast Regional Council.

Centralised systems can provide greater long term environmental benefits and reduction in the risk of individual on site effluent disposal failure, however can incur greater upfront financial costs on developers. The Westland District Council has direct experience in encouraging a centralised system in a sensitive receiving environment during a subdivision, only to be provided an assessment of the compliance of individual onsite systems with the relevant rules of the Land and Water Plan. Consent applicants often take the view that the West Coast Regional Land and Water Plan sets the "permitted baseline" or "environmental bottom line" and therefore no further improvement in management of onsite discharge is required.

At the very least, this provision should be amended to refer to the West Coast Regional Council.

This provision could be strengthened by the creation of a rule, or the amendment of the discharge rules within the Land and Water Plan over time to be able to implement this policy.

Relief sought:

Amend Policy 8.4.1 to refer to the West Coast Regional Council rather than District Councils. Create an associated rule within the Coastal Plan or Land and Water Plan setting out when centralised systems will be required due to sensitive receiving environment, high water table or coastal hazard risk.

NEW METHODS

Decision Requested: 8.32

Submitter 3 DOC

Include a new method to raise public awareness in particular the boating community and other marine industries to reduce the risk of introducing or spreading harmful aquatic organisms.

Relief sought:

Add new method:

"8.4.2 Raise awareness among users of the coastal marine area, particularly the boating community, of the importance of maintaining clean hulls and niches areas of vessels and other coastal structures such as moorings, piles or marine farming structures to reduce the risk of introducing or spreading harmful aquatic organisms."

9. TAKING, USE, DAMMING OR DIVERSION

9.1 INTRODUCTION

Decision Requested: 9.1

Submitter 1, 8 BCG, INTAF

The taking, use, damming or diversion of coastal water, from river mouths, estuaries, and lagoons, and the removal of any heat or energy from that water, requires a resource consent unless:

- the water, heat or energy is required for an individual's reasonable domestic needs, or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or
- the water is for fire-fighting purposes.

Relief sought:

This needs to be incorporated in the permitted rules, being rule 39.

Decision Requested: 9.2

Submitter 3 DOC

Support. These provisions are an appropriate response to the management of taking, use, damming or diversion of water and is consistent with the RMA in particular Part 2 and s14.

Relief sought:

Retain as notified.

OBJECTIVE 9.2.1

Decision Requested: 9.3

Submitter 1, 8 BCG, INTAF

Takes and use of open coastal water by, for example, vessels or renewable wave energy generation, are allowed for under section 14(1) of the Act, and do not need to be provided for in this Plan.

Comment: Section 14(1) says, " No person may take, use, dam, or divert any open coastal water, or take or use any heat or energy from any open coastal water, in a manner that contravenes a national environmental standard or a regional rule unless the activity is expressly allowed by a resource consent."

If there is no regional rule for such activities then one needs to be created. There needs to be rules around taking energy from water in the CMA, also taking of water by vessels, although the use of water by ships, and subsequent discharge may be covered under chapter 8.

Relief sought:

Extracting energy from waves is fast becoming a reality and this plan needs constraints in relation to such. Extracting energy from waves would involve hardware and infrastructure that could have significant adverse effect on the natural character and biodiversity of the CMA.

Decision Requested: 9.4

Submitter 3 DOC

Support. These provisions are an appropriate response to the management of taking, use, damming or diversion of water and is consistent with the RMA in particular Part 2 and s14.

Relief sought:

Retain as notified.

Decision Requested: 9.5

Submitter 6 GDC

Support. Under objective 9.2 the explanation, paragraph 2, where it states section 14(1) of the RMA, should this be section 14(2)?

Decision Requested: 9.6

Submitter 10 KIWIR

Support. The Objective setting out that consideration of the appropriateness of the take, use, dam and divert in relation to coastal water is required, is supported by KiwiRail.

KiwiRail particularly support the Explanation recognition that these is often required to erect and maintain structures such as bridges and culverts that provide for infrastructure.

Relief sought:

Retain as notified.

Decision Requested: 9.7

Submitter 19 RF&B

This objective needs to be supported by policy and rule direction for as permitted activity conditions/standards address effects.

Relief sought:

Amend as necessary to address submission

Decision Requested: 9.8

Submitter 21 TRONT

Support in part. The objective does not provide clear direction as to what effects need to be managed to achieve. We consider the objective should refer to desired outcomes.

Relief sought:

Amend Objective 9.2.1 to read as follows:

"9.2.1 To provide for the appropriate taking, use, damming and diversion of coastal water while ~~avoiding, remedying, or mitigating adverse effects~~ ensuring that:

(a) water quality is maintained or enhanced;

(b) the natural functioning of estuaries, lagoons and river mouths is maintained;

(c) the life-supporting capacity of the coastal marine area is maintained or enhanced;

(d) adverse effects on significant indigenous habitats, mahinga kai and other Poutini Ngāi Tahu values are avoided."

Decision Requested: 9.9

Submitter 26 WESTP

Westpower supports the Objective and the recognition of the need for such activities in the coastal marine area whilst managing effects. For consistency of approach the Council should consider rewording to reflect the wording in Objective 3.2.1, ie enable.

Relief sought:

That the Objective is retained. The Council consider whether, for consistency, the objective be reworded such that, "9.2.1 To enable the appropriate"

POLICY 9.3.1**Decision Requested: 9.10**

Submitter 3 DOC

Support. These provisions are an appropriate response to the management of taking, use, damming or diversion of water and is consistent with the RMA in particular Part 2 and s14.

Relief sought:

Retain as notified.

Decision Requested: 9.11

Submitter 21 TRONT

Support in part.

Damming in the coastal marine area

We request a clear framework, in policies and rules, to discourage reclamations in the coastal marine area and damming of open coastal waters, and in particular to avoid potential adverse effects of these activities on mahinga kai and other Poutini Ngāi Tahu values, ecosystems, water quality and other values identified in Chapter 3.

Our reasons are:

Damming of open coastal waters also has potential to disrupt natural coastal processes and adversely affect aquatic life and mahinga kai.

To reflect the direction of the New Zealand Coastal Policy Statement and avoid adverse effects on cultural and natural values, we consider that reclamation in the coastal marine area and damming of open coastal waters should be subject to non-complying activity status, supported by clear policy direction.

The policy provides no direction about the effects that need to be considered or managed.

Relief sought:

Amend Policy 9.3.1 to provide clear direction to avoid adverse effects of damming:

9.3.1 To allow small-scale takes, uses, damming and diversion of coastal water with no more than minor effects, and restrict other takes, uses, damming and diversion of coastal water to avoid adverse effects on water quality, functioning of river mouths, lagoons and estuaries, fish passage, mahinga kai or ecological values that may have potentially more than minor adverse effects, or where the effects are uncertain.

Decision Requested: 9.12

Submitter

26

WESTP

Westpower supports the Policy and the recognition that certain activities are permissible, and can be allowed, whilst others require management. Having read the explanation it is considered that the Policy would be more appropriately worded to manage, rather than restrict, activities which would be in line with requiring an assessment of effects.

Relief sought:

That the Policy is retained with an amendment such that, "9.3.1 To allow ..., and manage takes, uses"

10. NOISE

10.1 INTRODUCTION

Decision Requested: 10.1

Submitter 2 CPHWC

CPH supports the proposal in part but with amendments to the terminology.

Amendments to the terminology are necessary so that it is consistent with the Act and the acoustical standards cited for measurement and assessment of noise. The words in the first sentence confuse the responsibility of noise producers with those of the planning authority. The words used omit "mitigation" of the effects of noise. CPH's suggested amendments will avoid potential uncertainty about terminology and reflect the actual words in the Act. Shared responsibility with the Minister of Conservation, which is a statutory requirement under s.30 (1) (d), has also been overlooked. "Residences" per se do not require protection, rather it is activities by people in buildings and their environs which may be sensitive to noise such as residential activities and which require protection. "Excessive" noise is addressed in other specific provisions of the Act. It is "unreasonable" noise in the context of s.16 of the Act which is the key issue to be addressed in this proposed plan section.

Relief sought:

Retain the provision in part but amend as follows:

- A. delete "~~managing noise generated within the coastal marine area, and the effects of such noise~~" and replace with "controlling the emission of noise and the mitigation of the effects of noise"
- B. Add a new second sentence "This function in the Coastal Marine Area is in conjunction with the Minister of Conservation under section 30 of the Act."
- C. In the current second sentence, insert "Unreasonable or" before "excessive"
- D. Delete "residences" and replace with "noise sensitive activities".

Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the Proposed Plan, or consequential amendments to this section, as a result of decisions about other parts of the Proposal.

Decision Requested: 10.2

Submitter 3 DOC

Support. The introduction identifies the actual and potential sources of generated noise in the West Coast CMA. The reference to the Department of Conservation's "Code of Conduct for minimising disturbance to Marine Mammals from Seismic Survey" is supported. It is used to manage the effects of seismic surveying on marine mammals beyond 12 nautical miles offshore.

Relief sought:

Retain as notified.

OBJECTIVE 10.2.1

Decision Requested: 10.3

Submitter 2 CPHWC

CPH supports the proposal in part but with amendments to terminology.

Amendments to the terminology are necessary so that it is consistent with the Act and the acoustical standards cited for measurement and assessment of noise. "Noise levels" is undefined in the standards cited where "sound level" is used and the term "level" puts undue emphasis on sound pressure level when it is character and duration as well as sound pressure level which affects how sound is perceived. Strictly speaking noise is not "generated," rather it is a human perception about unwanted elements of sound received at a time and place. The words in the first sentence confuse the responsibility of noise producers with those of the planning authority where the former have responsibility to in effect manage noise pursuant to their responsibilities under s.16 and manage its effects under s. 17 of the Act, whereas the Council has a statutory duty to "control" noise under s. s.30 (1) (d) (vi).

Relief sought:

Retain the provision in part but amend as follows:

Replace "~~manage noise levels generated~~" with "Control noise"

Decision Requested: 10.4

Submitter 2 CPHWC

CPH supports the proposal in part but with amendments to terminology.

The proposal provides a simple explanation covering the main implications but needs the word "emit" noise rather than "generate noise (see submission point above).

Relief sought:

Retain the provision in part but amend as follows:
Replace "generate" with "emit"

Decision Requested: 10.5

Submitter 3 DOC

Support. The introduction identifies the actual and potential sources of generated noise in the West Coast CMA. The reference to the Department of Conservation's "Code of Conduct for minimising disturbance to Marine Mammals from Seismic Survey" is supported. It is used to manage the effects of seismic surveying on marine mammals beyond 12 nautical miles offshore.

Relief sought:

Retain as notified.

Decision Requested: 10.6

Submitter 12 NZDF

Support. NZDF considers the objective and policy for noise is appropriate.

Relief sought:

Retain Objective 10.2.1 and Policy 10.3.1 as notified

Decision Requested: 10.7

Submitter 19 RF&B

Support

Relief sought:

Retain

POLICY 10.3.1**Decision Requested: 10.8**

Submitter 1, 8 BCG, INTAF

Marine fauna need quiet to be functional and to be able to communicate. There is generally an expectation by the public of peace and quiet in the CMA.

Relief sought:

"10.3.1 When determining whether noise levels from an activity requiring resource consent within the coastal marine area are reasonable or unreasonable, particular regard will be had to:

(a) The scale of adverse effects on:

i) amenity values,

ii) biodiversity values, particularly fauna within the CMA;

iii) the natural character of the CMA;

iv) ##) other uses of the coastal marine area,

v) ##) adjacent land uses;

(b) The duration and nature of noise produced;

(c) The duration and nature of background noise;

(d) The New Zealand Standards NZS 6801 (2008) "Acoustics - Measurement of Environmental Sound", NZS 6802 (2008) "Acoustics - Environmental Noise", NZS 6803 (1999) "Acoustics - Construction Noise", and NZS 6807 (1994) "Noise Management and Land Use Planning for Helicopter Landing Areas".

Decision Requested: 10.9**Submitter**

2

CPHWC

CPH supports the proposal in part but with amendments to terminology

Noise "levels" is undefined in the standards cited where "sound level" is used and the term "level" puts undue emphasis on sound pressure level when it is character and duration as well as sound pressure level which affects how sound is perceived. Absence of reference to "people" and their "health", matters of high level importance under s.5 of the Act in the list of matters to which regard must be had, is a significant omission given Council should be informed by the decisions and determinations of the Court in cases such as the West Coast coal terminal near Grantly. The published names are pursuant to the Standards Act 1988 and should not be varied in any way. "Background noise level" used in this sub-clause of the proposal, has a limited and defined meaning and other specific terms such as "residual sound" cover what is intended to be listed in this sub-clause of the proposal. Errors in the names of standards cited in sub-clause (d) should be corrected.

Relief sought:

Retain the provision in part and amend as follows:

- A. In 10.3.1 delete "levels"
- B. In 10.3.1 (a) add a new item "the health of people and communities"
- C. In 10.3.1 (c) delete "~~duration and nature of background noise~~" and replace with "character, level and duration of other sounds in the environment"
- D. In 10.3.1 (d) replace "~~NZS 6801 (2008)~~" with "NZS 6801:2008"
- E. In 10.3.1 (d) replace "~~NZS 6802 (2008)~~" with "NZS 6802:2008"
- F. In 10.3.1 (d) replace "~~NZS 6803 (1999)~~" with "NZS 6803:1999"
- G. In 10.3.1 (d) replace "~~NZS 6807 (1994)~~" with "NZS 6807:1994"
- H. In 10.3.1 "Explanation" either (preferred) delete "levels" or replace "noise levels" with "sound levels"

Decision Requested: 10.10**Submitter**

2

CPHWC

Sub-clause (b) and Explanation: CPH supports the proposal as it covers the critical elements.

Duration and nature of noise produced covers the essential matters of sound, character, duration and sound level in terms of the receiver of noise.

Relief sought:

Retain the provision.

Decision Requested: 10.11**Submitter**

3

DOC

Support in part. The policy is generally supported as it manages adverse effects on amenity, other uses of the CMA and adjacent land uses. Noise can also adversely affect marine mammals. However, the Policy fails to consider the adverse effects of unnatural noise in areas where there is an absence of unnatural noise. These are experiential attributes and wild and scenic characteristics of natural character as outlined in NZCPS Policy 13. Such an approach would be consistent with the RMA in particular s6(a).

Relief sought:

Amend as follows:

"10.3.1 When determining whether noise levels from an activity requiring resource consent within the coastal marine area are reasonable or unreasonable, particular regard will be had to:

(a) The scale of adverse effects on:

- i) Outstanding natural character in particular the lack of unnatural noise;
- ii) marine mammals and amenity values;
- iii) other uses of the coastal marine area;
- iv) adjacent land uses;

(b) The duration and nature of noise produced;

(c) The duration and nature of background noise;

(d) The New Zealand Standards NZS 6801 (2008) "Acoustics - Measurement of Environmental Sound", NZS 6802 (2008) "Acoustics - Environmental Noise", NZS 6803 (1999) "Acoustics - Construction Noise", and NZS 6807 (1994) "Noise Management and Land Use Planning for Helicopter Landing Areas".

Retain Explanation as notified.

Decision Requested: 10.12

Submitter 4 ELWEP

Marine mammals and seabirds can be very sensitive to noise, and their wellbeing severely compromised by it. References as follows:

- i.) Williams R *et al* "Impacts of Anthropogenic Noise on Marine Life" in Oceans and Coastal Management 115 (2015) pp.17-24.
- ii.) "Marine Mammals and Noise Fact Sheet" NOAA Fisheries Service Southeast Region.
- iii.) European Science Foundation Position Paper 13 June 2008. "The Effects of Anthropogenic Sound on Marine Mammals".

Relief sought:

I request that 10.3.1(a)(iv) be added to read: "marine mammals and seabirds"

Decision Requested: 10.13

Submitter 6 GDC

Support. Policy 10.3.1 – Noise policy has been amended to cater for new standards.

The noise levels referred to are L10 - should be Leq

Decision Requested: 10.14

Submitter 12 NZDF

Support. NZDF considers the objective and policy for noise is appropriate.

Relief sought:

Retain Objective 10.2.1 and Policy 10.3.1 as notified

Decision Requested: 10.15

Submitter 15 PERKI

Marine mammals and seabirds can be very sensitive to noise, and their wellbeing severely compromised by it. Reference material is as follows:

- i.) Williams R *et al* "Impacts of Anthropogenic Noise on Marine Life" in Oceans and Coastal Management 115 (2015) pp.17-24.
- ii.) "Marine Mammals and Noise Fact Sheet" NOAA Fisheries Service Southeast Region.
- iii.) European Science Foundation Position Paper 13 June 2008. "The Effects of Anthropogenic Sound on Marine Mammals".

Relief sought:

I would like to see an additional section (iv) be added to 10.3.1(a) to read: "marine mammals and seabirds"

Decision Requested: 10.16

Submitter 19 RF&B

Consideration needs to be given to ensure all activities which could have more than minor adverse effects on wildlife through generation of noise are considered.

Relief sought:

Amend the policy or appropriate rules to ensure permitted activities are avoided areas adjacent to schedule 3.1. during bird breeding sea

Add a new clause to considered the scale of impacts on indigenous wildlife

Decision Requested: 10.17

Submitter 24 WCPT

Marine mammals and seabirds can be very sensitive to noise, and their wellbeing severely compromised by it.

Reference material is as follows:

- i.) Williams R *et al* "Impacts of Anthropogenic Noise on Marine Life" in Oceans and Coastal Management 115 (2015) pp.17-24.
- ii.) "Marine Mammals and Noise Fact Sheet" NOAA Fisheries Service Southeast Region.
- iii.) European Science Foundation Position Paper 13 June 2008. "The Effects of Anthropogenic Sound on Marine Mammals".

Relief sought:

The Trust requests that an additional section (iv) be added to 10.3.1(a) to read: "*marine mammals and seabirds*"

11. INTRODUCTION TO THE RULES

Decision Requested: 11.1

Submitter 3 DOC

Support. These sections are consistent with the RMA. The other legislation section appropriately recognises other authorisations may be required under other legislation. The summary of rules makes the plan user friendly.

Relief sought:

Retain as notified.

11.2 Status of Activities

Decision Requested: 11.2

Submitter 4 ELWEP

(Refer to DR X) The discretionary and restricted discretionary statuses still allows activities within the CMA habitat of the aforementioned species and others, to proceed, subject to the political leanings of Council's decision makers, which is surely dangerously subjective and inadequate in the circumstances.

The absence of non-complying status means that the plan is potentially unable to give effect to Part II (Purpose and Principals) of the RMA 1991 because the proper protection of marine mammals and seabirds are matters of national importance, and these creatures are an important part of the west coast identity.

Although penguin and other seabird populations may be almost holding their own on the coast, it is surely a false logic to wait until they are critically low or endangered in order to protect them. Hence the need for a high level of protection to be accorded to their habitats, which can be achieved through making activities in the CMA in or adjacent to their breeding colonies and foraging areas non-complying.

Relief sought:

In the light of the above, I also request that the plan include a **non-complying** activity status, which it currently lacks, for certain activities in certain locations.

Decision Requested: 11.3

Submitter 21 TRONT

Oppose. See Sections 5.3, 5.4 and 5.6 above. The Plan does not provide for use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for sewage effluent discharges, offshore mining activities, gravel extraction in the Makaawhio River, reclamation and damming of coastal waters.

Relief sought:

Amend first sentence of Section 11.2 to read as follows:

"Each rule specifies whether a particular activity is permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited."

11.4 Notification of Resource Consents

Decision Requested: 11.4

Submitter 1, 8 BCG, INTAF

11.4 Notification of Resource Consents, 2nd paragraph: Not acceptable. People need to be able to carry on with their lives and routine without being adversely affected by development. This is a requirement of RMA, section 5, where people's social and cultural well-being and health must be provided for. Perhaps the WCRC is pre-empting proposed RMA reforms here.

Decision Requested: 11.5

Submitter 4 ELWEP

I oppose the provision in this clause.

Although ss 95A and 95B of the RMA allow for consents to be granted without notifying affected parties, the WCRC

should not, and must not, through this or any other plan, be party to such totalitarian and undemocratic practices, which can only lead to social divisions and unrest.

SUMMARY OF RULES

Decision Requested: 11.6

<i>Submitter</i>	21	TRONT
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Support in part. The summary table would be clearer if the activity column was placed at the left of the table.

Relief sought:

Amend table to relocate the coloumn describing activities so it is the first column.

12. RULES

GENERAL SUBMISSIONS ON RULES

Decision Requested: 12.1

Submitter 4 ELWEP

In New Zealand, marine mammals, including fur seals, and seabirds are protected in Coastal Marine Areas (CMA) under a range of statutes, including the Marine Mammal Protection Act 1979, the Wildlife Act 1953, and the Conservation Act 1987.

On the West Coast, fur seals and seabirds, including Blue Penguins or Korora (*Eudyptula minor*), Fiordland Crested Penguins or Tawaki (*Eudyptes pachyrhynchus*), Banded Dotterels (*Charadrius bicinctus*), White-fronted Terns (*Sterna striata*), Oystercatchers (*Haematopus spp.*), Royal Spoonbills (*Platalea regia*), Red-Billed Gulls (*Larus scopulinus*), shags (*Phalacrocorax spp.*), and White-faced Herons (*Ardea novaehollandiae*) use the CMA for the range of purposes mentioned above.

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there.

Relief sought:

I also strongly urge Council to make activities in or adjacent to their breeding colonies and important foraging areas, **non-complying and/or discretionary** activities (See para. 2 below)

Decision Requested: 12.2

Submitter 15 PERKI

In New Zealand, marine mammals, including fur seals, and seabirds are protected in Coastal Marine Areas (CMA) under a range of statutes, including the Marine Mammal Protection Act 1978, the Wildlife Act 1953, and the Conservation Act 1987.

On the West Coast, fur seals and coastal birds, including Blue Penguins or Korora (*Eudyptula minor*), Fiordland Crested Penguins or Tawaki (*Eudyptes pachyrhynchus*), Banded Dotterels (*Charadrius bicinctus*), White-fronted Terns (*Sterna strata*), Oystercatchers (*Haematopus spp.*), Royal Spoonbills (*Platalea regia*), Red-Billed Gulls (*Larus novaehollandiae scopulinus*), Black-billed gulls (*Larus bulleri*), Fairy prions (*Pachyptila turtur*), shags (*Stictocarbo punctatus* and *Phalacrocorax spp.*), and White-faced Herons (*Egretta novaehollandiae*) and less often other coastal species use the CMA for the range of purposes mentioned above.

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there. These species require passage to and across the foreshore to breeding sites at all times of the year. Disturbance can markedly reduce breeding success.

Relief sought:

I would like to see amendments to the proposed plan so that activities in or adjacent to their breeding colonies and important foraging areas are prohibited and/or non-complying and/or discretionary as appropriate.

In order to achieve this, the WCRC will need to seek input from NZ seabird scientists, the West Coast Penguin Trust and DOC, to ensure that these breeding and foraging areas are recognised, mapped and protected, and to ensure that information is kept up to date.

Decision Requested: 12.3

Submitter 16 REYNR

I would also support that stock should be fenced off from the high water mark, if this is a requirement the fence at time of erection should be a meter back. This provides a buffer for erosion and also provides for the opportunity to move the fence closer to the sea if land is created in the future.

Decision Requested: 12.4

Submitter 17 ROGMIC

The plan refers to no mechanical removal of gravels from the beach for beach protection works (revetment, rock walls

etc). Supplementary and similar gravels are to be brought in instead. This makes little sense to me, as these gravels would be sourced from local rivers nearby. The gravels will end up on the beach naturally and this process just adds cost. Any gravels used for infill around placed rocks (not a huge amount), should be sourced from the beach. This would need to have some controls around extraction.

It is important to note that any gravels used for this purpose are not actually leaving the beach.

Relief sought:

The plan needs amending to allow beach gravels to be used for this purpose.

Decision Requested: 12.5

Submitter

24

WCPT

In New Zealand, marine mammals, including fur seals, and seabirds are protected in Coastal Marine Areas (CMA) under a range of statutes, including the Marine Mammal Protection Act 1978, the Wildlife Act 1953, and the Conservation Act 1987.

On the West Coast, fur seals and coastal birds, including Blue Penguins or Korora (*Eudyptula minor*), Fiordland Crested Penguins or Tawaki (*Eudyptes pachyrhynchus*), Banded Dotterels (*Charadrius bicinctus*), White-fronted Terns (*Sterna strata*), Oystercatchers (*Haematopus spp.*), Royal Spoonbills (*Platalea regia*), Red-Billed Gulls (*Larus novaehollandiae scopulinus*), Black-billed gulls (*Larus bulleri*), Fairy prions (*Pachyptila turtur*), shags (*Stictocarbo punctatus* and *Phalacrocorax spp.*), and White-faced Herons (*Egretta novaehollandiae*) and less often other coastal species use the CMA for the range of purposes mentioned above.

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there. These species require passage to and across the foreshore to breeding sites at all times of the year. Disturbance can markedly reduce breeding success.

Relief sought:

The **Trust also strongly urges** the WCRC to make activities in or adjacent to their breeding colonies and important foraging areas prohibited and/or non-complying and/or discretionary as appropriate.

In order to achieve this, **the Trust urges** the WCRC to seek input from NZ seabird scientists, the Trust and DOC, to ensure that these breeding and foraging areas are recognised, mapped and protected, and to ensure that information is kept up to date.

The Trust further notes that, although the NZ Coastal Policy Statement covers some of the Trust's concerns, there may be common species, for example the Spotted Shag (*Stictocarbo punctatus*) for which localised sites are strongholds on the West Coast.

Advice Notes for Rules

Decision Requested: 12.6

Submitter

1, 8

BCG, INTAF

Relief sought:

Advice for each section should be at the beginning of the rule sections, not here.

Decision Requested: 12.7

Submitter

1, 8

BCG, INTAF

"s12(2) No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—
(a) occupy any part of the common marine and coastal area; or
(b) remove any sand, shingle, shell, or other natural material from that area."

Section 12 does not prohibit rules being made to include activities in the CMA on private land. The RMA is an effects-based legislative instrument and adverse effects of activities on the environment will occur equally to private as well as publicly owned CMA, and all adverse effects should be accounted for.

Relief sought:**Occupation Rules**

~~"Under Section 12(2)(a) of the Resource Management Act the rules for occupation in this Plan do not apply to activities on freehold land in the coastal marine area, or any other land not defined as the common marine and coastal area in the Coastal and Marine Area (Takutai Moana) Act."~~

Decision Requested: 12.8**Submitter**

3

DOC

Support - these provisions are consistent with the RMA and other legislation.

Relief sought:

Retain as notified.

Decision Requested: 12.9**Submitter**

21

TRONT

Support. See Section 5.1 and 5.2 above. We support inclusion of the advice note alerting Plan users to the ownership and protocols affecting pounamu.

Relief sought:

Retain reference to Ngāi Tahu ownership of pounamu and to the accidental discovery protocols.

12.1 OCCUPATION OF SPACE IN THE COASTAL MARINE AREA

12.1.1 Permitted Occupation Activities

Decision Requested: 12.10

Submitter 1, 8 BCG, INTAF

Relief sought:

It needs to be stated here that public access to and along the CMA is a permitted activity.

Rule 1 Temporary occupation of the coastal marine area

Decision Requested: 12.11

Submitter 1, 8 BCG, INTAF

Directives to re-contour are largely overlooked now, so if the re-contouring has a depth constraint then re-contouring will be overlooked more than previously. Rules and conditions to re-contour need to be adhered to, not made easier for those using the area.

Relief sought:

"(b) The disturbance of the foreshore is confined within the perimeter of the area of occupation, and when completed the foreshore or seabed is smoothed flat with no visible depressions greater than 0.5 metres in depth; and the area is left in a tidy state;"

Decision Requested: 12.12

Submitter 3 DOC

Support in part - Military Exercises should be undertaken by the New Zealand Defence Force.

Relief sought:

Amend as follows:

*"Any event which restricts or excludes public access within the foreshore, including military exercises by the New Zealand Defence Force, is a **permitted activity** provided that all of the following conditions are met:"*

Decision Requested: 12.13

Submitter 10 KIWIR

Seek amendment. While KiwiRail support provision of public access, there are instances where this is already restricted, and the policy as proposed does not appear to only relate to existing public access situations.

Where there is an existing restriction for safety purposes, this should not be an element that requires consent, particularly if the restriction is required for more than 3 days in any 6 month period, as would likely arise with maintenance works.

Relief sought:

Amend as follows:

"Rule 1 Temporary occupation of the coastal marine area

Any event which restricts or excludes existing public access within the foreshore, including military exercises, is a permitted activity provided that all of the following conditions are met: ..."

Decision Requested: 12.14

Submitter 12 NZDF

Support with amendment. NZDF supports there being a rule that specifically permits temporary occupation of the foreshore for events, subject to appropriate conditions. However, this rule should apply to all parts of the coastal marine area, not just the foreshore, as it is appropriate for temporary activities to occupy the coastal marine area for short periods.

NZDF also considers the following conditions require amendment:

(a): it is unclear how the restriction on duration would be applied, for example if it relates to three consecutive days or three days in total over six months. NZDF also considers that three days is too short a period, and occupation of up

to five days is appropriate as a permitted activity.

(b): the current wording assumes the foreshore or seabed surface is flat and without depressions prior to the occupation occurring. In recognition of different surface topography, it is more appropriate to require the surface to be reinstated and left in a similar state to its pre-existing condition.

Relief sought:

Amend the rule as follows:

"Any event which restricts or excludes public access within the foreshore coastal marine area, including military exercises, is a permitted activity provided that all of the following conditions are met:

(a) The restriction or exclusion is for a period not exceeding ~~three~~ five consecutive days in any 6 month period;

(b) The disturbance of the foreshore or seabed is confined within the perimeter of the area of occupation, and when completed the surface of the foreshore or seabed is ~~smoothed flat with no visible depressions greater than 0.5 metres in depth~~; reinstated and left in a similar condition to its pre-existing condition (prior to the occupation occurring);... "

Decision Requested: 12.15

Submitter

19

RF&B

Effects on mammal and bird breeding could be significantly affected by these activities

Relief sought:

Include a condition ensuring the occupation does not take place in or adjacent to an area identified in 3.1 of the operative RCP during breeding times

Decision Requested: 12.16

Submitter

21

TRONT

Oppose. The rule is solely concerned with public access and amenity. Events on the foreshore may also have adverse effects on the significant values protected in Chapter 3. We consider it would be appropriate to exclude these activities from areas identified as Culturally Significant Areas in Schedule 3A.

Relief sought:

Amend Rule 1 to include an additional condition as follows:

"Any event which restricts or excludes public access within the foreshore, including military exercises, is a permitted activity provided that all of the following conditions are met:

(x) The activity shall not be located in an area identified in Schedule 3A;

(a) ..."

Rule 2 Occupation by other permitted structures

Decision Requested: 12.17

Submitter

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.18

Submitter

21

TRONT

Support in part.

An error in numbering needs to be corrected.

Relief sought:

Amend Rule 2 to reads as follows:

"The occupation of the coastal marine area by any structure which is a permitted activity under Rules 4-10, or by any disturbance activity permitted under Rules ~~14-21~~ 15-22, is a permitted activity."

Rule 3 Other occupation activities**Decision Requested: 12.19*****Submitter***

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

12.2 STRUCTURES

Rule 4 Temporary whitebaiting shelters

Decision Requested: 12.20

Submitter 1, 8 BCG, INTAF

Directives to re-contour are largely overlooked now, so if the re-contouring has a depth constraint then re-contouring will be overlooked more than previously. Rules and conditions to re-contour need to be adhered to, not made easier for those using the area.

Also, temporary whitebait stands need to be fully complied with, there are stands that are still standing in the Mokihinui right now. Disturbance created for such huts is often much greater than allowed for in this rule.

Relief sought:

"(d) Disturbance of the foreshore is confined to within the perimeter of the hut, and after closing of the whitebait season the foreshore is smoothed over ~~to leave a depression no deeper than 0.5 metres in depth,~~"

Decision Requested: 12.21

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Rule 5 Telecommunication, radiocommunication structures

Decision Requested: 12.22

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Rule 6 Boardwalks

Decision Requested: 12.23

Submitter 1, 8 BCG, INTAF

Relief sought:

Needs to be constraints on number per lineal length of coastline and include areas where they are not appropriate e.g. boardwalks allowed in residential areas, 1 per property, outside residential areas, 1 per specified length of coastline, excepting specified areas, where they are prohibited. This should also include private property.

Decision Requested: 12.24

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.25

Submitter 19 RF&B

This does need to include consideration for biodiversity and natural character, features, landscape as required under

the NZCPS.

Relief sought:

Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx

Rule 7 Culverts, fords, and bridges in riverbeds

Decision Requested: 12.26

Submitter

1, 8

BCG, INTAF

Relief sought:

(m) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site, *including that* listed in Schedule 6, *especially* during the months of December to May.

(n) The activity does not disturb any breeding, roosting or nesting sites of indigenous birds *and any other than common birds*, and

Should include private property as well. Also, inanga spawning habitat should not be disturbed under any circumstances.

Decision Requested: 12.27

Submitter

3

DOC

Support in part - the standard conditions for culverts could restrict fish passage. The West Coast CMA is a significant habitat of indigenous fauna in particular whitebait species. Their ability to migrate inland could be compromised by poor culvert placement.

Relief sought:

Amend as follows:

*"The erection or placement, and maintenance of a culvert, ford or bridge, in, on, under, or over the bed of a river, and associated disturbance, in the coastal marine area, is a **permitted activity** provided that all of the following conditions are met:*

- (a) For a culvert, the riverbed at the point of crossing does not exceed 5 metres in width and the base of the culvert is installed and maintained flush with the bed level or embedded up to 20% of the diameter of the culvert below bed level;*
- (b) Any culvert is designed to pass the river's fullest flow without constricting flow, and is constructed with sufficient bank armouring to prevent scour or erosion of abutting river banks;"*

And retain the other conditions and explanation as notified.

Decision Requested: 12.28

Submitter

5

FFNZ

Federated Farmers supports the provision of erection, placement and maintenance of a bridge or culvert in the coastal marine area as a permitted activity.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.29

Submitter

10

KIWIR

Seek amendment. KiwiRail support the rule and the intention it provides, however question how the conditions listed are appropriate for the maintenance of an existing bridge, culvert and ford, when some relate to elements that would more appropriately only be considered during construction, e.g. if it's an existing bridge being maintained, clause (d) requires that the underside of the bridge is at least 600mm above the level of the rivers natural bank level. In the event that the bridge is below that, the rule would require consent to be obtained for maintenance, yet the effect of the reduced clearance is not generally altered by maintenance activities. This effect would however be relevant to the erection or placement of a new bridge, which the rule also seeks to provide for.

There is also some uncertainty as to the difference intended between the maintenance aspect of Rule 7 and that under Rule 10. Both appear to relate to structures, with one spelling out the specific structures and the other not. While there are some subtleties in wording such as 'lawfully existing' under Rule 10, the rules both seem to ultimately

provide for the same thing. Removing maintenance from Rule 7 would result in all maintenance for structures being addressed under Rule 10 and provide for greater certainty as to which rule is required to be relied upon for that activity.

Relief sought:

Amend as follows:

"Rule 7 Culverts, fords, and bridges in riverbeds

The erection or placement, ~~and maintenance~~ of a culvert, ford or bridge, in, on, under, or over the bed of a river, and associated disturbance, in the coastal marine area, is a permitted activity provided that all of the following conditions are met: ..."

Decision Requested: 12.30

Submitter

19

RF&B

Support inclusion of conditions (m) and (n)

Needs to include exclusion for biodiversity and natural character, features, landscape as required under the NZCPS.

Relief sought:

Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx.

Rule 8 Jackson Bay swing moorings

Decision Requested: 12.31

Submitter

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Rule 9 Monitoring equipment

Decision Requested: 12.32

Submitter

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.33

Submitter

19

RF&B

Disturbance associated with installing monitoring can have significant effects and should be avoided in significant and outstanding areas.

Relief sought:

Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx.

Rule 10 Maintenance of existing structures

Decision Requested: 12.34

Submitter

1, 8

BCG, INTAF

Relief sought:

"(c) The maintenance, alteration, replacement or reconstruction involves materials that are the same or similar in appearance to the existing materials, or else enhance the CMA;"

Should include private property as well.

Decision Requested: 12.35

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.36

Submitter 10 KIWIR

Support. KiwiRail support the rule permitting maintenance and disturbance activities associated with lawfully existing structures.

The wording proposed specifically reflects that some structures may be permitted and therefore not require consent, however are still lawful and may require maintenance. This is the intention sought to be reflected through the change proposed to Policy 4.3.1(a) in this submission.

Relief sought:

Retain as notified.

Decision Requested: 12.37

Submitter 19 RF&B

If these structure are in or adjacent to mammal/bird areas they should avoid construction during breeding season

Relief sought:

Include a clause to ensure activities are avoided doing breeding times for mammals and birds

Decision Requested: 12.38

Submitter 21 TRONT

Support. We support inclusion of a condition avoiding disturbance of spawning habitat of inanga and other indigenous fish. This will assist to sustain healthy populations of these species.

Relief sought:

Retain condition (k)

Decision Requested: 12.39

Submitter 26 WESTP

Westpower supports the provision for the ability to maintain existing structures as a permitted activity. In terms of alteration it would be of use to enable the addition of lines for the conveyance of electricity to existing lines infrastructure as this would avoid the need for additional lines and structures. This should particularly be the case where the structure has been originally designed to accommodate that change or addition.

Relief sought:

Retain Rule 10 with the following amendments,

"(a) Any change compared to either effects ... before the change or effects of use for which the structure has been designed."

and

"(l) the addition of lines for the conveyance of electricity is made to existing structures and does not require any additional poles to be installed in the coastal marine area".

If there is a more appropriate rule under which this could be provided then Westpower would consider such alternatives.

Rule 11 Whitebait stands

Decision Requested: 12.40

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Rule 12 Drop out repairs of the coastal State Highway

Decision Requested: 12.41

Submitter 1, 8 BCG, INTAF

Relief sought:

"(b) Landscape and visual effects, including vegetation removal; it will be expected that remedial planting will occur within an agreed timeframe, where indigenous vegetation has been removed, or to enhance the area."

Decision Requested: 12.42

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.43

Submitter 14 NZTA

Support in part. This rule is similar to Rule 8.5.1.5 of the current Regional Coastal Plan which provides for drop out repairs of the state highway network as a controlled activity. However, it is noted that the terminology has been amended to specifically refer to "rock protection structures" only and this limits the scope of works included within drop out repairs.

The Transport Agency supports this rule in part, but submits that it be amended to reflect the full range of activities which the Transport Agency may undertake in association with drop out repairs.

The terminology used throughout other chapters and parts of the proposed Regional Coastal Plan is "coastal protection structures" and this would be more appropriate to use in proposed Rule 12.

It is also noted there is an incorrect rule reference – it refers to "Controlled Rule 22", when it should refer to Controlled Rule 23.

Relief sought:

Rule 12 be retained, but modified to read:

*"all structures, including coastal protection structures, for drop out repairs of the coastal state highway network, and the associated occupation of space are a **controlled activity**".*

Change the incorrect reference to "Controlled Rule 23".

Decision Requested: 12.44

Submitter 19 RF&B

Councils should consider effects of planning as well as removal of vegetation

Relief sought:

Retain condition (a)

Amend condition (b) to include planting

Decision Requested: 12.45

Submitter 25 WDC

It is noted that there are specific plan provisions relating to disturbance and deposition associated with State Highway structures (Rules 12 and 23). The Westland District Council is required or may be likely to be required to undertake protection works along the Haast – Jackson Bay Road over the next ten years and it may be appropriate to also recognise the District Councils as parties who may also be undertaking this work, given that the effects would be of a similar nature.

Relief sought:

Amend rules to specifically allow protection works undertaken by Westland District, Grey and Buller District Councils as well as NZTA in relation to State Highway Structures.

Rule 13 Discretionary structures**Decision Requested: 12.46**

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.47

Submitter 19 RF&B

Support in part

Relief sought:

Ensure policies provide adequate guidance for consents under this rule as sought

Rule 14 Prohibited whitebait stands**Decision Requested: 12.48**

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.

Rule 14 implements the Whitebait Fishing (West Coast) Regulations 1994 and stops the proliferation of whitebait stands to rivers where they do not exist and where such stands are inappropriate. This approach is consistent with the RMA in particular Part 2 and gives effect to NZCPS in particular Policy 7.

Relief sought:

Retain as notified.

12.3 DISTURBANCE ACTIVITIES

Rule 15 Small-scale removal of natural material

Decision Requested: 12.49

Submitter 3 DOC

Support in part - the rule reflects the West Coast situation. The activity statuses and conditions are generally appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

The principle of managing activities close to the "toe of dune embankments" is strongly supported. This strong support is because the toes of dunes are very susceptible to erosion by wave action. West Coast beaches also have gravel and mixed sand gravel beach ridges, which are often steep and susceptible to wave action and wave overtopping too. The upper part of the foreshore can also be a significant habitat of indigenous fauna including lizards.

Relief sought:

Amend of follows:

(b)(iv) "...toe of dune embankments or gravel/sand beach ridges..."

Decision Requested: 12.50

Submitter 5 FFNZ

Federated Farmers supports the small scale removal of natural material, with the associated standards, as a permitted activity.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.51

Submitter 6 GDC

Support. Agree that there is an exception to allow for Rule 18.

Decision Requested: 12.52

Submitter 10 KIWIR

Seek amendment. KiwiRail support that the small scale removal of natural material is a permitted activity, subject to standards. The provisions however seek that the removal not occur within 20 metres of an existing structure. In the event that KiwiRail seek to undertake the small scale removal of material, it is likely to be within 20m of the structure.

KiwiRail therefore seek that the rule be amended to exempt works within 20m of a structure where undertaken by the owner of that structure.

Relief sought:

Amend as follows:

"Rule 15 Small-scale removal of natural material

Except for driftwood, and gravel extraction under Rules 16 and 24, the removal of sand, shingle, stones, or other natural material, from the coastal marine area is a permitted activity provided that all of the following conditions are met:

(a) No more than 1 cubic metre of material in total is removed by any single person in any 12 month period;

(b) The removal does not occur within:

i) A Coastal Hazard Area, or within 50 metres of any Coastal Hazard Area identified in Schedule 3C;

ii) Any estuary or lagoon;

iii) 20 metres of an existing structure except where undertaken by the owner of that structure;

iv) 3 metres of the toe of dune embankments where these are below the Mean High Water Spring mark; ..."

Decision Requested: 12.53

Submitter 16 REYNR

I support the existing legislations especially the following areas:

Removal of gravel for personal use. If removed in small quantities over an extended period either above the high tide mark or more than 3 meters from the foot of bank seems to have little effect. This is a valuable resource that we need to be able to keep using.

Decision Requested: 12.54

Submitter 19 RF&B

These activities can have significant effects on wildlife especially during sensitive nesting times. Known nesting sites or sites suited to nesting should be recognised in a schedule in this plan and a condition on this rule. Cumulative effects of this small nature could also have significant effects on the areas identified in the Schedule 3D and 3E should be avoided by this rule.

Relief sought:

Add conditions as follows:

(x) Does not occur within a schedule 3D and 3E

(x) Does not occur in or adjacent to mammal and bird areas identified in schedule 3.1 during breeding season.

Decision Requested: 12.55

Submitter 21 TRONT

Oppose. Waitai (white stones) on Māori Beach, Bruce Bay, are culturally significant to Poutini Ngāi Tahu because of their traditional and continuing importance as the only suitable cooking stones available. Provision for their removal by the public or commercial operators is culturally offensive.

Our reasons are:

We have concerns about the potential for adverse effects on Poutini Ngāi Tahu values from removal of taonga. Specific matters of concern include gravel extraction from the Makaawhio River and removal of waitai (white stones) from Māori Beach, Bruce Bay.

Aotea (kyanite) occurring in the Makaawhio River is the taonga of paramount importance to Ngāti Māhaki ki Makaawhio. The relationship of Ngāti Māhaki of Makkawhio to this taonga is described in Schedule 2 to this submission. Its cultural significance is similar to that of pounamu. Provision for gravel extraction in the Makaawhio River would be culturally offensive because of its effect on aotea. The Proposed Plan does not treat gravel extraction in the Makaawhio river differently from other rivers. We consider that restricted discretionary activity status for gravel extraction in the Makaawhio River does not adequately recognise the values held by Poutini Ngāi Tahu for this taonga, and request that gravel extraction in the Makaawhio River be made a non-complying activity.

Waitai (white stones) that are present on Māori Beach, Bruce Bay, are also a taonga of considerable cultural significance. From time immemorial, waitai have been life sustaining as they have always been used as cooking stones in hāngī. No other stone locally is suitable for this purpose. Rule 15 permitting removal of natural material from beaches allows removal of stones up to 250mm in diameter, and up to 1m³ per year by any person. This poses a significant threat to the taonga, and we request that Rule 15 be amended to ensure that removal of waitai is not permitted.

Relief sought:

Amend Rule 15 to ensure it does not permit removal of waitai (white stones) from Māori Beach, Bruce Bay.

Rule 16 Removal of driftwood

Decision Requested: 12.56

Submitter 1, 8 BCG, INTAF

We are aware that there are plentiful sources of driftwood at many lagoons and estuaries along the coastline, including Mokihinui, Ngakawau, Buller etc where driftwood removal is a common occurrence. It would be hard to police this clause. No doubt there are adverse effects but those effects have probably stabilized over time. This is a classic case of where the social and cultural well-being and needs of people must be balanced against those of adverse effects on the environment.

Relief sought:

Amend as follows:

(b)(iv) "...toe of dune embankments or gravel/sand beach ridges..."

Decision requested: 12.57**Submitter**

1, 8

BCG, INTAF

This clause is also contrary to the expectations of the public. This clause would practically eliminate most sources of driftwood removal along the coastline. This clause is also ambiguous as it doesn't say if driftwood can be removed from any other part of the dune.

Relief sought:

"(a) iv) within 3 metres of the toe of dune embankments where these are below the Mean High Water Spring mark, except where driftwood removal has been a common activity over time and there are no significant adverse effects created as a result of that removal;"

Decision Requested: 12.58**Submitter**

4

ELWEP

I support this rule.

The collection of drift wood for firewood and crafts should be encouraged provided that it complies with the provisions in this rule.

Decision Requested: 12.59**Submitter**

7

HERRR

The importance of driftwood is greater than some people think.

Rule 16 – regarding the removal of driftwood, is routinely breached. ie The removal of drift wood from too close to the sand dunes.

Relief sought:

I would prefer driftwood to be left on the beach.

Decision Requested: 12.60**Submitter**

22

WATLAN

We would like to see Rule 16 amended to prohibit the removal of driftwood from CHA21 from low mean high water to and including the toe and front of the dune. We want to see the recognition of the value of driftwood in the dune building process in high hazard areas.

There is not the capital base on this side of the Hokitika River to build a protective sea wall. We rely on natural events and in this area sand trapped by driftwood is very significant in starting the dune building process.

Relief sought:

Rule 16: Removal of driftwood

"The removal of driftwood from the coastal marine area is a permitted activity provided that all of the following conditions are met:

(a) Driftwood is not taken from:

i) The seabed;

ii) The wetbed of a river in the coastal marine area;

iii) Estuaries and lagoons;

iv) Within CHA21;

v) Within 3 metres of the toe of dune embankments where these are below the Mean High Water Spring Mark;

(b) Driftwood shall only be removed by hand or using hand-held equipment

(c) Existing vehicle access is used

Explanation

The removal of driftwood or logs from the open coast foreshore generally has minor effects on the environment as this material is moving about with the wave action in this zone, and is generally plentiful. However, taking driftwood from high coastal hazard areas; or too close to sand dunes or coastal vegetation can prevent of slow dune building; or potentially make the dunes unstable and erode, increasing the risk of erosion or inundation or adjoining land. Outside high coastal hazard areas taking driftwood by hand has minimal impacts. Using existing access points will avoid creating multiple paths through dunes which can exacerbate coastal erosion."

Rule 17 Small-scale beach mining

Decision Requested: 12.61

Submitter 3 DOC

Support in part - the rule reflects the West Coast situation. The activity statuses and conditions are generally appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

The principle of managing activities close to the "toe of dune embankments" is strongly supported. This strong support is because the toes of dunes are very susceptible to erosion by wave action. West Coast beaches also have gravel and mixed sand gravel beach ridges, which are often steep and susceptible to wave action and wave overtopping too. The upper part of the foreshore can also be a significant habitat of indigenous fauna including lizards.

Relief sought:

Amend of follows:

(b)(iv) "...toe of dune embankments or gravel/sand beach ridges..."

Decision Requested: 12.62

Submitter 19 RF&B

Same as for rule 15. [These activities can have significant effects on wildlife especially during sensitive nesting times. Known nesting sites or sites suited to nesting should be recognised in a schedule in this plan and a condition on this rule.

Cumulative effects of this small nature could also have significant effects on the areas identified in the Schedule 3D and 3E should be avoided by this rule.]

Relief sought:

Add conditions as follows:

(x) Does not occur within a schedule 3D and 3E

(x) Does not occur in or adjacent to mammal and bird areas identified in schedule 3.1 during breeding season

Rule 18 Debris clearance

Decision Requested: 12.63

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.64

Submitter 5 FFNZ

Flooding and other adverse events can often bring with them debris that cause obstruction in the coastal marine area. Federated Farmers supports the provision of debris clearance as a permitted activity.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.65

Submitter 6 GDC

Support in part. This rule is supported as long as it can be read in conjunction with Rule 19. Gravel and sand as well as debris can block river and creek outlets to the sea so in removing the debris, also need to remove the gravel. If not then Rule 18 needs to be amended to allow for Rule 19 as an exception.

Relief sought:

That Rule 19 is an exception to Rule 18 with respect to gravel removal in the CMA.

Decision Requested: 12.66**Submitter**

10

KIWIR

Support. KiwiRail support that the removal of debris is a permitted activity, subject to standards.

The removal of debris, particularly following storm events, is fundamental to ensure the ongoing structural integrity of structures, and thereby the safety of the rail network.

Relief sought:

Retain as notified.

Decision Requested: 12.67**Submitter**

19

RF&B

This has significant effects and does not meet the purpose of the RMA

Relief sought:

Delete

Rule 19 Clearing blocked river and creek mouths**Decision Requested: 12.68****Submitter**

1, 8

BCG, INTAF

These extra rules are necessary to protect natural values of the area.

Relief sought:

"(b) The disturbance is limited to the extent necessary to resume flow and remove the hazard; the new channel width shall not exceed the channel width prior to undertaking the channel clearance;

(e) The area from which the material is taken is smoothed over and the site is left tidy on completion of the work; All machinery must be cleaned before entering the coastal marine area to minimise the entry of petroleum products, and pest plants and weeds;

(i) Channel clearance shall not be undertaken during the following periods:

i) The whitebait fishing season (1 September – 14 November inclusive); or

ii) The whitebait spawning season (1 March – 30 April inclusive);

(j) The excavator used to undertake the channel clearance shall not exceed a 15 tonne capacity and shall operate from one existing channel bank where possible."

Decision Requested: 12.69**Submitter**

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.70**Submitter**

5

FFNZ

When the Plan Change was introduced in 2008 allows for the unblocking of river mouths as a permitted activity, Federated Farmers were very supportive. We continue to support the unblocking of river and creek mouths in the Coastal Marine Area as a permitted activity under certain conditions.

In most instances blockages at river and creek mouths need to be cleared quickly in order to restore flow. If debris and/or build-up cannot be removed quickly then flooding, erosion and ponding can occur. This will further result in flooding and damage to property. In these circumstances applying for a resource consent is not practical.

Permitted activity status eliminates the necessity to apply for resource consent in those circumstances and allow

landowners to unblock river and creek mouths when necessary.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.71

Submitter 16 REYNR

Clearing of river mouths as a permitted activity, we have a creek that has blocked once in the last seven years and needed clearing the requirement to notified the counsel is workable, i fell that the list of creeks that can be cleared may need to be increased.

Decision Requested: 12.72

Submitter 19 RF&B

This has significant effects and does not meet the purpose of the RMA

Relief sought:

Delete

Decision Requested: 12.73

Submitter 26 WESTP

Westpower supports the ability to prevent or mitigate hazards from affecting infrastructure.

Relief sought:

Retain Rule 19.

Decision Requested: 12.74

Submitter 21 TRONT

Support. We support inclusion of a condition requiring access to minimise disturbance to sites of importance to Poutini Ngāi Tahu.

Relief sought:

Retain condition (d).

Rule 20 Channel clearance in Otumahana Estuary and Granite Creek

Decision Requested: 12.75

Submitter 3 DOC

Support in part - it is appropriate to have a permitted activity to disturb the bed and remove sand from Granite Creek bed from the upstream CMA boundary to 300 metres below the Granite Creek highway bridge to reduce flood risk to farmland and Karamea Road. This permitted activity will allow the development of a sand trap.

The proposed permitted activity constructing a channel into Blackwater Creek channel within Otumahana Estuary is contrary to the RMA in particular Part 2 and fails to give effect to NZCPS in particular Policies 11,13, 15.

The proposed permitted activity fails to recognise the active natural processes of;

- Sand deposition in Granite Creek and its delta; and
- Transport of sand from the open ocean coast into Otumahana Estuary creating a spit.

The proposed activity fails to consider these natural processes and manage them in a way that is sustainable for future generations. In particular, the proposed channelisation of water flow from Granite Creek into the Blackwater Creek channel has the potential to constrain flow and stop the natural flow dispersal of floodwater across the Granite Creek birdsfoot delta. Secondly, deposited sediment has the potential to further constrain flow in the Blackwater Creek channel. Thirdly there is a lack of information on changes in the level of the land in Kongahu Swamp since completion of the Kongahu Swamp Drainage Scheme in relation to mean sea level as a result of peat compaction.

Relief sought:

Amend as follows:

Rule 20 Channel clearance in Otumahana Estuary and Granite Creek

*"Disturbance and removal of sand to clear the ~~Blackwater and~~ Granite Creek channels in the Otumahana Estuary, and the Granite Creek bed in the coastal marine area, to avoid flooding of adjacent land is a **permitted activity** provided that all of the following conditions are met:*

- (a) Channel clearance shall only be undertaken in the sections of channel marked in red in Schedule 11;*
- (b) Only those sections of ~~Blackwater and~~ Granite Creeks that are contributing to the flooding of surrounding farmland shall be excavated at any one time;*
- (c) The operator shall notify the Council and the Manager of the Department of Conservation's Northern West Coast District Office at least 48 hours prior to undertaking any disturbance;*
- (d) Existing access routes shall be used where practicable, in particular the existing bund that runs along the main channel in the Estuary;*
- (e) All machinery must be cleaned before entering the coastal marine area to minimise the entry of petroleum products, and pest plants and weeds;*
- (f) The new channel width shall not exceed the channel width prior to undertaking the channel clearance;*
- (g) Channel clearance shall not be undertaken during the following periods:

 - i) The whitebait fishing season (1 September – 14 November inclusive); or*
 - ii) The whitebait spawning season (1 March – 30 April inclusive);**
- ~~(h) The excavator used to undertake the channel clearance shall not exceed a 20 tonne capacity and shall operate from the existing channel bank where possible or from the bare sandy edges along the western edge of the Estuary;~~*
- (i) Excavated material from the channels in the Estuary shall be placed on one side of the channel only, and spoil shall not be visible above water levels at high tide;*
- (j) The operator shall take photos of the Estuary channels and Granite Creek bed that are cleared both immediately before and immediately after the clearance operation, and provide a copy to the Council. In addition, the operator shall provide the Council with GPS coordinates of both the upstream and downstream extents of the disturbance.*

Explanation

Clearance of the ~~Blackwater and~~ Granite Creek channels in the Otumahana Estuary, and the bed of Granite Creek within the coastal marine area upstream of the main road, is necessary to reduce the incidence ~~avoid~~ of floodwaters from Granite Creek ~~ing~~ entering adjacent ~~land and flooding the Karamea Road~~. The Kongahu Drainage Scheme relies on this channel to be cleared, to function effectively. The channel has been cleared for many years under resource consent, with minimal adverse effects on estuarine values. The activity is therefore now permitted provided the conditions are complied with."

And amend Schedule 11 as above.

Decision Requested: 12.76**Submitter**

9

JONKRD

Our Submission is that it is essential that this rule be adopted. It would enable drainage and sedimentation issues associated with this area to be dealt with in a timely fashion and ensure protection of community infrastructure and assets and sustainability of land usage.

At a time where erosion and associated sedimentation are causing problems with channels in the estuary this is extremely important. (See supporting photos which show a current blockage and the resulting water back-up through farmland)

The conditions included in the Coastal plan are directly transferred from the current consents held by the Kongahu Rating District for the past 20 years for the Blackwater channel, and the activity has been ongoing periodically since the Kongahu Drainage scheme started in the late 1970s without complaint (to the best of our knowledge).

Relief sought:

We would like to see the following change made to the proposal:

Remove Condition "(g)" - channel clearance shall not be undertaken during 2)- the whitebait spawning season (1 March-30 April inclusive)"

Reasoning:

We see this as of very little relevance to the protection of whitebait. Any works carried out in the estuary have traditionally been of very minor nature in disturbance of material or time taken (usually only a few hours).

None of the activities take place in identified spawning areas.

To remove 2 months of a year at a time when weather conditions are reasonably settled and conducive to carrying out this sort of activity with minimal disturbance is unnecessarily restrictive.
(Submission contains supporting photos)

Decision Requested: 12.77

Submitter 21 TRONT

Support. We support inclusion of a condition avoiding the disturbance of spawning habitat of inanga. This will assist to sustain healthy populations of these species.

Relief sought:

Retain condition (g).

Rule 21 Temporary geotechnical testing in riverbeds

Decision Requested: 12.78

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.79

Submitter 10 KIWIR

Seek amendment. KiwiRail support that the ability to undertake geotechnical investigations in watercourses within the coastal marine area is a permitted activity, subject to standards. The standards proposed include standards in relation to diversion and damming.

In order to practically undertake the investigations, a temporary and often partial dam / divert scenario is required. The standards do not enable partial or temporary damming and diversion, and therefore KiwiRail seek that the standards be changed to clarify that short term temporary damming and diversions may be acceptable.

Relief sought:

Amend as follows:

"Rule 21 Temporary geotechnical testing in riverbeds

The disturbance of a riverbed in the coastal marine area for temporary geotechnical testing is a permitted activity provided that all of the following conditions are met:

(a) The activity does not cause or contribute to the following:

(i) Diversion of the natural course of a river following completion of the works;

(ii) Blocking or damming of any river for a period longer than required to undertake the testing, or the impedance of fish passage;

(iii) Erosion or scouring of any riverbed, riverbank, beach dune, or the foreshore; ..."

Decision Requested: 12.80

Submitter 21 TRONT

Support. We support conditons avoiding impedance of fish passage and disturbance of spawning habitat of inanga and other indigenous fish. This will assist to sustain healthy populations of these species.

Relief sought:

Retain conditons (a)(ii) and (d).

Rule 22 Burial of animals on the foreshore

Decision Requested: 12.81

Submitter 3 DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Rule 23 Disturbance and deposition associated with coastal State Highway drop out repair structures**Decision Requested: 12.82****Submitter**

1, 8

BCG, INTAF

Relief sought:

"(a) Effects on the foreshore and sediment; effects on wildlife, including marine mammals and birds;

(b) ~~Effects of machinery use and~~ Landscape and visual effects, including vegetation removal; it will be expected that remedial planting will occur within an agreed timeframe, where indigenous vegetation has been removed, or to enhance the area.

(h) Effects on amenity values;"

Decision Requested: 12.83**Submitter**

3

DOC

Support - the rule reflects the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.84**Submitter**

14

NZTA

Support in part. As with proposed Rule 12, the Transport Agency suggests that Rule 23 be amended to reflect the full range of activities which the Transport Agency may undertake in association with drop out repairs, and to ensure consistency in terminology used throughout other chapters and parts of the proposed Regional Coastal Plan.

Relief sought:

Rule 23 be retained, but modified to read:

"all structures, including coastal protection structures, for drop out repairs of the coastal state highway network, and the associated occupation of space are a controlled activity".

Decision Requested: 12.85**Submitter**

19

RF&B

See our comments on Rule 12. [Councils should consider effects of planning as well as removal of vegetation]

Relief sought:

[Rule 12. Retain condition (a) Amend condition (b) to include planting].

Decision Requested: 12.86**Submitter**

21

TRONT

Support in part. Reference to 'iwi values' in matters for control in Rule 23 (disturbance and deposition associated with repair of highway drop outs) needs to be amended to Poutini Ngāi Tahu.

Relief sought:

Amend Rule 23, Matter for control (d) to read as follows:

"Accidental discovery of ~~the~~ Poutini Ngāi Tahu values and artefacts;"

Decision Requested: 12.87**Submitter**

25

WDC

It is noted that there are specific plan provisions relating to disturbance and deposition associated with State Highway structures (Rules 12 and 23). The Westland District Council is required or may be likely to be required to undertake protection works along the Haast – Jackson Bay Road over the next ten years and it may be appropriate to also recognise the District Councils as parties who may also be undertaking this work, given that the effects would be of a

similar nature.

Relief sought:

Amend rules to specifically allow protection works undertaken by Westland District, Grey and Buller District Councils as well as NZTA in relation to State Highway Structures.

Rule 24 Gravel extraction in riverbeds

Decision Requested: 12.88

Submitter

1, 8

BCG, INTAF

'An application for resource consent under this rule does not need to be notified unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.'

Ratepayers need to know what is going on in their area, even if such activities are not publicly notified. It is well-known that gravel extraction affects downstream values, including changes in flow dynamics and shifting, even loss, of beaches. The many consents for gravel extraction on west coast rivers don't appear to take much notice of these adverse effects, as more and more west coast rivers are getting adversely impacted through gravel loss.

Relief sought:

There should be a volume limit threshold for public notification.

Decision Requested: 12.89

Submitter

1, 8

BCG, INTAF

'Policies 6.3.3 and 6.3.4 have further detail on assessment matters.'

There needs to be strong constraints on greater than minor disturbance to estuaries as they are very productive and sensitive places for both biota and ecosystem services. Such disturbance should be discouraged.

Relief sought:

Should be discretionary rather than restricted discretionary, due to the sensitivity of the environment.

Decision Requested: 12.90

Submitter

3

DOC

Support in part - the proposed rule does not take into account the potential adverse effect for gravel extraction in river beds to reduce supply of gravel to the open coast and exacerbate coastal erosion. Schedule 3C of the plan identifies coastal hazard areas including areas where coastal erosion is a significant hazard. Reference to Policy 6.3.5 is also required.

The values identified in Schedule 3 have not been adequately protected from potential adverse effects of gravel extraction.

Gravel extraction from riverbeds in the CMA could have more than minor adverse effects on values and users of the river bed and on use and development on the adjacent open coast. The river bed may also be managed by the Department of Conservation or private individuals.

Relief sought:

Amend as follows:

"The extraction of gravel from the dry part of a riverbed in the coastal marine area is a restricted discretionary activity subject to the following conditions:

- 1. The gravel is not extracted from a bed of a river which flows into a Coastal Hazard Area in Schedule 3(c);*
- 2. The gravel extraction is not from an area identified in Schedule 3.*

In considering any resource consent under this rule the Council will restrict the exercise of its discretion to the following:

- (a) The amount to be taken, the removal method and the location and timing of the take;*
- (b) The resource available at the proposed extraction site and the potential downstream effects on gravel supply to the open coast;*
- (c) The resource already allocated from that river;*

- (d) Any adverse or beneficial environmental effects;
- (e) Any potential effects on existing river users or existing structures;
- (f) Any potential effects on statutory acknowledgement areas or pounamu resources;
- (g) The duration of the resource consent;
- (h) The information and monitoring requirements;
- (i) Any bond; and
- (j) The review of conditions of the resource consent.

~~An application for resource consent under this rule may not need to be served on persons who may be adversely affected by the activity, and does not need to be notified unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.~~

Policies 6.3.3, 6.3.4 and 6.3.5 have further detail on assessment matters."

And retain the explanation as notified.

Decision Requested: 12.91

Submitter 5 FFNZ

Federated Farmers supports the provision of gravel extraction in riverbeds as a restricted discretionary activity. We support the effort to align the Coastal Plan with the Land and Water Plan, in maintaining consistency of standards. We support the change in this activity from a discretionary activity to a restricted discretionary activity.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.92

Submitter 10 KIWIR

Support. KiwiRail support that gravel extraction from within the dry part of a riverbed is a Restricted Discretionary Activity.

Relief sought:

Retain as notified.

Decision Requested: 12.93

Submitter 17 ROGMIC

There appears to be no plan in place to minimise the extraction of gravels from active riverbeds. In particular, my concern is with Northern Buller. The beaches in most of this area are subject to severe erosion. In some areas, ~ 1metre of erosion has occurred since 2010, this is a major problem and cannot continue.

The only natural source of supplementation of sediment on the beaches is from local rivers. In Karamea Bight, the local rivers include the Buller, Waimangaroa, Ngakawau, and Mokihinui.

The lower Buller has been dredged and the gravel has been dumped at sea for many years. Can this process be altered to deposit the gravel north of the river mouth and nearer the beach for the drift to take it northwards.

The Waimangaroa River has a severe deficit of gravel, yet it appears that the Council is still allowing resource consents to extract. (Eg the SH67 upgrade at Birchfield).

The Ngakawau River. It appears that the rate of erosion north of the river mouth has increased since the Mangatini sump was installed at Stockton, (about 1 m per year at our property). Of particular note, the proposal for the sump was to last for more than 50 years, and is near full capacity in less than 10 years. It therefore appears that there has been a vast miscalculation of sediment movement via Mangatini prior to the sumps installation. This sediment previously supplemented our beaches.

Does the Council have a solution to this?

Decision Requested: 12.94

Submitter 19 RF&B

This activity can have significant effects that can affect wildlife indigenous biodiversity.

Relief sought:

Amend to include matters of discretion for areas identified in Schedule 3D and 3E and the identified significant wetlands schedule and schedule 3.1 from the operative RCP.

Decision Requested: 12.95**Submitter**

21

TRONT

Support in part. Aotea in the Makaawhio River is a taonga of paramount importance to Ngāti Māhaki ki Makaawhio. Gravel extraction from the Makaawhio River is culturally offensive to Poutini Ngāi Tahu because of the effect this would have on aotea, and we consider that it would be appropriate to exclude the Makaawhio River from this rule.

We support restricted discretionary activity status for gravel extraction from the beds of other rivers subject to retention of matter for discretion (f) regarding effects on Statutory Management area or pounamu resources.

To ensure these effects are appropriately addressed, the relevant Papatipu Rūnanga should be notified of any resource consent applications in Statutory Acknowledgement Areas or where pounamu may be affected.

Our reasons are:

We have concerns about the potential for adverse effects on Poutini Ngāi Tahu values from removal of taonga. Specific matters of concern include gravel extraction from the Makaawhio River and removal of waitai (white stones) from Māori Beach, Bruce Bay.

Aotea (kyanite) occurring in the Makaawhio River is the taonga of paramount importance to Ngāti Māhaki ki Makaawhio. The relationship of Ngāti Māhaki of Makaawhio to this taonga is described in Schedule 2 to this submission. Its cultural significance is similar to that of pounamu. Provision for gravel extraction in the Makaawhio River would be culturally offensive because of its effect on aotea. The Proposed Plan does not treat gravel extraction in the Makaawhio river differently from other rivers. We consider that restricted discretionary activity status for gravel extraction in the Makaawhio River does not adequately recognise the values held by Poutini Ngāi Tahu for this taonga, and request that gravel extraction in the Makaawhio River be made a non-complying activity.

Relief sought:

1. **Amend** Rule 24 to read as follows:

*"The extraction of gravel from the dry part of a riverbed in the coastal marine area, except for the bed of the Makaawhio River, is a **restricted discretionary activity**."*

2. **Retain** matter for discretion (f)

3. **Amend** Rule 24 to provide for notification to the relevant Papatipu Rūnanga in Statutory Acknowledgement Areas or where pounamu may be affected.

Rule 25 Other disturbance activities**Decision Requested: 12.96****Submitter**

3

DOC

Support - discretionary activity status is appropriate to enable a full assessment of all relevant matters including this plans policies.

Relief sought:

Retain as notified.

Decision Requested: 12.97**Submitter**

4

ELWEP

I partially support this rule, however, I think that this rule should make it clear that some forms of disturbance in the CMA may be prohibited or non-complying, and that all forms of disturbance captured by this rule will trigger a public notification requirement of the relevant consent applications.

Decision Requested: 12.98**Submitter**

19

RF&B

This activity can have significant effects and the matters raised in the policy and general section of this submission

need to be considered in the resource consent process.

Relief sought:

Amend provisions of the plan as required to address this submission

Decision Requested: 12.99

Submitter

21

TRONT

Oppose. Rule 25 does not provide for the use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for offshore mining activities, gravel extraction in the Makaawhio River, and reclamation.

Relief sought:

Amend Rule 25 Other disturbance activities to read as follows:

"Unless permitted by Rules 15-22, or controlled by rule 23, or the activity is a restricted discretionary activity under Rule 24 or a non-complying activity under Rules [A], [B] or [C], any disturbance, extraction, removal or natural material, ~~reclamation~~, or deposition in the coastal marine area is a discretionary activity."

12.4 VEGETATION PLANTING AND REMOVAL

Rule 26 Planting indigenous plants

Decision Requested: 12.100

Submitter 3 DOC

Support - these rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.

Relief sought:

Retain as notified.

Decision Requested: 12.101

Submitter 19 RF&B

Support with amendment

Relief sought:

Seek that only applies to naturally occurring indigenous plants

Decision Requested: 12.102

Submitter 21 TRONT

Support Rules 26-29. We support the approach in the Proposed Plan to manage vegetation in the coastal marine area, which will encourage retention and planting of indigenous vegetation to enhance natural and cultural values.

We support conditions to avoid disturbance of spawning habitat of inanga. This will assist to sustain healthy populations of these species.

Relief sought:

Retain rules 26-29, including Rule 27(a) and Rule 28(a).

Rule 27 Permitted vegetation disturbance

Decision Requested: 12.103

Submitter 1, 8 BCG, INTAF

Disturbance to any fish spawning habitat should be avoided at all times, as disturbance can degrade the site. A sudden event could apply to almost anything in this plan, why this rule in particular?

Relief sought:

"(a) There is no disturbance to inanga (whitebait) and other native fish spawning habitat, especially during the months of December to May inclusive, except after a sudden event...."

(c) The area of vegetation disturbed is kept to a minimum; Disturbance of indigenous vegetation and habitat should be avoided (needs quantification e.g. if greater than so many square metres there needs to be application for consent)."

Decision Requested: 12.104

Submitter 3 DOC

Support - these rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.

Relief sought:

Retain as notified.

Decision Requested: 12.105

Submitter 5 FFNZ

Federated Farmers is supportive of the provision of vegetation clearance associated with a other permitted activities in the Plan, as a permitted activity.

Relief sought:

Adopt the rule as notified.

Decision Requested: 12.106

Submitter 10 KIWIR

Seek amendment. KiwiRail support that vegetation disturbance associated with permitted structure, disturbance and diversion activities, is a permitted activity. However to avoid uncertainty, KiwiRail seek that the rule wording be clarified that the works undertaken as part of the maintenance of a structure under Rule 10, rather than the installation of the structure itself which could be permitted by Rule 7, are also permitted.

Relief sought:

Amend as follows:

*"Vegetation disturbance in the coastal marine area associated with permitted structure, maintenance, disturbance, or diversion activities, is a **permitted activity** provided that all of the following conditions are met: ..."*

Rule 28 Exotic vegetation removal**Decision Requested: 12.107**

Submitter 1, 8 BCG, INTAF

Relief sought:

"(a) There is no disturbance to vegetation at any inanga (whitebait) spawning site, including those identified in Schedule 6;"

Decision Requested: 12.108

Submitter 3 DOC

Support - these rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.

Relief sought:

Retain as notified.

Decision Requested: 12.109

Submitter 19 RF&B

Support

Relief sought:

Retain

Rule 29 Planting of non-indigenous vegetation, and other vegetation removal**Decision Requested: 12.110**

Submitter 3 DOC

Support - these rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.

Relief sought:

Retain as notified.

Decision Requested: 12.111

Submitter 19 RF&B

Support

Relief sought:

Retain

Rule 30 Prohibited pest plant introduction**Decision Requested: 12.112**

Submitter 1, 8 BCG, INTAF

This is a good rule. Hopefully an extension of this rule to other regional plans will see an end to dumping of pest plants.

Decision Requested: 12.113

Submitter 3 DOC

Support - these rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.

Relief sought:

Retain as notified.

Decision Requested: 12.114

Submitter 19 RF&B

Support

Relief sought:

Retain

12.5 DISCHARGES

GENERAL SUBMISSIONS ON 12.5 DISCHARGES

Decision Requested: 12.115

Submitter 20 SILFF

The rules providing for discharges are generally supported. In particular rules 31 and 37 for the discharge of stormwater as a permitted or controlled activity and rule 38 that provides a catch all for discharges that are not captured by the other rules.

Relief sought:

Retain rules making provision for discharges.

Rule 31 Stormwater and drainage water discharges

Decision Requested: 12.116

Submitter 3 DOC

Support - the proposed permitted activity is consistent with RMA in particular s70. The requirement to ensure that stormwater does not render the receiving water unsuitable for contact recreation or shellfish gathering is strongly supported as it is consistent with the RMA in particular Part 2 including s6(e) and s8.

Relief sought:

Retain as notified.

Decision Requested: 12.117

Submitter 19 RF&B

Support

Relief sought:

Retain

Decision Requested: 12.118

Submitter 21 TRONT

Support in part. Conditions requiring that the activity does not give rise to any significant adverse effects on aquatic life (iv), or render the receiving water unsuitable for contact recreation (v), are uncertain and would rely on assessment after the effect has been created. They should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen.

Relief sought:

Amend Rule 31 to replace conditions (iv) and (v) with clear and measurable standards.

Rule 32 Discharge of dispersants for marine petroleum oil spill responses

Decision Requested: 12.119

Submitter 3 DOC

Support in part - the discharge of dispersants for marine petroleum oil spill response is appropriate as a permitted activity as the adverse effects of oil on in particular indigenous bird life can be very serious.

A major oil spill requiring a Teir 3 response by Maritime New Zealand is a possibility. Such a response should be permitted activity too.

Relief sought:

Amend as follows:

*"The discharge of dispersants to control a marine oil spill in the coastal marine area is a **permitted activity** provided that all of the following conditions are met:*

(a) The dispersant discharged is approved for use in controlling oil spills by Maritime New Zealand;

(b) The dispersant is used in accordance with the manufacturers instructions, any relevant regulations, and the West

Coast Regional Council's Tier 2 Marine Oil Spill Contingency Plan or the Maritime New Zealand Tier 3 Marine Oil Spill Response Plan. "

Decision Requested: 12.120

Submitter 19 RF&B

Support

Relief sought:

Retain

Rule 33 Discharge of herbicide

Decision Requested: 12.121

Submitter 3 DOC

Support in part - the discharge of herbicides to water to control emergent aquatic plants such as pest plants should be a permitted activity subject to the conditions to ensure the reduction of risk to non-target species.

Herbicides are registered for spray over all waters, rather than for just coastal water. The recommendations of the herbicide manufacturer could change at any time.

Relief sought:

Amend as follows:

"*The discharge of herbicide to water in the coastal marine area incidental to its application to emergent aquatic plants is a **permitted activity** provided that all of the following conditions are met:*

- (a) The herbicide and any additive are authorised for use in or over New Zealand coastal waters, and it is applied in accordance with that authorisation ~~and any directions issued by the herbicide manufacturer;~~*
- (b) All reasonable measures are taken to minimise the quantity of incidental discharge into coastal water, and onto non-target species;*
- (c) The discharger immediately notifies the Regional Council in the event of any accidental non-compliance of the above conditions."*

Decision Requested: 12.122

Submitter 19 RF&B

Support

Relief sought:

Retain

Rule 34 Incidental discharge of contaminants from maintenance of structures

Decision Requested: 12.123

Submitter 1, 8 BCG, INTAF

Avoidance needs to occur in the first instance, such as collection, a surrounding buffer net, or similar, otherwise the adverse effects need to be controlled via resource consent.

Relief sought:

"*(b) ~~Beyond a mixing zone of 200 metres~~ The discharge does not give rise to the following effects:*

- i) ~~The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;~~*
- ii) ~~Any conspicuous change in the colour or visual clarity;~~*
- iii) ~~Any emission of objectionable odour;~~*
- iii) ~~Any significant adverse effects on aquatic life.~~*

iv) Beyond a mixing zone of 50 metres the discharge does not give rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;"

Decision Requested: 12.124

Submitter 3 DOC

Support - the activities have minor adverse effects and therefore a permitted activity with conditions is an appropriate RMA response.

Relief sought:

Retain as notified.

Decision Requested: 12.125

Submitter 10 KIWIR

Support. That the incidental discharge of contaminants from the undertaking of maintenance works on structures is a permitted activity, is supported by KiwiRail.

Relief sought:

Retain as notified.

Decision Requested: 12.126

Submitter 19 RF&B

Support

Relief sought:

Retain

Decision Requested: 12.127

Submitter 21 TRONT

Support in part. Condition (iv) requiring that the activity does not give rise to any significant adverse effects on aquatic life is uncertain and would rely on assessment after the effect has been created. It should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen.

Relief sought:

Amend Rule 34 to replace condition (iv) with clear and measurable standards.

Decision Requested: 12.128

Submitter 26 WESTP

Westpower supports the allowance for discharges from maintenance activities under the circumstances proposed. This enables such works to proceed but in a manner which manages effects.

Relief sought:

Retain Rule 34.

Rule 35 Discharge of water to the coastal marine area**Decision Requested: 12.129**

Submitter 1, 8 BCG, INTAF

3 degrees is a lot in relation to natural temperature of the CMA waters. This clause provides no time constraints; a 3 degree change over a short time period will have less adverse effect than over a longer time period. "Reasonable mixing" is too open, there needs to be more constraint. After reasonable mixing (50 metre radius?, 10 metre radius?) there should be no change in temperature.

Relief sought:

"(a) The discharge contains no contaminants beyond trace concentrations, or hazardous substances;

"trace" needs quantification e.g. below water quality guidelines for the area.

(c) The discharge does not give rise to any conspicuous change in the colour or visual clarity;

(d) The discharge does not change the natural temperature of the receiving waters, after reasonable mixing; by more than 3 degrees Celsius;"

Decision Requested: 12.130

Submitter 1, 8 BCG, INTAF

Relief sought:

Rule 35 should be rule 31 as rule 35 covers the activity most likely to happen incidentally in relation to discharges.

Decision Requested: 12.131

Submitter 3 DOC

Support - the activities have minor adverse effects and therefore a permitted activity with conditions is an appropriate RMA response.

Relief sought:

Retain as notified.

Decision Requested: 12.132

Submitter 12 NZDF

Support. It is appropriate for the discharge of water to the coastal marine area to be permitted, provided the potential adverse effects are managed.

Relief sought:

Retain Rule 35 as notified.

Decision Requested: 12.133

Submitter 19 RF&B

Support

Relief sought:

Retain

Rule 36 Discharges from hull cleaning and anti-fouling**Decision Requested: 12.134**

Submitter 1, 8 BCG, INTAF

"Reasonable" needs to be quantified.

Relief sought:

"(b) Any discharge will not, ~~after reasonable mixing~~, give rise to any or all of the following effects:

- i) The production of any conspicuous oil or grease films, scums or foams, or floatable suspended materials after reasonable mixing.*
- ii) Any conspicuous change in the colour or visual clarity of water in the coastal marine area;*
- iii) Any ~~significant~~ adverse effects on aquatic life;"*

Decision Requested: 12.135

Submitter 1, 8 BCG, INTAF

Shouldn't hull clearing and anti-fouling take place on dry land? If not then it needs to be controlled.

Relief sought:

- "anti-fouling should be done on land except in special, controlled circumstances e.g. ships larger than a specified size/ weight,
- anti-fouling products should be used that are safe for the aquatic environment, and
- anti-fouling waste should be collected in a responsible manner, especially not left to blow away."

Decision Requested: 12.136**Submitter**

3

DOC

Oppose - the proposed rule fails to adequately protect the significant marine environment of the West Coast from the introduction of organisms not found in West Coast waters. These organisms can have significant adverse effects on the West Coast marine ecosystems and on industries such as aquaculture.

Relief sought:

Amend Rule 36 to read:

"The following in-water cleaning of vessel hull and niche areas activities are permitted :

- (i) Discharge of hull biofouling organisms resulting from in-water cleaning of a vessel with micro-fouling and goose barnacles - provided performance standards 1, 2, 5 and 7 are complied with;
- (ii) Discharge of hull biofouling organisms resulting from the in-water small scale manual removal (up to 5% of the hull surface area, including niche areas) of bio-fouling organisms- provided performance standards 2, 3, 4, 5 and 7 are complied with;
- (iii) Discharge of hull biofouling organisms resulting from in-water cleaning of a vessel with macro-fouling from within the West Coast region- provided performance standards 2, 5 and 7 are complied with;
- (iv) Discharge of hull bio-fouling organisms resulting from in-water cleaning of a vessel with macro-fouling where the fouling vessel is:
 - a. of international origin; or
 - b. of domestic originAND either has not had a biosecurity risk assessment, or a biosecurity risk assessment determines the risk to be more than low – provided performance standards 2, 3, 4, 5 and 7 are complied with;
- (v) Discharges associated with in-water treatment methods that kill render biofouling organisms non-viable - provided performance standards 2, 6 and 7 are complied with;"

Decision Requested: 12.137**Submitter**

12

NZDF

Support. NZDF supports the inclusion of a specific rule for hull cleaning.

A permitted activity status is appropriate for this essential activity where the potential adverse effects are minimised.

Relief sought:

Retain Rule 36 as notified.

Decision Requested: 12.138**Submitter**

19

RF&B

Support

Relief sought:

Retain

Decision Requested: 12.139**Submitter**

21

TRONT

Support in part. Condition (b) on discharges from hull cleaning and anti-fouling provides for 'reasonable mixing' but does not say how this will be measured.

Condition (b)(iii) requiring that the activity does not give rise to any significant adverse effects on aquatic life is uncertain and would rely on assessment after the effect has been created. It should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen.

Relief sought:**Amend** Rule 36 to include, in condition (b), measurable standards to:

- State what distance from the discharge point is considered adequate to provide for 'reasonable mixing'
- Ensure there will not be significant adverse effects on aquatic life.

Rule 37 Discharges of stormwater and land drainage water not meeting permitted Rule 31

Decision Requested: 12.140

Submitter 1, 8 BCG, INTAF

People that may be adversely affected should be provided with an ability to object, where the council could set rules for objection.

Relief sought:

"An application for resource consent under this rule does not need to be notified ~~but~~ and does ~~not~~ need to be served on persons who may be adversely affected by the activity including if ~~unless~~ either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified."

Decision Requested: 12.141

Submitter 3 DOC

Support in part - the proposed rule allows the discharge of raw sewage and the similar type of effluent untreated agriculture effluent to the CMA. Such an approach with regard to raw sewage is contrary to NZCPS in particular Policy 23(2). Untreated agriculture effluent has similar properties and will have very significant effects on water quality. (Refer to DR x on the new prohibited Rule 39 that is sought).

Relief sought:

Amend Rule 37 to read:

*"The discharge of collected stormwater, or land drainage water, into the coastal marine area that does not meet the permitted Rule 31, or breach Rule 39 is a **controlled activity**."*

And retain those matters Council has control over and the explanation as notified.

Decision Requested: 12.142

Submitter 19 RF&B

This activity is not appropriate as a controlled activity as the adverse effects could be significant.

Relief sought:

Change activity status to restricted discretionary and remove provision regarding non-notification.

Decision Requested: 12.143

Submitter 21 TRONT

Support in part. Reference to 'iwi values' in matters for control (c) needs to be amended to Poutini Ngāi Tahu, and there should be provision for notifying the relevant Paptipu Rūnanga of applications affecting these values.

Relief sought:

Amend Rule 37, condition (c) to read as follows:

"(c) Adverse effects on biodiversity, ~~iwi~~ Poutini Ngāi tahu values, recreational values, water quality, and coastal hazard risk;..."

Rule 38 Discretionary discharges

Decision Requested: 12.144

Submitter 3 DOC

Support in part - the proposed Rule 37 allows the discharge of raw sewage and the similar type of effluent untreated agriculture effluent to the CMA. Such an approach with regard to raw sewage is contrary to NZCPS in particular Policy 23(2). Untreated agriculture effluent has similar properties and will have very significant effects on water quality. (Refer to DR x on Rule 37, and DR x on the new prohibited Rule 39 that is sought).

Relief sought:

Amend Rule 38 to read:

*"Unless permitted by Rules 31-36, or controlled by Rule 37, or prohibited by Rule 39, any discharge into or onto the coastal marine area is a **discretionary activity**."*

Decision Requested: 12.145

Submitter 19 RF&B

Support

Relief sought:

Retain

Decision Requested: 12.146

Submitter 21 TRONT

Oppose. Rule 38 does not provide for use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for direct discharge of human sewage effluent to coastal water and for discharges associated with offshore mining.

Our reasons are:

Direct discharges of human sewage to water are culturally offensive to Ngāi Tahu. It is a fundamental principle of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses.

Relief sought:

Amend Rule 38 Discretionary discharges to read as follows:

"Unless permitted by Rules 31-36, ~~or~~ controlled by Rule 37, or non-complying under Rules [D] or [E], any discharge into or onto the coastal marine area is a discretionary activity."

12.6 TAKES, USE, DAMMING, DIVERSION

Rule 39 Using coastal water

Decision Requested: 12.147

Submitter 1, 8 BCG, INTAF

Chapter 9 Taking, Use, Damming or Diversion, 9.1 Introduction, 3rd paragraph:

The taking, use, damming or diversion of coastal water, from river mouths, estuaries, and lagoons, and the removal of any heat or energy from that water, requires a resource consent unless:

- the water, heat or energy is required for an individual's reasonable domestic needs, or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or
- the water is for fire-fighting purposes.

Relief sought:

This needs to be incorporated in the permitted rules, being Rule 39.

Decision Requested: 12.148

Submitter 1, 8 BCG, INTAF

This subsection needs to be incorporated in rule 39, otherwise rule 39 is too liberal.

Relief sought:

"RMA s14(d) says, " in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment"."

Decision Requested: 12.149

Submitter 1, 8 BCG, INTAF

This caveat covers any uses not already considered in this plan that may have more than minor adverse effects which need to be constrained in some way.

Relief sought:

"Explanation

The use of coastal water (other than open coastal water) requires a consent unless this Plan allows for that use (section 14 of the Act). The use of coastal water in river mouths, estuaries or lagoons, in which the water is not taken or diverted, is unlikely to result in any adverse effects on the coastal marine area. This Rule reduces unnecessary regulation, as it enables the use of coastal water in river mouths, estuaries and lagoons without needing a coastal permit, except for aquaculture which cannot be a permitted activity under the Act. If any adverse effects are found to be, or expected to be, more than minor the activity will not be permitted."

Decision Requested: 12.150

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.151

Submitter 19 RF&B

The rule is uncertain and unclear.

Relief sought:

Delete

Rule 40 Temporary taking or diversion of coastal water

Decision Requested: 12.152

Submitter 1,8 BCG, INTAF

Relief sought:

Add new condition:

"(g) There are no adverse effects on coastal marine area biodiversity."

Decision Requested: 12.153

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.154

Submitter 10 KIWIR

Support. As with the incidental discharge under Rule 34, KiwiRail support that the temporary taking or diversion of water in relation to maintenance works on existing structures is a permitted activity, subject to standards.

Relief sought:

Retain as notified.

Decision Requested: 12.155

Submitter 19 RF&B

The reference to erection is not appropriate as it relates to existing structures

Relief sought:

Remove reference to erection.

Decision Requested: 12.156

Submitter 21 TRONT

Support in part. We consider it would be appropriate to require resource consent for temporary takes and diversions in statutory acknowledgement areas in order to provide an opportunity for input by papatipu rūnanga and consideration of any adverse effects on Poutini Ngāi Tahu. This would be consistent with the rights accorded by the Ngāi Tahu Claims Settlement Act 1998.

We support condition (c) requiring maintenance of fish passage. This will assist to sustain healthy populations of migratory fish species.

Relief sought:

Amend Rule 40 to read as follows:

"The temporary taking or diversion of water in a riverbed in the coastal marine area for the purpose of the erection, maintenance, alteration, replacement, reconstruction, removal or demolition of any lawfully existing structure (excluding any whitebait stand), is a permitted activity provided that all of the following conditions are met:

(x) The activity shall not be located in a Statutory Acknowledgement Area identified in Schedule 3A;

(a)...

(b)...

(c) Fish passage through the diversion area is maintained and any fish stranded during the works are transferred for the following part of the river; ..."

Decision Requested: 12.157

Submitter 26 WESTP

Westpower supports the allowance for temporary take or diversion, under the circumstances proposed, to allow for the works set out in the rule. This enables such works to proceed but in a manner which manages effects.

Relief sought:

Retain Rule 40.

Rule 41 Permanent diversion of coastal water**Decision Requested: 12.158**

Submitter 1, 8 BCG, INTAF

Relief sought:

Add new condition:

"(c) There are no adverse effects on coastal marine area biodiversity."

Decision Requested: 12.159

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.160

Submitter 10 KIWIR

Support. The recognition that structures can result in a permanent diversion of water and that this is provided for as a permitted activity is supported.

Relief sought:

Retain as notified.

Decision Requested: 12.161

Submitter 19 RF&B

Support providing changes sought to related rules sought above (particularly 7, 9 and 10) are made.

Relief sought:

Retain as long as amendments sought above are made.

Decision Requested: 12.162

Submitter 21 TRONT

Support in part. Temporary takes and diversions are subject to a condition requiring maintenance of fish passage. We consider it would be appropriate to include a similar condition in the permitted activity for permanent diversions from structures. This will assist to sustain healthy populations of migratory fish species.

Relief sought:

Amend Rule 41 to include a new condition as follows:

"... (v) The diversion shall not impede fish passage."

Rule 42 Discretionary takes, damming, and diversion of coastal water**Decision Requested: 12.163**

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.164

Submitter 19 RF&B

Support providing changes sought to related provisions rules sought above are made.

Relief sought:

Retain as long as amendments sought above are made.

Rule 43 Damming and diversion of open coastal water

Decision Requested: 12.165

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.166

Submitter 19 RF&B

Support providing changes sought to related provisions rules sought above are made.

Relief sought:

Retain as long as amendments sought above are made.

Decision Requested: 12.167

Submitter 21 TRONT

Oppose. We consider it would be appropriate to make damming of open coastal waters a non-complying activity to avoid adverse effects on the natural coastal processes, aquatic life and mahinga kai.

Relief sought:

Amend Rule 43 to make damming and diversion of open coastal water a non-complying activity under a new Section 12.6.3 Non-complying damming and diversion.

Rule 44 Use of coastal water for aquaculture

Decision Requested: 12.168

Submitter 3 DOC

Support - the rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.

Relief sought:

Retain as notified.

Decision Requested: 12.169

Submitter 19 RF&B

Support providing changes sought to related provisions rules sought above are made.

Relief sought:

Retain as long as amendments sought above are made.

12.7 NOISE

Rule 45 Noise

Decision Requested: 12.170

Submitter 1, 8 BCG, INTAF

There is an expectation that the CMA will be a peaceful area as far as human noise is concerned and there needs to be rules to ensure that this is the case. Having restrictions for noise only at the borders of private properties is not good enough. There is also the consideration of noise around fauna of the CMA, including fish, aquatic mammals, penguins and other birds in the CMA; they also have a right to peace and quiet. They need quiet to communicate, to be alert to dangers and to hunt food.

Also, the way the noise is measured needs to be clarified. What exactly is dBA L_{eq} ? the cut-off of 55dba is equivalent to loud conversation. Unless L relates to time then there needs to be a cap on how long such noise can continue. With no limit on "loud conversation" from the CMA it could get very irritating very quickly. A "quiet" conversation, at about 20 dba, would be much more appropriate, with time limits.

Decision Requested: 12.171

Submitter 2 CPHWC

A method of how sound is to be measured and assessed in Rule 45 (as distinct from Rule 46) is essential. Reference to "sound levels" is inappropriate as the (unstated) method of assessment (NZS6802:2008) uses a Rating Method to assess compliance which requires consideration of more than just "sound levels" Since Seismic survey underwater noise must not be confused with environmental noise, this can be avoided by adding a note to distinguish use of cited standards for environmental noise from underwater noise applications. The numerical limits are consistent with the recommendations found in NZS6802:2008 and appropriate for sustainable management of the CMA and protection of the health and amenity of people and communities in adjacent areas.

Relief sought:

Retain the provision in part and amend as follows:

- A. In the paragraph before sub-clause (a) and in sub-clause (c), replace "sound levels" with "*noise limits*"
- B. In all three sub-clauses delete "dBA L_{eq} " and replace with "*dB LAeq*"
- C. Insert a new Sentence after the list of sub-clauses as follows "*In this rule sound shall be measured and assessed in accordance with NZS 6801:2008 Acoustics- Measurement of environmental sound and NZS 6802:2008 Acoustics-Environmental noise.*"
- D. Add a note after this new clause as follows "*Note: Underwater noise associated with seismic surveys is not assessed using the above standards.*"

Decision Requested: 12.172

Submitter 3 DOC

Support in part - using the notional boundary of any dwelling as the site for measuring any noise will result in no noise standard for significant parts of the West Coast. There may be other users such as recreational users or campers which could be adversely affected by noise.

Relief sought:

Amend as follows:

*"The emission of noise from within the coastal marine area is a **permitted activity** provided that:*

The activity is designed and conducted so that the following sound levels are not exceeded at any point within the notional boundary of any dwelling or the boundary of the neighbouring land:

- (a) Monday to Friday during the hours of 7.00 am to 6.00 pm shall not exceed 55 dBA L;*
- (b) Saturday during the hours of 8.00 am and 6.00 pm shall not exceed 55 dBA L;*
- (c) Outside of these hours or on Sundays and public holidays sound levels shall not exceed 45 dBA L."*

Decision Requested: 12.173

Submitter 12 NZDF

Support with amendment. Rule 45 is appropriate to manage the adverse effects from noise generated in the coastal marine area.

However, NZDF considers the noise limits are unnecessarily restrictive on helicopter landing areas. The New Zealand Standard 6807 has been developed specifically to address the noise of helicopter landing, it is widely used in District Plan rules, and it is considered more appropriate than the proposed limits.

Relief sought:

Amend Rule 45 as follows, or include the noise from helicopter landing areas in a separate rule:
"The emission of noise from within the coastal marine area is a permitted activity provided that:

...
The emission of helicopter noise from helicopter landing areas is a permitted activity provided that it occurs in accordance with NZS 6807 (1994) "Noise Management and Land Use Planning for Helicopter Landing Areas".

Decision Requested: 12.174

Submitter 19 RF&B

Needs to include condition to restrict noise near bird/mammal nesting areas and times.

Relief sought:

Include condition restricting noise near bird/mammal nesting areas

Decision Requested: 12.175

Submitter 26 WESTP

While Westpower supports the inclusion of a noise provision in the Coastal Plan it is considered that provision should also be made for construction noise, which is managed differently to the noise provisions set out in the rule. It is also useful in terms of the proposed rule to include reference to the standards under which noise will be measured and assessed. Finally the Council should consider and provide for how noise to is controlled in terms of helicopter landing areas and blasting. All of these matters would make noise provisions consistent with District Plan provisions and therefore enable consistency across authority boundaries (see for example noise provisions of the Grey District Plan).

Relief sought:

Retain Rule 45 with the following amendment,

"(i) The activity, with the exception of an activity provided for under (ii) below, is designed ...any dwelling:

(a) ...

(b) ...

(c) ...

Except where expressly provided elsewhere in this rule, sound shall be measured in accordance with the provisions of NZS 6801/2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Environmental Noise.

(ii) Construction noise shall be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics - construction Noise.

Consider adding in provisions, as a (iii) and (iv), for helicopter landing areas and blasting as per provisions of adjoining District Plans. Where this is done amend (i) above to refer to a (iii) and (iv), ie *".... provided for under (ii)-(iv) below, is ..."*.

Rule 46 Seismic surveys

Decision Requested: 12.176

Submitter 3 DOC

Support - the Department of Conservation's code is used to minimising disturbance to marine mammals from seismic survey operations in the EEZ zone. Its use in the CMA is also appropriate.

A discretionary activity is appropriate if the conditions of Rule 45 cannot be met.

Relief sought:

Retain as notified.

Decision Requested: 12.177

Submitter 19 RF&B

Needs to include condition to restrict noise near bird/mammal nesting areas and times.

Relief sought:

Include condition restricting noise near bird/mammal nesting areas

Decision Requested: 12.178**Submitter**

21

TRONT

Support. We support inclusion of reference to Department of Conservation's "Code of Conduct for Minimising Disturbance to Marine Mammals for Seismic Survey Operations". This will help to ensure that marine mammals are not unduly disturbed by noise and vibration from seismic surveys.

Relief sought:

Retain advice note regarding the Code of Conduct.

Rule 47 Discretionary noise activities**Decision Requested: 12.179****Submitter**

2

CPHWC

CPH supports the proposal as it facilitates control of noise.

This is an appropriate status facilitating control of noise.

Relief sought:

Retain the provision.

Decision Requested: 12.180**Submitter**

3

DOC

Support - the Department of Conservation's code is used to minimising disturbance to marine mammals from seismic survey operations in the EEZ zone. Its use in the CMA is also appropriate.

A discretionary activity is appropriate if the conditions of Rule 45 cannot be met.

Relief sought:

Retain as notified.

Decision Requested: 12.181**Submitter**

19

RF&B

Support

Relief sought:

Retain

NEW RULES

Decision Requested: 12.182

Submitter 1, 8 BCG, INTAF

Not enough protection of the dark night sky is given consideration in local authority plans. A dark night sky is so important for us to see the stars and constellations; too many people are ignorant of the night sky and the best way to find out about it is to look, but if there is little to see then it is another of our birthrights which has been robbed. A dark night sky is also important for fauna that inhabit the CMA to navigate and carry out other facets of their lives.

Relief sought:

Rule 48 Light

There needs to be a rule to ensure that the night sky within the CMA is protected from light pollution. It is important to try and keep the night sky dark. This means ensuring that light only radiates downward, and that a suitable cap is situated on top of any bright (lux to be determined) light to prevent leakage of light to the night sky.

12.1 OCCUPATION OF SPACE - NEW RULES

Decision Requested: 12.183

Submitter 3 DOC

A new rule is required to manage vessels that have sunk or grounded in the CMA. This rule gives Council the discretion to allow vessels to be left with all material that is hazardous or has a biosecurity risk being removed or require the removal of the ship wreck.

Relief sought:

Include a new rule:

"Occupation of the coastal marine area by sunken, grounded or abandoned ships

Except where a ship has accidentally sunk and its location is unknown, the occupation of the coastal marine area by a ship that has sunk, or grounded or abandoned is a **discretionary** activity."

Decision Requested: 12.184

Submitter 11 MOUAN

Vehicle access to the recreation area of the sand spit on the true right of Punakaiki Lagoon (lagoon/sea interface) ought to be denied.

As the de-facto manager of public access to the area (via my private property) I wish for WCRC to take the heat off my position between beach users in conflict.

Relief sought:

Declaring this immediate recreation area to be off limits to vehicular traffic. This small area is one of the premium recreation spots on the West Coast. Heavy use is concentrated in space and time and in my opinion, vehicular access is detrimental to the experience of the majority of users.

12.3 DISTURBANCE ACTIVITIES - NEW RULES

Decision Requested: 12.185

Submitter 12 NZDF

Oppose. The Proposed Plan contains permitted activity rules for selected disturbance activities only, being (broadly) the removal of natural material, debris clearance, geotechnical testing, the burial of animals, and small-scale disturbance associated with structures. Any other disturbance activity does not appear to be provided for, and the default discretionary activity status of Rule 25 would likely apply regardless of the level of effects.

For clarity, NZDF considers the Coastal Plan should include a rule specifically permitting minor disturbance of the foreshore and seabed, such as could occur from vehicle movements, amphibious landings for military training, and training in the use of portable water treatment units. The permitted activity conditions should be guided by existing permitted activity conditions (Rules 15-22) and the matters in s12 of the RMA.

Relief sought:

Include a new rule that permits minor disturbance of the foreshore and seabed, subject to reasonable conditions

relating to adverse effects on the foreshore, seabed, plants and animals, and historic heritage.

Decision Requested: 12.186

Submitter 19 RF&B

To give effect to the NZCPS a non-comply status for activities where effects have not be addressed through conditions and polices consistent with policies 11, 12, 13 and 14 of the NZCPS is required.

Relief sought:

Disturbance other than as provided for under rules 15-23 within an Outstanding natural character, outstanding natural landscape and features as identified in schedule 3D and 3E is a non-complying activity

Decision Requested: 12.187

Submitter 21 TRONT

New Rule A

We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects on ecological, mahinga kai, recreational and commercial values.

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

Relief sought:

Add new "Section 12.3.4 Non-complying disturbance and deposition activities", with a rule as follows:

"Rule [A] Disturbance and deposition associated with offshore exploration and extraction of minerals.

*Disturbance and deposition of material associated with offshore exploration and extraction of minerals is a **non-complying activity.**"*

Decision Requested: 12.188

Submitter 21 TRONT

New Rule B

We consider that non-complying activity status for reclamation is appropriate to reflect the direction of the New Zealand Coastal Policy Statement and to protect significant values in the coastal marine area.

Our reasons are:

Policy 10 of the New Zealand Coastal Policy Statement provides a strong direction to avoid reclamation unless there are no practical alternatives and the reclamation will provide significant regional or national benefit. We do not consider that this direction is clearly reflected in the Proposed Plan.

Reclamation has potential to directly displace benthic communities or to disrupt coastal and marine ecosystems by altering the natural coastal processes. This could have significant impacts on ecological, mahinga kai, recreational and commercial values. Inappropriate location of reclamations could also have adverse effects on wāhi tapu, wāhi taonga or natural character values.

Relief sought:

Add new "Section 12.3.4 Non-complying disturbance and deposition activities," with a rule as follows:

"Rule [B] Reclamation

*Reclamation in the coastal marine area is a **non-complying activity.**"*

Decision Requested: 12.189

Submitter 21 TRONT

New Rule C

Aotea in the Makaawhio River is a taonga of paramount importance to Ngāti Māhaki ki Makaawhio. Gravel extraction from the Makaawhio River is culturally offensive to Poutini Ngāi Tahu because of the effect this would have on aotea. We consider that non-complying activity status for gravel extraction from the Makaawhio River is appropriate to

protect the taonga.

Our reasons are:

Aotea, which only occurs in the Makaawhio River, and waitai occurring on Māori Beach are culturally significant and rules should not allow for these taonga to be removed.

The relationship of Ngāti Māhaki of Makkawhio to this taonga is described in Schedule 2 to this submission. Its cultural significance is similar to that of pounamu. Provision for gravel extraction in the Makaawhio River would be culturally offensive because of its effect on aotea. The Proposed Plan does not treat gravel extraction in the Makaawhio river differently from other rivers. We consider that restricted discretionary activity status for gravel extraction in the Makaawhio River does not adequately recognise the values held by Poutini Ngāi Tahu for this taonga, and request that gravel extraction in the Makaawhio River be made a non-complying activity.

Relief sought:

Add new "Section 12.3.4 Non-complying disturbance and deposition activities", with a rule as follows:

*"Rule [C] Gravel extraction in the Makaawhio River
Gravel extraction in the bed of the Makaawhio River is a **non-complying activity.**"*

12.5 DISCHARGES - NEW RULES

Decision Requested: 12.190

Submitter	3	DOC
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(Refer to DR x on Rule 36)

Add New Rule X:

"The discharge of any contaminant resulting from in-water cleaning, the application of anti-fouling, or painting of the hull of vessels, including discharge of hull bio-fouling organisms, within 500m of boundary of or in the following areas is a prohibited activity:

- *Any marine reserve;*
- *Inshore Mooring Area in Jackson Bay (Schedule 7).*

Performance standards for Rule 36

1. *Gentle non-abrasive cleaning techniques must be used.*
 2. *The cleaning method will not compromise the existing anti-fouling coating system*
 3. *In-water cleaning technologies should capture debris to a minimum of 50 micrometers in diameter.*
 4. *Any debris is collected and appropriately disposed of in a landfill.*
 5. *If unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are found, the vessel owner or operator must take the following steps:*
 - a. *all cleaning must cease;*
 - b. *the Council and MPI must be immediately notified; and*
 - c. *cleaning may not recommence until notified by Council to do so.*
- Note: Council may contact the Ministry for Primary Industries for advice on the nature of the species and the appropriate measures to be taken.*
6. *The discharge or escape of hull bio-fouling organisms or debris onto the foreshore, seabed or into the water must be collected as far as practicable and removed from the CMA*
 7. *The anti-fouling coating on the hull and niche areas to be cleaned shall not have exceeded its planned service life as specified by the manufacturer."*

Decision Requested: 12.191

Submitter	3	DOC
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The proposed (Rule 37) allows the discharge of raw sewage and the similar type of effluent untreated agriculture effluent to the CMA. Such an approach with regard to raw sewage is contrary to NZCPS in particular Policy 23(2). Untreated agriculture effluent has similar properties and will have very significant effects on water quality. (Refer to DR x on Rule 37, and DR x on Rule 38).

Relief sought:

Include a new rule 39:

"The discharge of raw sewage or untreated agriculture effluent either by itself or in combination with collected stormwater or land drainage water is a prohibited activity."

Decision Requested: 12.192**Submitter**

21

TRONT

New Rule D

Direct discharge of human sewage effluent to coastal water is culturally offensive to Ngāi Tahu and we consider this should be reflected by non-complying status to discourage such discharges unless there are no practicable alternatives.

Our reasons are:

It is a fundamental principle of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

We recognise that immediate upgrade of existing discharges that use some other form of treatment is not practical and that time needs to be allowed for this to be addressed. We request that provisions be included in the Proposed Plan to require serious consideration of alternatives to direct discharge. Where direct discharge is the only practicable option, it should be designed to avoid adverse effects on Poutini Ngāi Tahu values and treated to a standard that ensures there will not be adverse effects on kaimoana. We request that direct discharges of human sewage effluent be clearly discouraged by giving them non-complying activity status.

Relief sought:

Add new "*Section 12.5.4 Non-complying discharges*", with a rule as follows:

"Rule [D] Discharge of human sewage effluent

*The direct discharge of human sewage effluent to coastal water is a **non-complying activity.**"*

Decision Requested: 12.193**Submitter**

21

TRONT

Rule E

We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

Relief sought:

Add new "*Section 12.5.4 Non-complying discharges*", with a rule as follows:

"Rule [E] Discharges associated with offshore exploration and extraction of minerals.

*Any discharges associated with offshore exploration and extraction of minerals is a **non-complying activity.**"*

12.6 TAKES, USE, DAMMING, DIVERSION – NEW RULES**Decision Requested: 12.194****Submitter**

12

NZDF

Oppose. The Proposed Coastal Plan does not appear to contain rules regulating the taking and use of open coastal water, or the taking of coastal water from river mouths, estuaries and lagoons (although we note its use is permitted by Rule 39).

Military training in the coastal environment can include training in the use of portable water treatment units, which involves the taking and use of coastal water.

While s14 of the RMA permits the taking and use of open coastal water unless the Plan states otherwise, NZDF considers a specific permitted activity rule should be included for clarity and to assist the user. Alternatively the explanation to the rules relating to the take and use of coastal water should make it clear that they do not apply to the take and use of open coastal water which is not restricted by s14.

The taking of coastal water from river mouths, estuaries and lagoons (i.e. other than open coastal water) is restricted

by s14, and consent would therefore be required as a Discretionary Activity under s87B of the RMA as the Coastal Plan does not contain a relevant rule. NZDF considers it would be better practice for the Coastal Plan to include a specific rule for this activity, and that it is appropriate for the Plan to permit some water to be taken. NZDF supports that coastal water in river mouths, estuaries and lagoons can be used as a permitted activity with no conditions (Rule 39).

Relief sought:

For clarity, include a new rule that permits the take and use of all coastal water.

Alternatively the explanation to the rules relating to the take and use of coastal water should make it clear that they do not apply to the take and use of open coastal water which is not restricted by s14.

13 INFORMATION REQUIREMENTS

GENERAL SUBMISSION ON INFORMATION REQUIREMENTS

Decision Requested: 13.1

Submitter 19 RF&B

We have sought a number of changes to the plan in this submission. This will require consequential amendments to this section.

Relief sought:

Amend provisions to give effect to the submissions points made in this submission.

Decision Requested: 13.2

Submitter 21 TRONT

Support in part. Information required includes assessment of any positive social or economic effects (13.2.10(a)), but not positive environmental or cultural effects.

Our reasons are:

Objectives, policies and information requirements emphasise the need to consider positive economic and social effects of use and development, but references to effects on environmental and cultural values only mention adverse effects. We consider that the positive effects of projects for enhancement of environmental or cultural values, such as enhancement of mahinga kai habitats, should be given similar recognition to the positive effects of projects for economic development.

Relief sought:

Amend Section 13.2 to include, after 10(a), an additional point as follows:

"Any positive environmental or cultural effects, including opportunities for enhancement of indigenous habitats, mahinga kai resources or other Poutini Ngāi Tahu values."

13.1 Introduction

Decision Requested: 13.3

Submitter 3 DOC

Support in part - the information required to be supplied by the applicant is appropriate for resource management purposes. Refer to DR X for amendments sought to 13.2 General Information Required.

Relief sought:

Retain 13.1 as notified.

Decision Requested: 13.4

Submitter 19 RF&B

The applicant has to provide the assessment of effects. The council needs enough info to determine if the potential effects achieve the RMA, NZCPS and requirements of this plan etc

Relief sought:

Amend 13.1(b) such that it requires a AEE in accordance with the Act

13.2 General Information Required

Decision Requested: 13.5

Submitter 1, 8 BCG, INTAF

It is common knowledge that many consent applications trivialize adverse effects on the environment e.g. saying there are no bird nesting sites when in fact there are (possibly haven't investigated in bird nesting season), in order to get the application through smoothly.

Relief sought:**13.2 General Information Required**

"10. An assessment of any actual or potential effects that the activity may have on the environment (including on air quality), and the ways in which any adverse effects may be avoided, remedied, or mitigated. This assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule of the RMA. Minimalizing such effects will likely lead to the application being declined. In particular, the assessment of environmental effects shall include coverage of:...."

Decision Requested: 13.6**Submitter**

1, 8

BCG, INTAF

The RMA's Schedule 4 lists about 14 items to be assessed in assessment of environmental effects. The closest item listed in that schedule to this plan's 13.2.10a) is:

"Schedule 4

(7) (1) An assessment of the activity's effects on the environment must address the following matters:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:"

The RMA's Schedule 4(7)(1)(a) needs to be included as this plan's 13.2.10 a).

Positive social effect could be more cohesion of the community in any way. Often a resource consent can be divisive within a community due to adverse effects such as destruction of wetlands which have downstream effects on communities. Often such consents are not publicly notified, nor even notified to the downstream community affected. The downstream community (downstream meaning more than just physically downstream, being communities that depend on ecosystem services and other contingencies which might suffer adverse effects as a result of the consented works) needs to be given more consideration during consent applications.

Relief sought:**13.2 General Information Required**

"10. (a) Any positive social and economic effects, including any affirmed job opportunities ~~likely to be created by of a proposed new development, whether employment generated is short or long term; and any contribution to the Region's economy;~~"

But preferably:

"10. (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:"

Include as a postscript that any positive economic benefits such as employment opportunities may be included.

Decision Requested: 13.7**Submitter**

1, 8

BCG, INTAF

Relief sought:

Schedule 4's clauses 6(1) (a to h), (3) and 7(1) (a to f) need to included. Note that clauses 6(1) and 7(1) MUST be included, and any other provisions of local plans may also be included.

Decision Requested: 13.8**Submitter**

1, 8

BCG, INTAF

Relief sought:

The RMA's section 7(i) the effects of climate change, need to be incorporated by saying,

"13.2.10 (a) (ii) Any positive effects in relation to neutralizing or reducing greenhouse gas emissions."

Decision Requested: 13.9**Submitter**

1, 8

BCG, INTAF

Relief sought:

"4a) effects on amenity values and any habitat of fauna, particularly indigenous.

5 Only council-approved designs will be considered.

5 b) Is not located in or near a Coastal Hazard Area in Schedule 3C, and an Outstanding Natural Landscape or Feature, including those in Schedule 3, and an area of outstanding natural character, including those in Schedule 3E;

11(e) A description of any materials likely to end up as waste and what will be done with that waste and how the environment will be protected from it."

Decision Requested: 13.10

Submitter 2 CPHWC

CPH supports the proposal. Listing effects on human health as matters to be assessed under sub-clause 10 is important and consistent with s.5 of the Act.

Relief sought:

Retain the provision.

Decision Requested: 13.11

Submitter 3 DOC

Support in part - the information required to be supplied by the applicant is appropriate for resource management purposes.

However two matters require further amendment. These are:

- 1) Land status. The land is most likely held under Marine and Coastal Area Act. However under NZCPS Policy 5 identifies lands in the CMA that are held or managed under other Acts including Marine Reserves Act 1971 and National Parks Act 1980. This information may identify that the proposed activity is prohibited under other legislation. For example mining in National Parks.
- 2) The heirachy in 12 is incorrect.

Relief sought:

Retain as notified with the following amendments;

"3...legal description and land status"

"12. A description of the measures to be undertaken to avoid, remedy or mitigate any adverse effect on the environment, and the extent to which offsetting or compensation ~~or mitigation~~, if any, is proposed by the applicant."

Decision Requested: 13.12

Submitter 19 RF&B

Support clause (8) – need to include schedule of bird nesting areas

Relief sought:

Retain

13.3 Specific Information Requirements

13.3.2 Structures

Decision Requested: 13.13

Submitter 1, 8 BCG, INTAF

'13.3.2 Structures

6. A description of the activities, including lighting (if applicable), to be carried out in relation to the structure when it is complete.'

It is important to try and keep the night sky within the CMA dark. This means ensuring that light only radiates downward, and that a suitable cap is situated on top to prevent leakage of light to the night sky.

Decision Requested: 13.14

Submitter 3 DOC

Support - the information required to be supplied by the applicant is appropriate for resource management purposes and consistent with the RMA in particular Schedule 4.

Relief sought:

Retain as notified.

Decision Requested: 13.15

Submitter 19 RF&B

Effects of structure in river beds should also include information on potential effects on bird nesting

Relief sought:

11.d) include bird nesting

Decision Requested: 13.16

Submitter 25 WDC

13.3.2 specifically states that applications for structures will not necessarily require engineering design when the works relate to a "small-scale, single, residential-size property", are not located adjoining a hazard area, outstanding landscape or natural area, and "has minimal potential for erosion effects at the end of the wall".

This is not supported as it is not considered efficient resource management to have structures encouraged for single properties, and it is highly likely that these works will have more likelihood of end effects due to the focus being on protecting one specific property rather than alter an erosion process at a wider location. It is also questioned how plan users will implement part c) and determine when there is "minimal potential for erosion effects at either end of the wall".

As a land owner and infrastructure owner within the CMA and the coastal environment, the District Council would expect that any assessment of a coastal protection structure includes an assessment to ensure that the structure is adequately constructed, and that it will not create effects on our property. As a potential protection works constructor ourselves, we would not construct protection works without undertaking this assessment ourselves anyway, to ensure the efficiency of our structures. It is not considered overly onerous to require this work to be undertaken.

The statement within the section 32 that "*Activities that have no or low risk of causing or exacerbating a coastal hazard do not have to pay the extra cost of having an independent assessment done by a coastal geotechnical hazard expert*" is not accepted. The effects of single residential property protection works require assessment to ensure that adjoining land is not affected, or if development should occur in that location at all, if the location is subject to hazard risk over the long term.

If end effects are created by protection works that have not been designed, it shifts the costs to the adjoining landowners, who then must obtain advice and potentially construct their own protection works. These effects may have been due to a design fault that could have been addressed during the design of the original works and the end effects avoided.

Relief sought:

Remove reference to engineering design not being required for small scale protection works.

Provide further information as to how protection works can be designed to create 'minimal' end effects and insert this detail into section 13.3.2, or remove this statement.

Decision Requested: 13.17

Submitter 19 RF&B

Effects of structure in river beds should also include information on potential effects on bird nesting

Relief sought:

11.(d) include bird nesting

13.3.3 Disturbance of the Foreshore and Seabed**Decision Requested: 13.18**

Submitter 1, 8 BCG, INTAF

Comment on 13.3.3 (10): The original wording sounds too much like the spread of weeds is desirable.

Relief sought:

"13.3.3 Disturbance of the Foreshore and Seabed

For reclamations:

7) effects on amenity values and any habitat of fauna, particularly indigenous.

For removal of natural material:

6a) effects on amenity values and any habitat of fauna, particularly indigenous

For disturbance including dredging, drilling, excavating, tunnelling, and disturbance of river beds, channels, banks, mouths, estuaries, lagoons, foreshore, and seabed:

5. Measures to address effects on the stability of beds, banks, and channels of rivers and streams, stream morphology, aquatic habitats, fish spawning areas, indigenous bird habitat, and riparian vegetation in the coastal marine area, public amenity values, including access.

10. ~~Addressing~~ ~~assisting~~ Controlling the spread of pest plants.

For deposition of material:

5) effects on amenity values and any habitat of flora and fauna, particularly indigenous

6) ensure that no weeds are propagated through the activity."

Decision Requested: 13.19

Submitter 19 RF&B

For disturbance and deposition of material information requirements need to include potential effects on bird nesting

13.3.4 Vegetation planting and disturbance

Decision Requested: 13.20

Submitter 1, 8 BCG, INTAF

Too much of our public land has been cleared of original cover for pecuniary gain.

Relief sought:

"13.3.4 Vegetation Planting and Disturbance

5. Measures to address potential vegetation clearance effects on ~~of~~ erosion, sedimentation, instability of river banks, beds, mouths, or channels, and effects on aquatic habitats, indigenous bird habitat, and fish spawning areas, public amenity areas and public access.

7. ~~Addressing~~ ~~assisting~~ Controlling the spread of pest plants."

Decision Requested: 13.21

Submitter 4 ELWEP

I strongly support this clause.

Recognition of the ecological values of wetlands and indigenous vegetation in the CMA is welcome, overdue and assists in giving effect to the Part II requirement of the RMA.

Decision Requested: 13.22

Submitter 19 RF&B

Why do they need to do an assessment of ecological significant for wetlands if there is already a schedule in the Land and water plan?

Relief sought:

Amend clause 7

"Avoiding ~~Addressing~~ ~~assisting~~ the spread of pest plants."

13.3.5 Discharges

Decision Requested: 13.23

Submitter 1, 8 BCG, INTAF

"contingency" is too vague. **Are you meaning something like a back-up plan?**

Relief sought:

"13.3.5 Discharges

5. An assessment of the current uses of the proposed area of discharge and the anticipated effect of the discharge on

those uses, including effects on cultural and natural values.

6. Operational and management procedures, including ~~contingency provisions~~ back-up plans, maintenance programmes, and for accidental discharges."

13.3.6 Taking, Use, Damming, Diversion

Decision Requested: 13.24

Submitter 1, 8 BCG, INTAF

Relief sought:

"13.3.6 Taking, Use, Damming, Diversion

4. An assessment of the effects of the activity on biodiversity values, the movement of water, sediment, and adjacent land.

9) effects on natural, cultural and amenity values."

13.3.7 Noise

Decision Requested: 13.25

Submitter 1, 8 BCG, INTAF

Relief sought:

"13.3.7 Noise

2. Measures to avoid, (as a first priority) remedy, or mitigate adverse effects of excessive noise, including on biodiversity and public amenity values."

Decision Requested: 13.26

Submitter 2 CPHWC

Sub-clause 1: CPH supports the proposal in part but with amendments to terminology.

Corrections to terminology are required for reasons stated in other parts of this submission above and with reference to differentiating underwater noise assessment from environmental sound and replacing background noise levels with other more appropriate terminology. These provisions are presumably not intended to apply to underwater sound. "Excessive" noise is addressed in specific provisions of the Act and is not relevant to the information requirements of proposed section 13 where it is the "reasonableness" of noise in the context of s.16 of the Act which is the key issue to be addressed.

Relief sought:

Retain the provision in part and amend as follows:

- A. In the sub-clause heading add after "noise" "(not underwater noise)"
- B. In sub-clause 1. delete "level of"
- C. In sub-clause 1. replace "generated by" with "of"
- D. In sub-clause 1. replace "background noise levels" with "other sounds in the environment."

Decision Requested: 13.27

Submitter 2 CPHWC

Sub-clause 2: CPH supports the proposal in part but with amendment.

In the proposed section about information, reference to "excessive" noise is misleading and the key reference to "unreasonable" noise has been omitted. Excessive noise is not a consideration under information requirements.

Relief sought:

Retain the provision in part and amend as follows:

Replace the term "excessive" with "unreasonable"

Decision Requested: 13.28

Submitter 19 RF&B

Should include provision of information on sensitive sites, such as residential properties, bird nesting habitat and

mammals etc. adjacent to the activities/likely to be affected by the activity

Relief sought:

Add provision as suggested

13.3.8 New Information Requirements

Decision Requested: 13.29

Submitter

1, 8

BCG, INTAF

Relief sought:

"13.3.8 Lighting

There needs to be information supplied on the adverse effects of any lighting on fauna and the night sky in and adjacent to the CMA in relation to the activity and how any adverse effects may be avoided."

14. FINANCIAL CONTRIBUTIONS

Decision Requested: 14.1

Submitter 1, 8 BCG, INTAF

As well as describing what a financial contribution is, it needs to be explained as to who (meaning person, company, authority) will spend that money, and who will do the work involved.

Decision Requested: 14.2

Submitter 1, 8 BCG, INTAF

A positive social or economic effect cannot offset any adverse environmental effect on biodiversity.

Relief sought:

"14.4 Matters to be Considered for Financial Contribution

3. The extent to which any positive effects directly offset any adverse effects;"

Decision Requested: 14.3

Submitter 3 DOC

Support - this section is appropriate to manage the those adverse effects that cannot be avoided remedied or mitigated. Bonds may also be required to manage adverse effects. For example abandonment of structures.

Relief sought:

Retain as notified.

Decision Requested: 14.4

Submitter 19 RF&B

14.3.5: This is inconsistent with NZCPS. You can't require a financial contribution where and activity is meant to have been avoided?

Relief sought:

Delete

Decision Requested: 14.5

Submitter 25 WDC

It is noted that the current provisions of the Resource Management Act Reform Bill 2015 remove the ability of Council to impose financial contributions. If this provision remains within the Resource Management Act, despite the submission from the West Coast Region, then this entire section will require amendment.

Relief sought:

Consider alternative methods to address matters within section 14 if the proposed Resource Management Reform Bill is approved. Continue to opposed the removal of financial contributions through the submission on behalf of West Coast Councils.

15. MONITORING AND REVIEW

Decision Requested: 15.1

Submitter 3 DOC

Support - monitoring and review is required to manage the natural and physical resources and will assist in future coastal plan reviews.

Relief sought:

Retain as notified.

15.1 Introduction

Decision Requested: 15.2

Submitter 4 ELWEP

I oppose this clause.

The excuse of inadequate funding to carry out proper monitoring to assess the effectiveness of the plan and the level of compliance with consent conditions is an unacceptable dereliction of council's duty towards New Zealand. There can be little point in preparing any plan if the resources to gauge its effectiveness are not in place. Either sufficient funds are raised through rates or central government must be required to make good the shortfall.

Decision Requested: 15.3

Submitter 19 RF&B

The more permissive the plan is the more council needs to provide for monitoring

Methods should be included within this plan setting out what the council needs to monitor to ensure requirements of permitted activities are complied with and whether cumulative effects are occurring. This will provide a sound basis on which to provide for permitted activities within the CMA. And will guide council in prioritising monitoring funding in the Annual Plan to achieve the objectives and policies of this Plan.

Relief sought:

Add additional requirement to monitor the effects of activities

Decision Requested: 15.4

Submitter 24 WCPT

Proper monitoring to assess the effectiveness of the plan and the level of compliance with consent conditions is a reasonable expectation of the WCRC's duty. There can be little point in preparing any plan if the resources to gauge its effectiveness are not in place. Sufficient funds need to be collected and budgeted through both rates and 'user pays' charges.

Relief sought:

The Trust requests that monitoring (chapter 15) is undertaken as necessary and that the words "*subject to the funding available*" are removed from 15.1.

15.2 Elements to be monitored

Decision Requested: 15.5

Submitter 1, 8 BCG, INTAF

'15.2 Elements to be monitored'

Comment: There needs to be an expansion of monitoring of contact recreation areas to include at least some north of Westport.

Decision Requested: 15.6

Submitter 4 ELWEP

Vegetation removal or planting in the CMA is likely to affect the ecology of the areas where it takes place. Compliance

with Part II of the RMA must require monitoring of activities involving the removal or planting of vegetation.

Relief sought:

I request that "All statuses of activity involving the removal of planting or vegetation" be added to the elements to be monitored under this heading.

16. GLOSSARY

Decision Requested: 16.1

Submitter 1, 8 BCG, INTAF

Relief sought:

Riverbed "Bank" needs a definition or at least cross-reference to other regional plans that define it.

Highest level refers to the highest water level that can occur *in a lake* without the lake water exceeding its margin.

"**Margin**" also needs to be defined.

Decision Requested: 16.2

Submitter 1, 8 BCG, INTAF

Relief sought:

Sand, shingle, stones, the upper stone size limit needs to be defined.

Decision Requested: 16.3

Submitter 1, 8 BCG, INTAF

Relief sought:

"Wet bed, for the purposes of Rule 16 for driftwood removal, means that part of a riverbed in the coastal marine area which is covered by water either permanently or intermittently/ diurnally by tidal processes."

Decision Requested: 16.4

Submitter 3 DOC

Support in part - the Glossary is essential to assist in the Plan's interpretation. It is therefore supported with the following amendment:

- Coastal environment should make reference to NZCPS Policy 1.

Relief sought:

Retain as notified with the following amendment:

"Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character (See also Policy 1 NZCPS)."

Decision Requested: 16.5

Submitter 3 DOC

Support in part - the Glossary is essential to assist in the Plan's interpretation. It is therefore supported with the following amendment:

- Regionally significant infrastructure should include Power station generating more than 10MW. A 1MW station is small and for local small scale use.

Relief sought:

"Regionally significant infrastructure means:

i. facilities for the generation of more than 10 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;"
(include ii-ix as notified).

Decision Requested: 16.6

Submitter 6 GDC

Support in part. The West Coast Wilderness Trail should be added to "**Regionally Significant Infrastructure**" definition. Reasons, funded through Government and Local Authority Funding plus others. Recognised by Ministry of Tourism as a nationally significant NZ Cycle Trail and promoted internationally. Is located along the immediate coastal area in places.

Relief sought:

Include the West Coast Wilderness Trail in the list of regionally significant infrastructure.

Decision Requested: 16.7

Submitter 10 KIWIR

Support. KiwiRail support the "alteration" definition proposed.

Relief sought:

Retain as notified.

Decision Requested: 16.8

Submitter 10 KIWIR

Support. The definition proposed for "maintenance" is supported.

Relief sought:

Retain as notified.

Decision Requested: 16.9

Submitter 10 KIWIR

Support. KiwiRail support that the definition proposed for "Regionally Significant Infrastructure", particularly point iii, includes the rail network.

Relief sought:

Retain as notified.

Decision Requested: 16.10

Submitter 25 WDC

The definition of Mean High Water Spring as "the average line of spring high tide" is a variable measure. The definition does not include a time period over which the average is to be taken, or whether alternative methods such as the landward vegetation line, or the toe of any protection works, often also used to define Mean High Water Spring can be used. The current definition does not allow a landowner to readily define where Mean High Water Spring is within the Coastal Environment. A further detailed definition, or an amended definition of the landward extent of the coastal environment, should be utilised to ensure that the boundary of the CMA can be clearly located and understood.

Relief sought:

Liaise with Territorial Authorities, Department of Conservation and coastal management specialists to provide either a further detailed definition of Mean High Water Spring, or an alternative definition of the landward extent of the CMA.

Decision Requested: 16.11

Submitter 26 WESTP

The definition for regionally significant infrastructure is generally supported as set out in the glossary, with the exception of the following. Whilst the definition is supported to assist with the interpretation of the Proposed Regional Coastal Plan 2016 it is noted with reference to the definition of "Regionally Significant Infrastructure" that the network of assets and infrastructure owned and/or operated by Westpower are not defined as regionally significant infrastructure for the purpose of the Proposed RPS 2015. It is further noted that other than reference to the National Grid and associated infrastructure there is no reference to electricity distribution and transmission networks within the region, except in relation to generation facilities supplying electricity distribution and transmission networks.

Westpower submits that the electricity supply and distribution network which it owns and/or operates is regionally significant infrastructure. This therefore needs to be provided for in the definition of "Regionally Significant Infrastructure" as it services a significant proportion of the West Coast region, crosses territorial authority boundaries, and benefits the communities it serves in that regard by allowing them to provide for their social, economic and cultural wellbeing. It is also important to note that Westpower is a 100% community-owned company, which again ensures that the benefits of generation, supply and distribution are to the West Coast communities it serves.

The network of assets and infrastructure owned and/or operated by Westpower is located across a significant portion of the West Coast and supplies in the order of 13,300 consumers. In terms of that infrastructure, and to supply some

context in terms of regional significance to West Coast communities, the network as at 2015 covers approximately 18,017 square kilometres from Lyell in the north to Paringa in South Westland and consists of; 2169 circuit kilometres of lines and cables, 19 zone substations and 2424 distribution substations. From a regional policy and planning perspective that network crosses territorial authority boundaries between Westland, Grey and Buller Districts.

As discussed above Westpower had taken the opportunity to become involved with electricity generation for the benefit of the community it serves and, through a joint venture, owns and operates a 7.6MW hydro scheme on the Amethyst River near Hari Hari. Based on the current definition of "*Regionally Significant Infrastructure*" the scheme and supporting infrastructure to supply the generated electricity to the electricity and distribution network would meet the definition but the electricity distribution and transmission network being supplied would not.

To ensure holistic management of the network owned and/or operated by Westpower across the region, and to recognise the benefit to a range of communities on the West Coast in enabling them to provide for their social, economic and cultural wellbeing, it is important that the regional significance of the network is provided for in the definition of "*Regionally Significant Infrastructure*".

Relief sought: Amend the definition of "*Regionally Significant Infrastructure*" to read,

"Regionally Significant Infrastructure means:....

x) Westpower owned and/or operated electricity supply, transmission and distribution networks and including all associated assets, lines and cables, infrastructure, substations, systems and works for the purpose of supply and conveyance of electricity."

Decision Requested: 16.12

Submitter

26

WESTP

The term infrastructure arises a number of times throughout the proposed plan, as does regionally significant infrastructure. It does not seem that network utilities are mentioned. It is presumed that reference to infrastructure includes these other descriptions but is unclear whether any other activities are included in the term "*infrastructure*". A definition of infrastructure should be included which clearly sets out that it includes regionally significant infrastructure and network utilities and all associated works and activities.

Relief sought:

Amend the Glossary to add a new definition of "*Infrastructure*" to read,

"Infrastructure means: regionally significant infrastructure and network utilities and all associated works and activities."

Alternatively change the term infrastructure to, or add, regionally significant infrastructure and network utilities at each instance the term arises.

NEW DEFINITIONS

Decision Requested: 16.13

Submitter

2

CPHWC

The Plan is a public document and its provisions have the potential to affect individuals, communities and the environment. In order to make it more understandable to the ordinary person, explanations of terms such as adverse, positive, minor and significant effects be should be included in the glossary.

Many policies and decisions within the Plan are based on these descriptors. While some of these terms are defined in the Act itself, it would be useful to include an explanation of these terms, with examples where relevant, within the Plan document to make it easier for those unfamiliar with the details of the Act to understand.

Relief sought:

Amend the Glossary to include explanations of the following terms:

- Adverse effects
- Positive effects
- Minor effects
- Significant effects
- Significant community benefit

Decision Requested: 16.14

Submitter 3 DOC

Relief sought:

Include the following new definition:

"**Raw sewage** is sewage that has not undergone any chemical or biological changes prior to disposal. Raw sewage may have undergone some solids separation in a storage facility such as a pond or sump."

Decision Requested: 16.15

Submitter 3 DOC

Relief sought:

Include the following new definition:

"**Untreated agricultural effluent** is agricultural effluent that has not undergone any chemical or biological changes prior to disposal. Untreated effluent may have undergone some solids separation in a storage facility such as a pond or sump."

Decision Requested: 16.16

Submitter 12 NZDF

Oppose. The Proposed Coastal Plan uses the term "military exercise"; however this is not defined. It is appropriate to include a definition for the purposes of clarity.

Relief sought:

Include a new definition for "military exercise" as follows:

"any training undertaken by the New Zealand Defence Force for defence purposes (as described by section 5 of the Defence Act 1990)."

Decision Requested: 16.17

Submitter 12 NZDF

Support with amendment. NZDF supports the inclusion of strong provisions for infrastructure within the Coastal Plan. However, as the Plan is currently written it does not provide any protection for the current or any future potential defence facilities as they are not included within the definition of regionally significant infrastructure. Defence facilities are key strategic infrastructure of national and regional importance, playing a significant role in both military training and civil and/or national defence operations. They also play an important role in supporting search and rescue operations and infrastructure support capabilities (for example deployment of water purification and supply facilities as used in the aftermath of the Christchurch earthquakes).

The proposed definition modification will provide defence facilities with the policy support and protection that is appropriate given their regional and national importance.

Relief sought:

Amend the definition for "regionally significant infrastructure" to include "defence infrastructure and facilities".

SCHEDULE 1: COASTAL MARINE AREA BOUNDARIES ACROSS RIVERS

Decision Requested: S1.1

Submitter 1, 8 BCG, INTAF

These boundaries were set some time ago. They need to be reviewed in light of rising sea levels and tides moving further up rivers now. Spotted jellyfish have been identified, stranded on the Mokihinui River about 2.5km up from the rivermouth, most probably due to rising sea levels; this needs to be taken seriously enough to provide protection to the new incursions of tides up rivers.

The CMA is very close to the sea for both Grey and Hokitika Rivers. It could be extended further upriver without compromising infrastructure or economic needs.

Decision Requested: S1.2

Submitter 2 CPHWC

CPH supports the inclusion of Ingoa Tawhito (traditional place names) in Schedule 1 of the Plan. This acknowledges Poutini Ngāi Tahu's status as Mana whenua and their role as Kaitiaki of Te Tai o Poutini. It also demonstrates that Council is committed to giving effect to the provisions of sections 6(e), 7(a) and 8 of the Resource Management Act.

Relief sought:

Amend Schedule 1 by listing, where relevant, the Ingoa Tawhito before the English names.

Decision Requested: S1.3

Submitter 3 DOC

Support - the boundaries reflect the agreement between the Minister of Conservation and Local Authorities.

Relief sought:

Retain as notified.

Decision Requested: S1.4

Submitter 4 ELWEP

The reach of the Haast river from the bridge to the open sea is frequented and used by a range of seabirds for roosting, foraging, and breeding. These include, from my own observations, Red-Billed Gulls, Pied Stilts, White-Fronted Terns, Royal Spoonbills, Oystercatchers, Spur-Winged Plovers, Spotted and Black Shags and Banded Dotterels. Furthermore, the view of the river from the bridge to the sea is an iconic one enjoyed by the many visitors who cross the bridge and slow down to take in the beautiful and expansive view.

Classifying this stretch of the river downstream of the bridge will subject it to the restrictions embodied in the plan, thereby helping to ensure that it remains in an undeveloped and natural state.

Relief sought:

I request that the CMA boundary for the Haast river be moved upstream to the SH6 bridge.

Decision Requested: S1.5

Submitter 6 GDC

Support. No comments to make on this Schedule. Other than there is no list at the beginning of each District like there was in the Coastal Plan 2000 – this was helpful when looking up waterbodies and finding out the description of the CMA boundary.

Decision Requested: S1.6

Submitter 7 HERRR

In the new proposed district (means regional Coastal Plan), page 85, the diagram showing the Mahinapua Creek mouth is totally out of date and needs to be updated. Over 66% of the land area shown on this map has been already taken by the sea.

Relief sought:

Update the Map of Mahinapua Creek on page 85.

Decision Requested: S1.7**Submitter**

24

WCPT

The reach of the Haast River from the bridge to the open sea is frequented and used by a range of coastal birds for roosting, foraging and breeding, including Red-Billed Gulls, Pied Stilts, White-Fronted Terns, Royal Spoonbills, Oystercatchers, Spur-Winged Plovers, Spotted and Black Shags and Banded Dotterels.

Ensuring this area remains in an undeveloped and natural state is important for native fauna. This no doubt applies to the coastal sections of other braided rivers.

Relief sought:

The Trust requests that the CMA boundary for the Haast river be moved upstream to the SH6 bridge.

SCHEDULE 2: ECOLOGICAL CRITERIA FOR SIGNIFICANT WETLANDS

Decision Requested: S2.1

Submitter 3 DOC

Support in part - these criteria are consistent with the RMA in particular s5, 6(a) and 6(c).

Footnote 2 does not take into account the importance of foraging habitat (i.e. feeding habitat) for the species survival. For example regular foraging areas for a significant portion of the total population of birds when nesting and when dispersed from the breeding area. Such areas do not include wet pasture which will be outside the CMA.

Relief sought:

Retain as notified with the following amendment;

"²For mobile species such as kotuku, this requires some assessment of the importance of the site for the species. i.e. the intention is not to include areas where ~~these birds are foraging~~ a small portion of the total population of birds infrequently forage."

Decision Requested: S2.2

Submitter 6 GDC

Support. GDC wants to ensure that the criteria for wetlands is consistent with the Grey District Plan.

Decision Requested: S2.3

Submitter 19 RF&B

This needs to be preceded by a schedule identifying the specific sites identified in the Land and Water Plan

Relief sought:

Retain

SCHEDULE 3: SIGNIFICANT NATURAL AND HUMAN USE VALUES IN THE COASTAL MARINE AREA

Decision Requested: S3.1

Submitter

1, 8

BCG, INTAF

Schedule 3 is a valuable inventory of natural and human use values in the west coast CMA. We are pleased to read that those categories are not expected to be exclusive although this caveat ought to be reflected within the plan itself wherever schedule 3 is referred to. Policy 13 of the New Zealand Coastal Policy Statement 2010 requires councils to preserve the natural character of the coastal environment from inappropriate subdivision, use, and development and it would be useful to copy this policy to Schedule 3's preamble.

Decision Requested: S3.2

Submitter

3

DOC

Support in part. - sentences are required to integrate Schedule 3G into the Plan.

It is agreed in parts of the CMA very little information is available.

Relief sought:

Amend as follows:

"Schedule 3 identifies the significant natural and human use values of the West Coast's coastal marine area. The identification of natural and human use values in Schedules 3A, 3B, 3C, 3D, 3E, and 3F enables these values to be given appropriate protection in managing activities (see Policies 3.3.5, 3.3.6 and 3.3.7). The location of these areas is mapped in Schedule 3G. It is noted that the areas of outstanding natural character, outstanding landscapes, outstanding natural features and coastal protection areas open coast boundaries are shown on the maps. These areas may also include lagoons and river mouths as identified by their descriptions. The scheduled values reflect information available to date, and for some parts of the coastal marine area there is little information available."

Retain as notified.

Decision Requested: S3.3

Submitter

19

RF&B

This is an advice note and not relevant for a schedule.

Relief sought:

Delete

SCHEDULE 3A: CULTURALLY SIGNIFICANT AREAS

Decision Requested: S3A.1

Submitter 3 DOC

Support - the Schedules identify a range of values important to iwi.

Decision Requested: S3A.2

Submitter 6 GDC

Support. Support this schedule with no changes.

Decision Requested: S3A.3

Submitter 21 TRONT

Support in part. The introductory text for Schedule 3A should refer to Poutini Ngāi Tahu values, not Māori values. References to Poutini Ngāi Tahu values outside Schedule 3A areas also needs to be made clearer.

No values are identified in the Schedule in relation to CSA25 Popotai/Taramaka (Open Bay Islands)

Relief sought:

1. **Amend** introductory text to read as follows:

"The Culturally Significant Areas include ~~these~~ areas below the mean high water springs that are ~~considered to be~~ culturally significant to Poutini Ngāi Tahu. They include: mahinga mātaītai, tauranga waka, wāhi tapu, and wāhi taonga. Nga wāhi pounamu is also significant to Poutini Ngāi Tahu. The map in Schedule 8 shows the parts of the coastal marine area which are pounamu areas. The identification of these areas does not diminish the importance of the entire coastal marine area to Poutini Ngāi Tahu, and effects of activities on Poutini Ngāi Tahu values outside the areas identified in this schedule must also be considered. Refer to Chapter 2 for further explanation of the values important to Poutini Ngāi Tahu in the coastal marine area. The Chapter 16 Glossary has definitions for the ~~Māori~~ Poutini Ngāi Tahu values listed here."

2. Amend CSA25 Popotai/Taumaka (Open Bay Islands) to include a listing of the values applying to this area.

SCHEDULE 3B: COASTAL DEVELOPMENT AREAS

Decision Requested: S3B.1

Submitter 3 DOC

Support - these areas have either existing development, or there are current consents which allow significant development.

Relief sought:

Retain as notified.

Decision Requested: S3B.2

Submitter 6 GDC

Support in part. The Coastal Plan 2000 identified two CDA's in Grey District:

- CDA2 – Grey River Mouth (navigational channel for commercial port and fishing, boats, breakwaters, river protection works, navigational aid)
- CDA 5 – Rapahoe (multipurpose commercial port with recreational facility)

The Coastal Plan 2016 identifies three CDA's:

- CDA4 – Grey River
- CDA5 – Grey River Mouth (description hasn't changed from 2000 Plan)
- CDA6 – South Beach

The development area at Rapahoe must be retained. It is the only significant area along the entire West Coast where there is sufficient deep water, natural shelter from the prevailing wind and swell and proximity to existing infrastructure (state highway and rail). These attributes have been well established through a number of studies by private sector interests. While there is not known to be any current proposals, strategically for the region it is considered important that the option of a Rapahoe Port is retained for the future, as it retains the potential to provide for the region's future needs.

This is in the long term plan and the importance of the area as a potential site needs to be retained.

For Rapahoe, it is even more important if for instance the Midland Railway line was to close. It could be seen as short sighted to remove CDA5 – Rapahoe.

Rapahoe could be viable for safe anchorage for feeder ships to main deep sea ports or it could be for tourist vessels in the future.

The requirement to obtain resource consents for CDA5 (Rapahoe) will ensure Part 2 RMA matters are addressed. Additionally one of the implementation methods currently in the Grey District Plan is to "undertake investigations for future port areas such as at Cobden and Rapahoe".

Relief sought:

That the Rapahoe CDA be included in the RCP.

Decision Requested: S3B.3

Submitter 19 RF&B

This includes sites that have been identified as ONLs/Outstanding Natural Character

Relief sought:

Delete sites in ONLs/Outstanding Natural Character

Decision Requested: S3B.4

Submitter 20 SILFF

Silver Fern Farms supports the provision of Coastal development areas that recognise for existing and planned structures, facilities and associated infrastructure, in particular CDA7.

CDA7 provides for the sewage outfall pipe for the discharge of treated sewage effluent from the Hokitika sewage ponds under resource consent RC06154.

Silver Fern Farms, through its Trade Waste agreement with the Westland District Council, discharges its trade waste and domestic waste to the Hokitika Ponds.

Without the ponds and their subsequent discharge to the sea Silver Fern Farms would be unable to operate as there is no alternative treatment option for wastewater generated at the site.

Therefore Silver Fern Farms is in support of the continuing provision for the pipeline and discharge from the Hokitika ponds.

Relief sought:

Retain provision, in particular for CDA7. However, defer on specific details to the Westland District Council.

SCHEDULE 3C: COASTAL HAZARD AREAS

Decision Requested: S3C.1

Submitter 3 DOC

Support - this schedule clearly identifies areas where development is adversely affected by in particular erosion of the land by the sea. The risk to development is appropriately assessed.

Relief sought:

Retain as notified.

Decision Requested: S3C.2

Submitter 6 GDC

Support. Support this schedule with no comments, other than the following wording to Coastal Hazard Area 19 should be added:

Relief sought:

CHA19 (South Beach to Cameron's) – further wording to be added to the description of this area.

"Settlements (South Beach to Cameron's), natural resources (Paroa Wildlife Management Reserve) and roads (State highway 6, local roads) threatened by river migration, backwater effects, slope failure and wave inundation."

Decision Requested: S3C.3

Submitter 7 HERRR

I have lived close to the south side spit at Hokitika, on the inland side of Mahinupua Creek for 40 years. I would like to make a number of comments relating to the Proposed West Coast Regional Coastal Plan. Dated January 2016. I am concerned with the erosion of the south side beach area.

The sand dunes opposite my house were breached by the sea six months ago by a storm, and since then we have been trying to discourage vehicles from using this area as a point of access to the beach. Due to the damage that was done to the dunes in this area. (We have had some success with the use of signage and personal requests in stopping vehicle access in this area. But there are some who won't listen.)

This problem is NZ wide and there appears to be no will to address some of these issues. Vehicles should no longer be allowed on any sensitive foreshore area. (Unless for emergency reasons).

The erosion is being caused by a number of factors:

- Global warming
- Vehicles damaging the dunes when attempting to access the beach.

Some of the vehicle trips down the south spit of the beach are for the purposes of removing fire wood, most are just to prove they can get there.

There is only a very narrow strip of beachfront in this area and Mahinupua creek runs parallel to the sea in this area. The North end of the south spit is eroding rapidly and threatening the white bait breeding area, ie. Mahinupua Creek estuary.

At this point Mahinupua creek is at sea level and a breach of the dunes will threaten the creek and 9 houses and change the direction of the mouth of the creek. The mouth of the creek has already been eroded back by approximately 500 metres and now runs directly into the sea, several hundred metres of the south spit road has been lost to the sea. This has made access to the beach more difficult and put more pressure on the dunes in this area.

Relief sought:

I would like to see the South spit temporarily closed to vehicles and become a walking track only, for a period of time to allow the dunes to recover. Many walkers use this area every day and closing the road for a period of time should not cause hardship to any users. Many of the walkers resent the 4 wheel drive utes and the noise of chainsaws. I don't expect anyone to put rockwork here due to cost, and Westland County have refused to maintain the road that is damaged.

Decision Requested: S3C.4**Submitter**

17

ROGMIC

I have a concern that marking the majority of the local coastline as a coastal hazard area. Will this affect future insurances and coastal development?

Decision Requested: S3C.5**Submitter**

18

ROGMIT

While there is appreciation of Coastal Hazard areas, there is little information about reducing or minimising the hazards in the zones.

The West Coast has a risk of events such as Tsunami, earthquake induced subsidence, liquefaction and therefore changes to coastal sediment balances.

These natural events have not been considered in the plan and need to be.

There has been substantial research in recent years towards the risk of natural disaster on the West Coast. The Coastal Zone is the most dynamic and vulnerable areas to change post disaster.

Relief sought:

The Council needs to provide clearer guidance for increasing resilience to coastal areas. This could include planning for what to do post disaster (management plans) and must include promotion of pre disaster resilience (development planning and hazard minimisation structures).

Decision Requested: S3C.6**Submitter**

22

WATLAN

We own two properties on south Spit Rd, Southside Hokitika and have the DOC lease on the adjacent sand spit between the sea and Mahinapua Ck.

We have been regularly visiting this area since 1978, amongst other things closely observing the coastal and river mouth erosion patterns.

Our house at 12 South Spit Rd is at high risk if the current erosion phase continues, as are our paddocks, which have already been inundated at a point where the foredune has completely eroded away.

There are other property owners and beach users who would benefit from the submissions we are making.

We would like to see the Coastal Plan being amended to achieve the following in the areas adjacent to, and north and south of our properties and lease area.

Coastal Hazard Area CHA 21**Relief sought:**

We ask that the southern boundary be extended a further 1000m south.

At present it is only extended about 500m south of Takutai Road and yet because of the northerly drift activities south of this point impact on what happens at Takutai Road and north.

Type of Coastal Hazard and Risk Priority Ranking

We would like the statement here to be amended to read:

"Parts of Hokitika, industrial land, houses, beach access, recreational areas, local roads, farmland at risk or affected by erosion. Erosion fluctuates over long time, with rapid retreat of coastline during erosion phase. Wave washover flooding and dune blowouts can occur during storms. Migration of Houhou Creek and Hokitika River mouths can cause erosion.

High: Many assets of value at risk, current management practices reasonably effective at managing erosion risk for Hokitika Township but not for the coast to the south of Hokitika River. Township now being protected with engineered seawall. South of Hokitika River vehicle access will be managed so there is only one formed and hardened access from Takutai Road to the beach and removal of all driftwood will be prohibited to aid dune formation."

Decision Requested: S3C.7**Submitter**

25

WDC

Limiting the hazard areas to end at Mean High Water Spring only significantly limits the applicability of the hazard assessment, by requiring landowners adjoining the coastal hazard areas to obtain further reports to determine if their land is entirely or partially affected over a 100 year timeframe, and therefore where to locate potential development. Policy 24 of the NZCPS requires an assessment of erosion, inundation, cumulative storm conditions, human influence, climate change and sea level rise.

The Coastal Plan specifically states that "*District Councils should also take account of the Coastal Hazard Areas and hazard risk when assessing land use and subdivision consent applications on land adjoining or close to a CHA.*" As the landward extent of these hazards is not clear, this will create a requirement for the District Council, or individual landowners to obtain technical advice on the extent of the coastal hazard in each location and on an individual consent basis, rather than having it mapped as part of a Coastal Hazard Area within the coastal environment.

It is not considered that the current plan provisions can be considered to be "risk based" as stated within the section 32 analysis, as no information is supplied on what risks are present, or the level or assessment required. It does not provide any certainty to developers as to whether their proposed development may be subject to coastal hazard risk over the long term, or the ability to make decisions about siting of buildings or infrastructure.

Relief sought:

Define the landward extent of the Coastal Hazard Areas in order to better provide for their management, and allow landowners to make informed decisions.

SCHEDULE 3D: OUTSTANDING NATURAL FEATURES AND LANDSCAPES

Decision Requested: S3D.1

Submitter 3 DOC

Support - this schedule gives effect to NZCPS Policy 15 in particular 15(d).

Relief sought:

Retain as notified.

Decision Requested: S3D.2

Submitter 6 GDC

Support. These ONL's are consistent with what is in the Grey District Plan.

Decision Requested: S3D.3

Submitter 19 RF&B

Activities in the CMA can have adverse effects on outstanding natural features and landscapes adjacent to the CMA.

Needs to include all sites identified in the S Brown report

Needs to apply to permitted activities also.

Relief sought:

Add all outstanding natural features and landscapes within or extending into the Coastal Environment as identified in the S Brown report.

Amend the text at the 4th paragraph as follows :

"Outstanding.... This Schedule provides a mechanism for recognising the existence of these values within and adjacent to the coastal marine area ~~where a proposed activity requiring resource consent may have adverse effects on the landscape values~~ to avoid adverse effects and provide protection required by Policy 15 NZCPS and consistent with s6 RMA."

SCHEDULE 3E: OUTSTANDING NATURAL CHARACTER AREAS

Decision Requested: S3E.1

Submitter 3 DOC

Support - this schedule gives effect to NZCPS Policy 13 in particular 13(1)(d).

Relief sought:

Retain as notified.

Decision Requested: S3E.2

Submitter 4 ELWEP

The Hapuka Estuary walk is recognised as one of the West Coast's premier short, easy, nature walks, and, according to noted New Zealand naturalist and seabird specialist Kerry-Jane Wilson of Charleston, in her book, "West Coast Walking, a naturalist's guide", the Hapuka estuary and associated wetlands and forest, is of "particular significance" because it is "essentially pristine", and the Hapuka river doesn't carry a sediment load. The estuary and the walk are also easily accessible to the public.

To boat up the Hapuka river and Groper creek is to experience a New Zealand as it must have been around 1840.

Relief sought:

I request that the tidal reaches of the Hapuka river and Groper creek upstream of the Haast-Jackson Bay road bridge be listed in Schedule 3E.

Decision Requested: S3E.3

Submitter 6 GDC

Support in part. The following ONL's were identified as outstanding in the Brown report but were not listed in the RCP. GDC believes that they should be included due to their outstanding characteristics and being the backdrop hills behind the CMA they are part of the Coastal Environment and are warranted protection from inappropriate subdivision, use and development under section 6 of the RMA. This would be also consistent with the Grey District Plan.

- Paparoa Foothills – this area is the backdrop to the coastal environment and therefore is part of the WCRC functions. Refer to Browns Report for reasoning.

Relief sought:

That the Paparoa Foothills as outlined in the Browns Report (2013) be added as an NCA.

Decision Requested: S3E.4

Submitter 15 PERKI

This assessment includes habitat among the bio-physical values, which is generally found to be high throughout, and if not, the area is likely to be used for roosting, foraging and breeding by a variety of native birds. For C49, Cape Foulwind, night time values are not rated (nor defined), but sooty shearwaters (*Puffinus grius*) nest there and they as well as blue penguins arrive and depart during the hours of darkness. For the record, C or NCA 50, Wall Island, is home to an important colony of seabirds including fairy prions, sooty shearwaters, red-billed gulls, white fronted terns and blue penguins; it is the largest West Coast seabird colony between Cook Strait and Fiordland.

It makes sense to join areas assessed as High to the neighbouring areas assessed as Outstanding where contiguous for the purposes of assigning NCA status and protection, and extending seawards where appropriate. Although the assessment conducted by Brown NZ Ltd is useful and well presented, it may be that the assessors are unaware of some local wildlife as noted here.

Relief sought:

I would like Schedule 3E be revised to include all those natural character areas considered to be High and Outstanding by Brown NZ Ltd.

Decision Requested: S3E.5**Submitter**

19

RF&B

Activities in the CMA can have adverse effects on outstanding natural character areas adjacent to the CMA.

Relief sought:

Add all outstanding natural character and areas within or extending into the Coastal Environment.

Amend the text at the 4th paragraph as follows :

"Outstanding... This Schedule provides a mechanism for recognising the existence of these values within and adjacent to the coastal marine area ~~where a proposed activity requiring resource consent may have adverse effects on the landscape values~~ to avoid adverse effects and provide preservation of these values as required by Policy 13 NZCPS and consistent with s6 RMA."

Decision Requested: S3E.6**Submitter**

24

WCPT

This assessment includes habitat among the bio-physical values, which is generally found to be high throughout, and if not, e.g for C15, Haast River Mouth, as we have noted above, the area is used for roosting, foraging and breeding by a variety of native birds. For C49, Cape Foulwind, night time values are not rated (nor defined), but sooty shearwaters (*Puffinus griseus*) nest there and they as well as blue penguins arrive and depart during the hours of darkness. For the record C or NCA 50, Wall Island, is home to an important colony of seabirds including fairy prions, sooty shearwaters, red-billed gulls, white-fronted terns and blue penguins; it is the largest West Coast seabird colony between Cook Strait and Fiordland.

It makes sense to join areas assessed as High to the neighbouring areas assessed as Outstanding where contiguous for the purposes of assigning NCA status and protection, and extending seawards where appropriate. Although the assessment conducted by Brown NZ Ltd is useful and well presented, it may be that the assessors are unaware of some local wildlife as noted here.

The Trust assumes that, where areas of natural character are identified that do not extend into the CMA, for example C40, Paparoa Foothills, (location of Westland petrel colonies) they will be identified by District Councils in relation to their plans and by the WCRC in relation to the Land and Water Plan and accorded the appropriate level of protection.

Relief sought:

The Trust requests that Schedule 3E be revised to include all those natural character areas considered to be High and Outstanding by Brown NZ Ltd.

SCHEDULE 3F: COASTAL RECREATION AREAS

Decision Requested: S3F.1

Submitter 1, 8 BCG, INTAF

The Mokihiui River mouth/ lagoon needs to be included, also Granity (especially in the vicinity of the rocks just offshore of the town area), Fairdown (lovely swimming beach due to gentle roller waves).

Decision Requested: S3F.2

Submitter 3 DOC

Support in part - some of the coastal recreation areas include parts of marine reserves where fishing is a prohibited activity.

Relief sought:

Retain as notified with the following amendments:

CRA.1 Heaphy Track Walking; Fishing *outside of Kahurangi Marine Reserve*

CRA19 Ship Creek Walking; Fishing *outside of Tauparikākā Marine Reserve*

Decision Requested: S3F.3

Submitter 6 GDC

Support in part. The main CRA that must be added is the West Coast Wilderness Trail. The path itself won't be within the CMA however it is likely to be an interface issue as people will use the pathway as a way of accessing the beach, there will be associated buildings and facilities and maybe future sea protection works will be necessary to protect the pathway. Trail exists between Blaketown and Saltwater Creek (New River) Lagoon. Then along the edge of SH6, then cuts back out near the mouth of the Taramakau River, then back to the Taramakau Bridge.

Relief sought:

That the West Coast Wilderness Trail be added as a CRA.

Decision Requested: S3F.4

Submitter 4 ELWEP

Haast Beach and Haast River mouth are popular areas for surfing, bird watching, fishing and walking, as well as the river mouth being an important and popular whitebaiting location.

Relief sought:

I request that the Haast river mouth and Haast Beach be listed in Schedule 3F.

SCHEDULE 3G: MAPS SHOWING AREAS LISTED IN SCHEDULES 3A-3F**Decision Requested: S3G.1*****Submitter***

3

DOC

Support in Part. These maps identify a range of values found on the West Coast. As identified in the submission above coastal protection areas are missing.

Relief sought:

Retain the maps as notified and amend to include the new coastal protection areas (refer to Decision Requested X).

SCHEDULE 4: STATUTORY ACKNOWLEDGEMENT AREAS IN THE COASTAL MARINE AREA

Decision Requested: S4.1

Submitter 3 DOC

Support - consistent with Ngai Tahu Claims Settlement Act 1998.

Relief sought:

Retain as notified.

Decision Requested: S4.2

Submitter 21 TRONT

Support. We support inclusion of information about the effect of Statutory Acknowledgement Areas in Resource Management Act processes.

Our reasons are:

We support specific incorporation of Statutory Acknowledgement Areas in Schedule 3A and recognition of these areas in policies and rules. This will help to give effect to the intent of the Ngāi Tahu Claims Settlement Act 1998. We also support recognition of other wāhi taonga, wāhi tapu and tauranga waka and areas that have important mahinga kai values.

Relief sought:

Retain Schedule 4.

SCHEDULE 5: MANAGEMENT OF WHITEBAIT STANDS

Decision Requested: S5.1

Submitter 1, 8 BCG, INTAF

The rules need to actually be adhered to, too many whitebait stands are left throughout the year along west coast rivers. Some of these stands are getting quite ostentatious as they get added to through the years. There should be greater financial penalties for breaches of these conditions.

Decision Requested: S5.2

Submitter 3 DOC

Support - consistent with RMA in particular Parts 2- s6(a) and (c), gives effect to NZCPS 2010 in particular Policy 11(b)(ii), and the Whitebait Fishing (West Coast) Regulations 1994.

Relief sought:

Retain as notified.

SCHEDULE 6: INANGA (WHITEBAIT) SPAWNING SITES IN THE COASTAL MARINE AREA

Decision Requested: S6.1

Submitter 1, 8 BCG, INTAF

It needs to be noted that if any spawning sites are discovered they need to be reported and then formally protected; and potential sites need to be protected also. Also, those sites need to be protected through the year, not just at spawning time.

Decision Requested: S6.2

Submitter 3 DOC

Support - consistent with RMA in particular Parts 2- s6(a) and (c), gives effect to NZCPS 2010 in particular Policy 11(b)(ii), and the Whitebait Fishing (West Coast) Regulations 1994.

Relief sought:

Retain as notified.

Decision Requested: S6.3

Submitter 4 ELWEP

1.) The tidal reaches of the Hapuka river and Groper creek are sites where whitebaiting has been prohibited by the Department of Conservation (DOC), and are also recognised as culturally significant *mahinga kai* area CSA 24 in Schedule 3A. It follows that the Hapuka river and Groper creek are, within their tidal reaches, whitebait spawning sites. Crikey creek is also a site where whitebaiting is prohibited by DOC. It follows, that it too must also be a whitebait spawning site of some significance.

Relief sought:

I request that the Hapuka estuary, Hapuka river, Groper creek and Crikey creek and its associated wetland and dune lake, be listed in Schedule 6.

Decision Requested: S6.4

Submitter 4 ELWEP

Whitebait spawn on riparian vegetation, mainly rushes and sedges, throughout the tidal reaches of their spawning sites. Whitebait are no longer as plentiful as they were, and full protection of their entire spawning sites is essential if their numbers are not to decline further.

Bearing this in mind **I seek** that the CMA include the entire tidal reaches of Schedule 6 whitebait spawning sites throughout the West Coast CMA.

Relief sought:

I request that the tidal reaches of all Schedule 6 whitebait spawning sites be included as integral parts of those sites.

SCHEDULE 7: INSHORE MOORING AREA IN JACKSON BAY PERMITTED BY RULE 8**Decision Requested: S7.1*****Submitter***

3

DOC

Support - identification of a mooring area simplifies plan administration.

Relief sought:

Retain as notified.

SCHEDULE 8: POUNAMU ACCIDENTAL DISCOVERY PROTOCOL

Decision Requested: S8.1

Submitter 3 DOC

Support - consistent with Pounamu Resource Management Plan Te Rununga o Ngai Tahu 2002.

Relief sought:

Retain as notified.

Decision Requested: S8.2

Submitter 21 TRONT

Support. We support inclusion of information about protocols to be followed if pounamu is discovered.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act ("RMA").

Relief sought:

Retain Schedule 8.

SCHEDULE 9: OUTLETS PERMITTED TO BE OPENED UNDER RULE 19

Decision Requested: S9.1

Submitter 1, 8 BCG, INTAF

Some outlets are being opened in breach of regional plans and rules, where they are being classed as drains but have one or more natural inlets or have been so altered through the years that their natural profiles have been lost and can only have their roots traced through historic maps. Nevertheless such waterways are by definition natural and should be treated thus. One outstanding instance of an historic stream with natural inlets being treated as a drain whose outlet is manually kept open (and proliferating weeds in an otherwise natural area) is in the Mokihinui marine area.

Decision Requested: S9.2

Submitter 3 DOC

Support. Opening of river mouths in a way which allows natural processes to operate is supported.

Relief sought:

Retain as notified.

Decision Requested: S9.3

Submitter 6 GDC

Support in part. Add in the following watercourses – previously not identified until the time the West Coast Wilderness Trail was constructed.

Relief sought:

Add the following watercourses to Schedule 9:

"Westroads Yard (Flower Street Area)

Suburbs League Grounds 2X (one on northern boundary, one on South) (Miro Street Area)

Watsons Creek

Southern end of Domain Terrace (North of Karoro Waste Water Treatment Plant)

Mill Creek

Jacks Road 2X (one by Jacks Road near camping ground and one opposite Equip Yard)

Clough Road

New River emergency outlet."

SCHEDULE 10: SHELLFISH GATHERING AREAS AND STANDARDS

Decision Requested: S10.1

Submitter 1, 8 BCG, INTAF

In general there should be no change from natural conditions at such sites, including those of temperature, faecal coliforms and trace element concentrations.

Decision Requested: S10.2

Submitter 3 DOC

Support in part. The identification of shellfish gathering areas is supported as it is consistent with RMA in particular Part 2 including s6(e). However a microbial standard should be included to enable shellfish to be taken for human consumption. The MfE guidelines for microbiological water quality are a possible standard.

Within the Westland National Park, waters in the CMA in Three Mile and Five Mile Lagoon should be natural state reflecting s4 National Parks Act 1980.

Relief sought:

Amend as follows:

Retain existing water quality standard and include a new standard:

"Schedule 10 Water quality standards for shellfish gathering areas and natural state waters

Shellfish Gathering Area

The median faecal coliform content of samples taken over a shellfish-gathering season shall not exceed a Most Probable Number (MPN) of 14/100 mL, and not more than 10% of samples should exceed an MPN of 43/100 mL (using a five-tube decimal dilution test).

These guidelines should be applied in conjunction with a sanitary survey. There may be situations where bacteriological levels suggest that waters are safe, but a sanitary survey may indicate that there is an unacceptable level of risk.

New Standard - Natural State

Waters within the coastal marine area within National Parks shall be maintained in their natural state."

Decision Requested: S10.3

Submitter 13 NZS

NZ Steel does not support the limits set for zinc as there is no demonstrated evidence of environmental effects or baseline data relating to zinc concentrations. Therefore, there is no demonstrated need for the limit.

Relief sought:

NZ Steel requests removal of references to zinc limits. If the limit is to remain, it should be specified in the wording where this limit is to be applied, *i.e.* in receiving waters, coastal waters?

Decision Requested: S10.4

Submitter 13 NZS

Relief sought:

There are currently two Schedule 10s in this document, one on page 169 and the other on page 170. This requires amendment and references updated in Section 8.3.3 accordingly.

Decision Requested: S10.5

Submitter 21 TRONT

Support. Shellfish beds are important mahinga kai resources. The ability to access and use mahinga kai resources is fundamental to maintaining the identity and culture of Poutini Ngāi Tahu. We support their identification and setting of water quality standards to ensure the health of the resource.

Relief sought:

Retain Schedule 10.

NEW SCHEDULES

Decision Requested: NS.1

Submitter

3

DOC

The operative West Coast Regional Coastal Plan has Coastal Protection Areas and identified a number of habitats for marine mammals and birds where uninterrupted access across the foreshore is required. These schedules have been omitted. A new schedule is proposed which identifies areas to give effect to NZCPS in particular Policy 11(a)(iii), (iv), (v) and (vi). These areas include marine reserves and land managed as part of Westland National Park. A second schedule identifies indigenous biodiversity and their habitats where unimpeded access is required in particular across the foreshore. This provision assists in maintaining indigenous biodiversity (s30(1)(ga) RMA).

Relief sought:

Include a new Schedule:

NEW SCHEDULE 3G COASTAL PROTECTION AREAS

The Coastal Protection Areas includes those areas below the line of mean high water spring that are considered to be of regional, national or international importance in terms of their ecological features. Values found adjacent to the coastal marine area that could be adversely affected by activities are also identified. For example dune or shingle beach ridge communities. If there are also outstanding landscapes or natural features or high or outstanding natural character values or scenic values in these areas these are also identified.

Most estuarine areas along the West Coast's coast have been included in the Coastal Protection Area because they are particularly valuable in terms of their biological productivity, diversity and significance of indigenous fauna and indigenous vegetation particularly wetlands. These estuaries are a significant habitat of indigenous fauna, in particular the whitebait species (an iconic West Coast recreational fishery recognised nationally) and feeding areas for diverse range of waders and water fowl. Iconic species such as kotuku white heron disperse from their nesting area adjacent to Waitangiroto River to feed on the fauna of other West Coast estuaries. Significant commercial fishing species on the West Coast include sand flounders that as juveniles migrate into estuaries until they are two years old. They then migrate offshore to spawn, before returning.

In undertaking coastal management within or adjacent to any Coastal Protection Area, priority will be given to avoiding adverse effects on values associated with the area.

The criteria that were used to select the Coastal Protection Areas are:

New Zealand Coastal Policy Statement 2010 objectives and policies in particular:

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policy 11 Indigenous biological diversity

To protect indigenous biological diversity in the coastal environment:

a. avoid adverse effects of activities on:

- i. indigenous taxa⁷ that are listed as threatened⁸ or at risk in the New Zealand Threat Classification System lists;

- ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
- iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare²;
- iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
- v. areas containing nationally significant examples of indigenous community types; and
- vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - v. habitats, including areas and routes, important to migratory species; and
 - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Areas Values within the coastal marine area

CPA.1 Kahurangi Marine Reserve

Marine Reserve: Between Wekakura Point and Crayfish Point and out to five kilometres offshore. It excludes the Heaphy river bed that is in the coastal marine area.

It is a representative example of northern West Coast marine ecosystems which generally adjoins Kahurangi National Park. It contains eight habitat types which are representative examples of intertidal sands, boulder and bed rock habitats, extensive shallow subtidal sand habitats and rock reef habitats and deepwater sand and mud habitats. On the sand habitats are tuatua, tauki /Hakiari (surf clams) and kuhakuha /purimu (including a West Coast endemic *Maetra murshsoni* and Waikaka/pupu (Mudsnail)). Reefs have bull kelp and agar seaweed (*Pterocladia lucida*) and are a significant habitat of a diverse reef fish fauna including northern coastal reef fish. Hector dolphins are found in the near shore zone.

Plants found on the fore dunes and strandline immediately adjacent to the coast marine area include sand tussocks *Poa billardi* (declining), pingao *Ficinia sprialis* (declining), sand coprosma *Coprosma acerosa* (declining) and New Zealand spinach *Tetragonia tetragonoides* (declining). Coastal cress *Lepidium flexicaule* (nationally vulnerable) and native sow thistle *Sonchus kirkii* (declining) are found on cliffs including their base. Toe slopes plants include *Carex littoralis* (declining) and poroporo *Solanum aviculare* var *aviculare* (declining).

It is part of an area of outstanding natural character and an outstanding natural feature and landscape that includes the adjacent Kahurangi National Park.

CPA 2 Oparara Estuary

Oparara Estuary is a tidal river mouth with open lagoon which has important estuarine wetland ecosystem with high natural ecosystem values. Tidal flats, channels, saltmarsh and naturally rare coastal turfs on the margins provide a diversity of habitats for estuarine flora and invertebrates.

There is habitat for indigenous fish (in particular whitebait species such as inanga, banded kokopu and koaro), including spawning, feeding and migration.

Oparara is an important habitat for wetland and coastal birds on the West Coast. High numbers of waterfowl and waders use the estuary as a feeding habitat. Roosting and nesting of water fowl and indigenous waders occurs in the area adjacent to the coastal marine area. In summer migratory waders such as godwits and turnstone are present.

CPA 3 Karamea/Otumahana Estuary

Karamea / Otumahana Estuary is a large dynamic estuary that is a tidal river mouth with open lagoon. Until at least 2007 Karamea Otumahana Estuary was notable as a composite system which had two mouths – a large double estuary enclosed by sand spits and barrier island(s). Subsequently longshore drift of sand to the North has closed the Otumahana Estuary mouth. The new mouth is highly mobile and reflects the surf and the Karamea River battle for dominance. Within this nationally important estuary are wetland ecosystems sequences from salt marsh to freshwater wetlands. Several of the wetlands are protected under the Conservation Act 1987. These wetlands have a diverse flora including *Carex litorosa* – (declining). Channels, tidal flats, and salt marsh provide a diversity of habitats for estuarine flora and invertebrates including cockles and pipis. It is the southernmost limit for bubble shell (a snail) and the glasswort (a salt marsh plant). It is a significant habitat for indigenous fish (e.g. inanga, koaro giant kokopu and shortjaw kokopu (nationally vulnerable)), especially for spawning, feeding and migration. Estuary is a significant habitat for wetland and coastal birds. It has high diversity (forty species) and high numbers of waterfowl and waders. White herons (nationally critical) use this estuary for feeding after breeding. Roosting and nesting occurs in the area

adjacent to the coastal marine area. High natural character values.

CPA 4 Little Wanganui Head and River

Little Wanganui Head and River is an important unrestricted tidal river mouth with a wetland ecosystem with high natural ecosystem values. Tidal flats, channels and saltmarsh provide a diversity of habitats for estuarine and coastal flora including eel grass beds and invertebrates. Habitat for indigenous fish (e.g. inanga, giant kokopu, banded kokopu), including spawning, feeding and migration. Habitat for wetland and coastal birds, including variable oystercatchers (at risk).

Roosting and nesting occurs in the area adjacent to the coastal marine area. Limestone shore platform is a fossil site of regional significance. Extensive mussel beds are also present. The headland and mouth are part of an outstanding natural landscape.

CPA 5 Orowaiti Lagoon

Orowaiti Lagoon is a tidal lagoon with elongate planform often called an estuary. It is an important estuarine wetland ecosystem with high natural ecosystem values. Channels with pipi beds, tidal flats with cockle and eel grass beds and beds of *Macra tristis* (southern limit), saltmarsh and herbfields provide a diversity of habitats for estuarine flora and invertebrates. Flora includes *Sonchus kirkii* (declining – damp banks), *Myriophyllum robustum* (declining – wetlands), *Lepidium flexicaule* (nationally endangered – coastal turf). Significant habitat for indigenous fish (eg inanga, Shortjaw kokopu (nationally vulnerable), banded kokopu), including spawning, feeding and migration. Important habitats for wetland and coastal birds. High numbers of waterfowl and waders feed within the estuary. Roosting and nesting occurs in the area adjacent to the coastal marine area. Lagoon has natural character and scenic values. Part of the estuary is a scenic reserve.

New CPA Cape Foulwind and offshore islands

The rocky shores and reefs around Cape Foulwind and Tauranga Bay and offshore at Black and Gibson's Reefs, Three Steeples and Wall Island are good examples of northern West Coast rocky coastal habitats, being significantly influenced by wave exposure and sedimentation (typically turbid waters and sand scour). This creates a distinctive environment for species that are adapted to such dynamic conditions – filter-feeding invertebrates (e.g. mussels and bryozoans), robust seaweeds (e.g. bull kelp, coralline algae) and grazing molluscs (e.g. limpets, paua). Greater biological diversity is found on offshore reefs where there is less sand scour and a greater depth range. The coastal reef fish population of moderate diversity (27 species) and seaweeds communities are typical of the northern West Coast. Both mainland species of bull kelp are abundant in the Cape Foulwind area.

A significant population of Hector's dolphins is found in this area.

Breeding, roosting and foraging area for coastal birds:(including southern white fronted terns (at risk), spotted shags (not threatened), sooty shearwaters (at risk), little blue penguins (at risk) which require unimpeded access to and across foreshore, fairy prion (at risk).

Area is breeding site for New Zealand fur seal. On shore there are two recreational reserves with walkways to facilitate viewing of these marine mammals.

CPA 6 Okari Lagoon

Okari Lagoon is an important tidal lagoon with elongate planform that has a wetland ecosystem with high natural ecosystem values. Tidal flats, channels and saltmarsh habitats provide a diversity of habitats for estuarine flora and invertebrates. Extensive cockle, pipi and other shellfish beds are present. Habitat for indigenous fish (eg inanga, Shortjaw kokopu (nationally vulnerable), banded kokopu), including spawning, feeding and migration. A significant habitat for wetland and coastal birds including high numbers of waterfowl and waders. Significant numbers of variable oystercatcher (at risk) and banded dotterel (nationally vulnerable) are found primarily feeding at Okari. Roosting and nesting occurs in the area adjacent to the coastal marine area. High natural character and scenic values. The western part of the estuary and its spit is land managed by the Department including Okari Spit Scenic Reserve, Okari Lagoon marginal strip and Conservation Area. Okari Lagoon is a Ngai Tahu Statutory Acknowledgement Area.

CPA 7 Seal Island to Perpendicular Point to Dolomite Point and Punakaiki Marine Reserve and recreational fishing areas

The coastline from Seal Island to Perpendicular Point is a NZ fur seal haul out. Unimpeded access to and across the foreshore is required.

Breeding and roosting area for coastal birds (including little blue penguins (at risk) which require unimpeded access across foreshore, white fronted terns (at risk), spotted shags (not threatened, largest colony in NZ), sooty shearwaters (at risk), fairy prions (at risk), banded dotterels (nationally vulnerable) which feed on foreshore and nest above Mean High Water Spring.

Up to one nautical mile offshore this area is used as a foraging area for seabirds including white fronted tern (at risk) and fairy prions (at risk).

The Punakaiki Marine Reserve and the adjacent recreational fishing areas around the Punakaiki Area are dominated by the outstanding natural feature and landscape of Dolomite Point and its Putai Blowhole, part of Paparoa National Park. A walkway enables visitors to view this blowhole. The natural parts of the coastal environment also have outstanding natural character. The marine reserve extends approximately two nautical offshore. It is a representative area of the northern West Coast with six habitat types of a wide open coast rocky and gravel shores with offshore bull kelp forests habitat. Sand habitats contain surf clams and worms. Fisheries present include gurnard and dogfish.

Westland petrels (at risk) fly over the marine reserve to access their nesting area primarily in the Te Ara Taiko Nature Reserve and Paparoa National Park (including the Westland Petrel Specially Protected Area).

CPA 8 Greigs to Nine Mile Bluff

Important rocky shore ecosystem with high nature ecosystem values. Habitat for coastal flora and invertebrates (including shellfish) and wildlife. Shore platform is a geological site of regional significance. Outstanding natural feature and landscape and has high to outstanding natural character values.

CPA 9 New River / Kaimata Saltwater River Lagoon Paroa

This intermittent opening beach stream mouth with a riverine ribbon lagoon is of regional significance. It has a wetlands protected in part as the Paroa Wildlife Management Reserve. It is a significant habitat of water fowl. Marsh birds are also present

It is a habitat for indigenous fish (eg inanga, koaro, banded kokopu and shortjaw kokopu (nationally vulnerable)), especially for spawning, feeding and migration. Longfin and shortfin eels, lamprey and common smelt, torrentfish and blue gill bullies are also present. It has high natural character.

CPA 10 Mahinapua Creek / Tūwharewhare

The most seaward portion of Mahināpua Creek/Tūwharewhare is within the coastal marine area. This tidal creek flows from Lake Mahinapua (a statutory acknowledgement area). It is a habitat for indigenous fish (e.g. inanga, banded kokopu), including spawning, feeding and migration. It is closed to whitebait fishing.

It is a good example of an estuarine stream mouth, part of a larger composite tidal system: the Hokitika River mouth. It has high natural values and its margins remain largely in indigenous vegetation. Its marginal vegetation and adjoining swampland are ecologically important. The creek provides excellent habitat for waterfowl.

CPA 11 Totara Lagoon

Totara Lagoon is beach stream mouth and composite system including river mouth with a long riverine tidal ribbon lagoon. The lagoon is an important wetland ecosystem with high natural ecosystem values. Parts of the wetlands are included in Totara Lagoon Wildlife Management Reserve. Tidal channels, flats and marginal vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. It is a habitat for indigenous fish (eg inanga, banded kokopu and koaro), including spawning, feeding and migration. It is a habitat for eels.

Water fowl, waders and marsh birds feed in the lagoon. Roosting and nesting occurs in the area adjacent to the coastal marine area.

It has high natural character values.

CPA 12 Saltwater Lagoon

Saltwater Lagoon is one of the very rare New Zealand lagoon system where the opening and closing is entirely natural. When closed, it is a freshwater lagoon enclosed by a barrier beach. When open it becomes an estuarine tidal lagoon. A wetland ecosystem with high natural ecosystem values including *Deschampsia cespitosa* (at risk). Tidal flats, channels, open water, salt marsh and rocky shore habitats provide a diversity of habitats for estuarine and coastal flora and invertebrates. Habitat for indigenous fish, (e.g. inanga), including for spawning, feeding and migration. Habitat for wetland and coastal birds, including a high number of water fowl and waders, especially for feeding.

Roosting and nesting occurs in the area adjacent to the coastal marine area. Outstanding landscape and natural character values. It is a scenic reserve and is part of Te Wāhīpounamu South West New Zealand World Heritage Area.

It is also an educational site for South Westland Area School and lodge.

CPA 11 Okarito Lagoon

Okarito Lagoon is one of the largest intact natural coastal lagoons in New Zealand. Its mouth intermittently closes. It has a wetland ecosystem with nationally and internationally important natural ecosystem values. Tidal flats, channels, open water, saltmarsh grading into freshwater wetlands habitats provide a diversity of habitats for estuarine and coastal flora and invertebrates. Large shellfish beds of cockles and pipis. *Deschampsia cespitosa* (at risk) is present. Wetland habitat for indigenous fish (e.g. inanga), including for spawning, feeding and migration. A feeding habitat for eels. A feeding habitat for wetland and coastal birds, including high numbers of water fowl and waders. Roosting

and nesting occurs in the area adjacent to the coastal marine area. Important feeding area for kotuku (nationally critical) that nest in a nearby colony. Margins are part of Te Wāhipounamu South West New Zealand World Heritage Area.

Outstanding landscape and outstanding natural character values.

It is recognised as an important source of kaimoana for iwi such as eels - Ōkārito Mātaitai Reserve.

CPA 12 Waiau Glacier Coast Marine Reserve, Three Mile Lagoon, Five Mile Lagoon

The Waiau Glacier Coast Marine Reserve extends the protection of a natural landscape from mountains to sea, including glaciers, forests, lakes, rivers and now the marine environment. Covering 46 km² from Kohuamarua Bluff to the Omoeroa Bluff, this reserve includes natural examples of five habitat types and is a good example of the central West Coast marine ecosystems. It is one of the largest marine reserves in mainland New Zealand.

The marine reserve includes some classic features carved into the landscape by past and present glaciers, including bouldery moraine headlands, the silty and flood-prone Waiho River, gravelly beaches and muddy seabeds offshore to depths of about 25 m. Moraine bluffs of glacial origin and the gravel-bed river mouth of the Waiho River also feature. The marine reserve adjoins natural coastlines and catchments primarily within Westland Tai Poutini National Park, Te Wāhipounamu South West New Zealand World Heritage Area. Within Westland National Park and part of the coastal marine area is Three Mile and Five Mile Lagoons.

Three Mile Lagoon is an important estuarine wetland ecosystem with high nature ecosystem values. Tidal flats, channels, open water and saltmarsh provide a diversity of habitats for estuarine flora and invertebrates. Habitat for indigenous fish (eg inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl and birds, including high numbers of waterfowl and waders, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.

Further South is Five Mile Lagoon and important ribbon lagoon wetland ecosystem with high nature ecosystem values. Tidal flats, channels and marginal vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. Habitat for indigenous fish (eg inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl, waders and marsh birds, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.

The area has outstanding landscape and outstanding natural character values.

CPA13 Tauparikākā Marine Reserve and within 1 nautical mile of the Reserve

The Tauparikākā Marine Reserve is the smallest marine reserve in New Zealand at just 17 hectares. It includes the tidal river mouth and lagoon and beach foreshore at Ship Creek. The site includes natural examples of three habitat types and it is a good example of the southern West Coast coastal ecosystems. From Tauperikaka Point to near the southern lookout on the Ship Creek Dune Lake walk, the Tauparikākā Marine Reserve adjoins natural coastlines and catchments within Te Wāhipounamu South West New Zealand World Heritage Area and the Tauparikākā Mātaitai Reserve.

The reserve is typical of southern sandy beaches, and includes the stream mouth of Ship Creek and shore habitats reaching out to depths of about 5 m. It lies within a narrow inner shelf zone, inshore of deeply incised submarine canyons.

Tutumairekurai/Hector's dolphins are commonly seen surfing the waves in the reserve, just metres off the shore. Seabirds such as fairy prions muttonbirds feed in this area.

Outstanding natural landscape and outstanding natural character values.

CPA 14 Open Bay Islands

Important rocky Island shore ecosystem with high nature ecosystem values. Habitat for coastal and marine flora, invertebrates, fish and wildlife (including NZ fur seals).

Breeding and roosting area for coastal birds (including Fiordland crested penguins (nationally endangered), little blue penguins (at risk) which both species require unimpeded access to and across the foreshore, spotted shags (not threatened), sooty shearwaters (at risk), fairy prions (at risk) and variable oyster catchers). One of two islands for Open Bay Islands skink and only island for Open Bay Islands gecko.

CPA 13 Cascade River Mouth

An important tidal river mouth with lagoon wetland ecosystem with high natural ecosystem values. Tidal flats, channels and marginal indigenous vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. Habitat for indigenous fish (e.g. inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl, waders and marsh birds, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.

Outstanding natural landscape and has outstanding natural character values. It is the only substantial river mouth dune system and longest spit in southernmost Westland and northernmost Fiordland. One of the few beaches in this largely unmodified region that is not interspersed with rocky reefs.

The river mouth is part of the Cascade Conservation Area and part of the expansive Te Wāhipounamu South West New Zealand World Heritage Area.

CPA 15 Hautai Marine Reserve

The Hautai Marine Reserve showcases the wilderness and beauty of the southern parts of the West Coast. The reserve covers about 8.5 km² from near Longridge Point south to the Hackett River and includes boulder and sandy marine habitats out to more than 30 m depth. Beyond this lies a zone of deeply incised submarine canyons. The area is home to wildlife such as kekeno/New Zealand fur seals and tawaki/Fiordland crested penguins.

The Hautai Marine Reserve is a good example of the southern West Coast marine ecosystems, and adjoins natural coastlines and catchments that are part of the expansive Te Wāhipounamu South West New Zealand World Heritage Area. The reserve extends the protection of natural environments to places beyond the waves.

SCHEDULE 3: CROSS BOUNDARY AREAS

3.1 Marine Mammal, Bird and Reptile Sites Above Mean High Water Springs

The identification of sites important for marine mammal and birds above the line of mean high water spring provides a mechanism for recognising the existence of these values in the coastal environment and to recognise the importance of unimpeded access to these sites across the near shore coastal waters and foreshore for these species when they are present. In undertaking activities within or adjacent to any Marine Mammal and Bird Site, priority will be given to avoiding, adverse effects of activities on indigenous taxa that are listed as threatened or at risk or avoiding, remedying or mitigating adverse effects on values associated with the area.

For example penguins such as Fiordland crested penguins (nationally endangered) are very susceptible to activities which cause disturbance which can stop birds accessing nests or result in birds abandoning nests. Activities in the adjacent coastal waters or on the foreshore can adversely affect this species habitats and their breeding success. When considering activities in these areas it is strongly recommended that the Department of Conservation is consulted with and any permissions under other Acts applied for.

MMB 1 Toropuahi to Wekakura Point

A large NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore to breeding and haul out site is required.

MMB 2 Kongahu Point

NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore to breeding and haul out site required.

MMB 3 Granity shoreline

Undescribed taxa of Speckled skink (nationally critical), but is genetically distinct and different. Genetics being investigated at the moment. Habitat includes upper foreshore.

MMB 4 North End of Nine Mile Beach(Buller)

Little Blue Penguin (at risk) nesting site. Unimpeded access to and across foreshore required.

MMB 5 Charleston

Little Blue Penguin (at risk) nesting site. Unimpeded access to and across foreshore required.

MMB 6 South of Deep Creek

NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore required.

MMB 7 Cobden Beach

Good site for Speckled skink (at risk). Habitat includes upper foreshore.

MMB 8 Point Elizabeth, including Shaq Rock and Big Rock

NZ Fur Seal rookery (breeding and haul out site). Access across foreshore.

MMB 9 Chesterfield shoreline

Undescribed taxa of Speckled skink, but is genetically distinct and different. Paper to be completed shortly. Threat status is "Taxonomically distinct: Critically endangered"

MMB 10 Wanganui Bluff

NZ Fur Seal haul out site. Unimpeded access to and across foreshore to haul out site is required.

MMB 11 Abut Head

NZ Fur Seal winter haul out site. Unimpeded access to and across foreshore required.

MMB 12 Okarito Bluffs

NZ Fur Seal haul out site. Unimpeded access to and across foreshore required.

MMB 13 Galway Point to Gillespies Point

NZ Fur Seal winter haul out site. Unimpeded access to and across foreshore required.

MMB 14 Heretaniwha Point

Breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore is required.

MMB 15 Buttress Point

Nesting site for Fiordland crested penguins (nationally endangered). Access to and across foreshore required..

MMB 16 Hanata Island

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 17 Tititira Head

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 18 Awataikato Point

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore to the nesting sites is required.

MMB 19 Abbey Rocks

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore required.

MMB 21 Otumotu Point

Breeding, roosting and moulting area for Fiordland crested penguins. Unimpeded access to and across foreshore required.

MMB 22 Murphy Beach Breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore required.

MMB 23 Arnott Point

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 24 Seal Point

Nesting site for Fiordland crested penguins. Unimpeded access to and across foreshore required.

MMB 25 Jackson Head

A major breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access across foreshore and adjacent coastal water required.

MMB 26 Stafford Bay to Cascade Point

Nesting site for Fiordland crested penguins (nationally endangered). Also, there is a large NZ fur seal rookery at Cascade Point. Unimpeded access to and across the foreshore required.

MMB 27 Halfway Bluff

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across the foreshore required.

MMB 28 Cascade Bay to Gorge River

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across the foreshore required.

MMB 29 Browne Island

NZ fur seal haul out site. Unimpeded access to and across the foreshore required.

MMB 30 Gorge River to Awarua Point

Nesting site for Fiordland crested penguins (nationally endangered).

Decision Requested: NS.2***Submitter***

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RF&B

The plan is deficient in that it does not have the wetland schedules in the LWRP and does not carry through Schedule 3.1 in the existing Coastal Plan.

Relief sought:

Include the Wetland schedules from the Land and Water Plan as this includes wetlands within and adjacent to the CMA.

Add Schedule 3.1 from the currently operative plan to identify of bird and mammal. Ensure that a condition is added to permitted rules to restrict access and disturbance of these areas during breeding seasons as appropriate.

Add a new schedule identifying known sites that are significant in terms of section 6(c)

Submitter Address for Service

<p>Submitter 1. BCG</p> <p>Buller Conservation Group PO Box 463 Westport 7866</p> <p>Attention: Frida Inta</p>	<p>Submitter 2. CPHWC</p> <p>Community and Public Health P O Box 443 Greymouth 7840</p> <p>Attention: Claire Robertson</p>	<p>Submitter 3: DOC</p> <p>RMA Shared Services Department of Conservation Private Bag 4715 Christchurch Mail Centre 8140</p> <p>Attention: Ken Murray</p>
<p>Submitter 4. ELWEP</p> <p>Paul Elwell-Sutton Snapshot Creek Haast 7844</p>	<p>Submitter 5: FFNZ</p> <p>Federated Farmers of New Zealand PO Box 945 Palmerston North 4340</p> <p>Attention: Kristy McGregor</p>	<p>Submitter 6: GDC</p> <p>Grey District Council 105 Tainui Street Greymouth 7840</p> <p>Attention: Katrina Lee</p>
<p>Submitter 7: HERRR</p> <p>Richard Herring 158 Golf Links Road, RD3 Hokitika 7883</p>	<p>Submitter 8: INTAF</p> <p>Frida Inta PO Box 463 Westport 7866</p>	<p>Submitter 9: JONKRD</p> <p>B Jones & Kongahu Rating District 4300 Karamea Highway RD3 Karamea 7893</p>
<p>Submitter 10: KIWIR</p> <p>KiwiRail Holdings Limited PO Box 593 Wellington 6140</p> <p>Attention: Rebecca Beals</p>	<p>Submitter 11: ROGMIC</p> <p>Michael Rogers 7 Main Road Hector 7822</p>	<p>Submitter 12: ROGMIT</p> <p>Mitchell Rogers 7 Main Road Hector 7822</p>
<p>Submitter 13: MOUAN</p> <p>Neil Mouat</p>	<p>Submitter 14: NZDF</p> <p>New Zealand Defence Force c/o Tonkin & Taylor P O Box 2083 Wellington 6140</p> <p>Attention: Rebecca Davies, NZDF</p>	<p>Submitter 15: NZS</p> <p>New Zealand Steel Private Bag 92121 Auckland 1142</p> <p>Attention: Troy Coyle</p>
<p>Submitter 16: NZTA</p> <p>New Zealand Transport Agency PO Box 1479 Christchurch 8140</p> <p>Attention: James Coutts</p>	<p>Submitter 17: PERKI</p> <p>Inger Perkins 231 Revell Street Hokitika 7810</p>	<p>Submitter 18: REYNR</p> <p>Richard Reynolds 114 Cargill Road RD 1 Runanga 7873</p>
<p>Submitter 19: SILFF</p> <p>Silver Fern Farms P O Box 941 Dunedin 9054</p> <p>Attention: Daryn Jemmett</p>	<p>Submitter 20: RF&B</p> <p>Royal Forest and Bird Protection Society of New Zealand PO Box 2516 Christchurch 8140</p> <p>Attention: Jen Miller</p>	<p>Submitter 21: TRONT</p> <p>Te Rūnanga o Ngāi Tahu PO Box 13 046 Otautahi/Christchurch 8021</p> <p>Attention: Matthew Ross</p>
<p>Submitter 22: WATLAN</p> <p>Bruce Watson and Claudia Landis B N Watson & C L Landis Family Trust P O Box 112 Hokitika 7842</p>	<p>Submitter 23: WCCB</p> <p>West Coast Tai Poutini Conservation Board C/- Department of Conservation Private Bag 701 Hokitika 7842</p>	<p>Submitter 24: WCPT</p> <p>West Coast Penguin Trust PO Box 63 Hokitika 7842</p> <p>Attention: Inger Perkins</p>

	Attention: Board Support Officer	
Submitter 25: WDC Westland District Council Private Bag 704 Hokitika 7842 Attention: Rebecca Beaumont	Submitter 26: WESTP Westpower Limited C/- West Planning Ltd 6 Dowling Road Greymouth 7805 Attention: Martin Kennedy	