



# West Coast Proposed Regional Coastal Plan 2016

## Section 32 Evaluation Report

January 2016



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# 1. Introduction

## 1.1 Purpose of the Report

This report is the background work supporting the Proposed Regional Coastal Plan 2015 (RCP). It is intended to help readers understand how the Proposed RCP was developed and the rationale behind the objectives, policies, and rules chosen.

The report has been prepared by the West Coast Regional Council (WCRC or the Council) in conjunction with the preparation of the Proposed RCP. It documents how Council has fulfilled its section 32 responsibilities under the Resource Management Act 1991 (the Act).

## 1.2 Scope of this Report

Section 32(1) of the Act requires that the Council prepare a section 32 report for the following purposes:

- (1) *An evaluation report required under this Act must –*
  - (a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
    - (i) *Identifying other reasonably practicable options for achieving the objectives;*
    - (ii) *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *Summarising the reasons for deciding on the provisions;*
  - (c) *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*

Any assessment under subsection (1)(b)(ii) must also identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced and employment that is anticipated to be provided or reduced. If practicable, the benefits and costs are to be quantified. An assessment of the risk of acting or not acting, if there is uncertain or insufficient information about the subject matter of the provisions, is also required.

The Ministry for the Environment (MFE) has published guidance for councils on preparing section 32 evaluation reports, and the New Zealand Planning Institute (NZPI) has provided training on the matter. Relevant parts of the MFE's and the NZPI's guidance were used in the preparation of this report.

Other matters that this report addresses are outlined below:

- Detailing the process that the Council has taken to date with the development of the Proposed RCP;
- Explanation on why the Natural Hazards chapter in the current RCP has not been included in the Proposed RCP.

## 1.3 What is a Regional Coastal Plan

A RCP is a mandatory document that sets out the objectives, policies, rules, and other methods for managing the environmental effects of activities in the coastal marine area (CMA) of a region. The coastal marine area lies from the Mean High Water Spring line on the foreshore of beaches, estuaries, lagoons, and upstream of river mouths, out to the 12 nautical mile limit at sea. A RCP must 'give effect to' the direction given in a Regional Policy Statement (RPS) as the RCP sits below a RPS in the Resource Management Act planning hierarchy. District Plans must have regard to the RCP, as well as decision makers when considering resource consent applications.

## 1.4 Structure of this Report

This report has four Parts:

**Part 1** introduces the report – its purpose, scope and structure.

**Part 2** outlines the RCP review process.

**Part 3** contains the evaluation of objectives, policies, rules and other methods. There is a separate assessment against the section 32 criteria for each of the activity Chapters 3-10 in the Proposed Plan, and their respective rules. The assessment of each activity chapter and rules outlines the extent to which the objectives are the most appropriate way to achieve the purpose of the Act, and whether the policies, rules and other methods are the most appropriate way to achieve the objectives having regard to their efficiency and effectiveness and their likely benefits and costs. The risks associated with acting or not acting where there is uncertain or insufficient information are also noted where appropriate.

This report should be read in conjunction with the Proposed RCP. To assist with reading the Proposed RCP, text in the current Plan that is carried over into the Proposed Plan is shown as plain text. New text proposed to be added is shown as underlined. As a substantial amount of the operative Plan's content is proposed to be removed, a separate copy of the operative Plan has been prepared showing text to be deleted by ~~strike through~~.

## 2. RCP Review Process

### 2.1 The Current RCP

The Proposed RCP has been prepared as a result of the full review of the current Coastal Plan, which became operative on 7 February 2001. Since becoming operative, two minor Plan Changes have been made to the current RCP in relation to small-scale removal of sand, shingle, and stone, and opening of blocked river mouths causing a back-up flooding hazard. These became operative on 1 August 2004 and 16 November 2010 respectively. As a result of the new NZCPS 2010 coming into force, the Restricted Coastal Activity Rules were deleted as of 14 January 2011.

The current RCP has issues, objectives, policies, principal reasons, rules, other methods, and anticipated environmental results for each of the activity-related groups: access and occupation of space, structures, alteration of the foreshore and seabed, discharges, taking, use, damming or diversion, and exotic plants. All types of provisions were mandatory when the current RCP was first prepared. Four chapters for the management of coastal values, cross-boundary issues, noise, and natural hazards do not have rules but provide policy direction.

The Act requires each regional council to have in place a RCP for its region and requires it to be reviewed no later than 10 years after it becomes operative. Review of the current RCP commenced in December 2010. All sections of the current RCP have been reviewed in developing the Proposed RCP 2015.

In reviewing the current RCP it has become clear that there is a substantial amount of repetition. There are 29 objectives, 63 policies, 62 other methods, and 56 rules. A number of provisions duplicate each other, with an emphasis on the protection of natural values, and there are more policies in the current Plan than is necessary for the type and scale of development in the West Coast coastal marine area. Removing this duplication, and strengthening the framework to enable development while managing adverse effects, has been the objective of this review.

### 2.2 Development of the Proposed RCP

A range of factors have been considered in preparing the Proposed RCP to make it more concise, up to date, pragmatic, and user-friendly.

#### 2.2.1 CHANGES IN LEGISLATION

The Resource Management Amendment Act 2005 removed the requirement to have issues, principal reasons for adopting provisions, other methods, and anticipated environmental results in plans. These are now optional so apart from adding one new method, they are not included in the Proposed RCP as they do not add value for implementing the Plan.

The New Zealand Coastal Policy Statement (NZCPS) 1994 has been reviewed and replaced with a new version that came into effect in 2010. National policies that are relevant for the West Coast CMA are incorporated into the Proposed RCP.

Other coastal legislation was assessed for any requirements that need to be given effect to in the Proposed RCP:

- Resource Management Amendment Act 2003 requires that aquaculture activities must not be permitted in a coastal plan;
- The Marine and Coastal Area (Takutai Moana) Act 2011 Regulations provide a process for dealing with abandoned structures;
- Aquaculture Reform (Repeals and Transitional Provisions) Amendment Act 2011 removes the requirement to identify Aquaculture Management Areas in coastal plans;
- Amendments to the Marine Pollution Regulations did not require any changes to the Proposed Plan;
- The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 Regulations manage mineral and petroleum prospecting and exploration activities adjacent to the outer boundary of the CMA. The Proposed RCP provisions for offshore mineral and petroleum activities

that may straddle the CMA/Exclusive Economic Zone boundary need to take into account the Regulations.

### **2.2.2 DEVELOPMENT OF COUNCILS' OTHER PLANS AND PRACTICES**

The operative Regional Policy Statement 2000 has been reviewed, and the Proposed Regional Policy Statement (RPS) was notified for submissions on 16 March 2015. Council has developed the Proposed RPS in a new light with a focus not only on the environment but also the other three wellbeing's identified in the Act - economic, social and cultural. Any management approach taken should enable the people and communities of the West Coast to provide for their economic, social and cultural wellbeing. The policy framework in the Proposed RCP gives effect to the Proposed RPS by giving potential positive effects equal consideration to adverse effects. The Proposed RPS also directs that the main role of Regional and District Plans is to manage environmental effects at a more detailed level than the RPS, and the Proposed RCP fulfills this role.

The Regional Land and Water Plan (L&WP) has been through the RMA Schedule 1 process, and is a robust plan to use as a model for the Proposed RCP, in case these two Plans are merged in the future. Three main changes to the Proposed RCP are replicated from the L&WP:

- 1) A new natural and human use values chapter is added, similar to Chapter 3 in the L&WP; this replaces the current RCP Chapters 5, 6, and 14;
- 2) Rules for activities in rivers in the CMA are added to give consistent and integrated management where activities occur on both sides of the CMA boundary in rivers;
- 3) The Rules are placed together in one chapter for ease of use.

A number of minor wording changes are proposed to policies and rule conditions to reflect good practice in consent processing, which has improved over time.

### **2.2.3 TECHNICAL REVIEWS AND GUIDANCE**

Various organisations, companies and individuals provided technical assessments and advice for the preparation of the Proposed RCP:

- Te Rūnanga o Makaawhio and Te Rūnanga o Ngati Waewae were contracted to review the Poutini Ngāi Tahu Values chapter, and the Schedule of Culturally Significant Areas. They also assisted with the preparation of Chapter 2 Poutini Ngāi Tahu Values;
- Buller, Grey, and Westland District Councils provided coastal hazard and recreation area information, and participated in the joint landscape and natural character area identification project;
- NIWA reviewed the Coastal Hazard Areas;
- Stephen Brown Ltd, landscape architect consultant, was the successful tenderer for the landscape and natural character identification project;
- Other regional councils were contacted about their coastal plan provisions;
- This Council's Consents and Compliance staff provided information on resource use trends and issues in the CMA.

To manage the volume of information and photos from the coastal landscape and natural character area identification project, two background technical reports have been prepared to accompany the Proposed Plan. These contain further detail on the identification and assessment of coastal Outstanding Natural Landscapes, and Outstanding and High Natural Character Areas. The outstanding landscape and natural character areas are listed in Schedules 3D and 3E of the Proposed Plan, with a summary of their attributes.

NIWA have also prepared a report on their review of the Coastal Hazard Areas, and the Areas and hazard descriptions are listed in Schedule 3C of the Proposed RCP. The NIWA report does not accompany the Proposed Plan, but is available on Council's website if further detail on a particular area is required: [www.wcrc.govt.nz](http://www.wcrc.govt.nz)

#### **2.2.4 PRE-CONSULTATION**

As per clause 3 of the First Schedule of the Act, the Council undertook pre-consultation with a number of parties on the Proposed RCP. The process was a useful step in the development of the Proposed RCP to listen to what others had to say, consider their responses and then decide if the Proposed Plan required further amendment before being notified for wider submissions. A number of comments provided by parties involved in the pre-consultation resulted in amendments to the Proposed RCP.

### **2.3 Summary**

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.



### 3. Evaluation of the Objectives, Policies, Rules and Other Methods

The analysis in this section 32 report is at a general level to reflect the fact that there is a relatively low level of resource use and environmental effects in the West Coast CMA. Not every provision is assessed individually, rather, the policies and rules for a type of activity are assessed as a group. New policies and rules are explained in further detail. The analysis is commensurate with the known and anticipated impacts of the proposed provisions.

Section 32(1)(b)(i) requires identifying other reasonably practicable options for policies and methods to achieve the objectives. In most cases three options are considered: 'do nothing', retain the status quo or current provisions, or where it is no longer appropriate, consider new options. This makes the assessment straightforward as we have a reasonably clear idea of what the resource use issues are in the CMA and what provisions are appropriate. A more in-depth analysis of particular wording or more options is considered unnecessary.

Section 32(1)(b)(ii) requires that councils assess the efficiency and effectiveness of the policies and methods as the most appropriate way to achieve the objectives. The Ministry for the Environment's (MFE's) guidance explains efficiency as where a policy or method will achieve the objective (the benefit) at the least cost. Least cost can be difficult to quantify, especially in monetary terms, and we have not identified the costs of alternative policies and methods to indicate the least cost option for this section 32 evaluation. The main methods used to achieve the RCP objectives are regulatory tools of permitted rules and the consent process. Consent processing and compliance costs are mostly borne by the consent holder. While plan development and review costs are high at the initial stages of the plan development process, once implemented, the benefits of allowing resource use over a 10-15 year period are expected to outweigh these. In implementing the proposed provisions it is anticipated that there are generally more benefits than costs accruing, and that they are not expected to generate any additional significant cost. For the purposes of this assessment the proposed policies and methods are therefore considered to be efficient.

In 2013 amendments were made to section 32 of the Act adding extra criteria for analysis of changes to plans and policy statements. The main changes include:

- An assessment of the costs and benefits of environmental, economic, social and cultural effects of the implementation of provisions, including opportunities for:
  - (i) Economic growth that are anticipated to be provided or reduced;
  - (ii) Employment that are anticipated to be provided or reduced;
- If practicable, quantify benefits and costs; and
- The assessment can be at a level of detail that corresponds to the scale and significance of the effects anticipated from the proposal.

The scale of the effects of the changes does not warrant an in-depth cost-benefit analysis. The effects of the new provisions are generally considered to be limited, compared to, for example, economic impacts of land use restrictions on property rights. While there is an intent with this Proposed RCP to present a framework to encourage increased economic growth and employment whilst maintaining our environmental values, rampant growth is not anticipated as the future level of resource use in the CMA will depend significantly on market forces and demands. Due to the anticipated low level of impacts overall, none of the benefits and costs for the proposed objectives, policies and methods have been quantified.

The following tables provide the section 32 evaluation of the Objectives, Policies, Rules and Other Methods for the Proposed RCP. The evaluation follows the same Chapter order as the Proposed RCP, except that the rules for each type of activity are assessed with their respective objectives and policies.

### 3.1 Natural and Human Use Values

Section 32 provision	Evaluation
<p>(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?</p>	<p>Yes. It is appropriate for the Plan to provide for existing development in the coastal marine area (CMA), and enable opportunities for new development, hence the addition of new Objectives 3.2.1 and 3.2.2. There is currently a low level of resource use in the CMA compared to resource use on land in the West Coast Region, and in comparison to development in the coastal areas of other regions. The three ports at Westport, Greymouth, and Jackson Bay are small, servicing fishing vessels, and there is little maritime transport of bulk products to warrant growth at the ports while road and rail provide cheaper options. The sole marine farm at Jackson Bay is operating albeit on a smaller scale than what was approved. Other development in the CMA is of small to medium scale, including temporary whitebait stands, mineral and natural material extraction, erosion protection walls and infrastructure. The West Coast is reliant on the natural and physical resources of the region for its economic, social and community wellbeing, moreso than for many other regions in New Zealand. Although climatic conditions and remoteness have limited resource use and development in the West Coast CMA, there may well be opportunities for innovative development in the future. The new objectives provide for this.</p> <p>New Objectives 3.2.1 and 3.2.2 reflect the economic and social issues currently facing the West Coast. Feedback received from the community when Council consulted on the Regional Policy Statement (RPS) Discussion Document in 2013 is that the community wants economic development, diversification, and employment, and this applies equally to resource use and development in the CMA. The West Coast is currently in an economic lull and a number of our communities are facing significant hardship. Being able to utilise the resources of the CMA can contribute to people's wellbeing as identified in section 5 of the RMA.</p> <p>The two new enabling objectives implement the direction in the Proposed Resilient and Sustainable Communities and Resource Use and Development Chapters of the Proposed RPS, to provide a regulatory framework that makes opportunity for community aspirations of economic growth and employment to be achieved, while at the same time protecting environmental bottom lines. The Objectives recognise that resource management is about people as much as it is about the environment.</p> <p>Enabling economic growth is not at the expense of the environment. Three other new objectives are proposed to protect natural and iwi values from the adverse effects of use and development, and to manage coastal hazards. These objectives reflect the other key resource management</p>

Section 32 provision	Evaluation
	<p>issues facing the West Coast CMA. Most of the proposed objectives are based on the objectives in Chapter 3 of the Regional Land and Water Plan (L&amp;WP), which has been through the RMA Schedule 1 process and found to be appropriate.</p> <p>The proposed objectives also give effect to the general intent of most of the objectives in the New Zealand Coastal Policy Statement 2010 (NZCPS) without going into the same level of detail as in the NZCPS.</p> <p>The current three objectives in Chapter 5 of the operative Coastal Plan are unbalanced and inconsistent with the purpose of the Act. None of these objectives specifically enable resource use and development in the CMA. Instead they focus on protecting natural values. While enabling resource use can still be considered under section 5 of the Act, it should be clear and explicit in the Plan to ensure it is given due consideration during consent decision-making. The proposed suite of objectives in Chapter 3 is a more balanced approach and will guide decision-makers to assess consent proposals against provisions which both enable and protect. The new Objective 3.2.3 aims to protect natural values, and is more concise than having three objectives for this.</p> <p>Objectives for cross-boundary effects in Chapter 6 of the operative Coastal Plan are considered to be unnecessary as these are matters dealt with routinely in consent, and other Council, processes. The current Objective 6.3.2 has been implemented in other regional and district plans.</p> <p>New Objective 3.2.5 for managing the effects of activities on coastal hazard risk is more appropriate for achieving the purpose of the Act than the three Objectives in Chapter 14 of the operative Coastal Plan. The new Objective sets a clear outcome for managing a proposed CMA activity that may potentially cause or exacerbate a natural hazard affecting people, property, or infrastructure. In marked contrast, the current three Natural Hazard Objectives are either unclear, or are unbalanced in that they focus on protecting the natural character of coastal processes and the CMA while neglecting to provide for the protection of human values.</p> <p>The proposed objectives are considered appropriate to manage the current issues facing the CMA as they reflect the balance of providing for resource use and development while protecting environmental and cultural values. This is an approach recognised in the RMA but not provided for in the operative Plan.</p>

Section 32 provision	Evaluation
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <ul style="list-style-type: none"> <li>(i) are there other reasonably practicable options for achieving the objectives?</li> <li>(ii) are they efficient and effective to achieve the objectives?</li> <li>(iii) what are the reasons for deciding on the policies and methods?</li> </ul>	<p>Yes. The proposed policies are the most appropriate way to achieve the proposed objectives.</p> <p>(i) In the consideration of the development of the policies and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> – If no policy direction on enabling resource use and protecting significant values in the CMA is provided in the Proposed RCP, consents staff and decision-makers would have to rely on the NZCPS and the Proposed RPS. The NZCPS is a higher level document intended to give direction to the management of the CMA throughout New Zealand, and the wording of some of its policies is not wholly practicable when applied in the West Coast context. Likewise, the Proposed RPS provides high level strategic guidance for significant resource management issues in the coastal environment, and does not have, and is not intended to have, the level of detail needed to guide assessment of the effects of coastal activities requiring consent.</p> <p><u>Status quo</u> - Retaining the operative policies in Chapters 5 and 6 was not considered to be an option as most of them are focused on protecting natural values. The two operative enabling policies only apply to Coastal Development Areas, and this Schedule is incomplete. As with the current Objectives, the Chapters 5 and 6 policy framework makes for an unbalanced approach. It reflects that this is a first generation regional coastal plan written to preserve and protect the CMA against adverse effects, with little recognition of the need to also enable and encourage positive effects and look to future development in the CMA.</p> <p>Retaining the current policy framework means policy gaps are not addressed. There is no policy in the operative Plan to guide the assessment of effects on coastal natural character. The closest direction in the operative Plan is Objective 5.3.3 which simply repeats section 6 of the RMA for preserving natural character. It does not recognise that there is an abundance of natural character on the West Coast with varying degrees of modification, and that preserving natural character does not necessarily preclude appropriate development.</p> <p>The operative Coastal Plan was prepared to give effect to the NZCPS 1994 which has since been superseded by the 2010 version. Changes to policies in the latest NZCPS means that the current Plan's policy framework for enabling development and protecting significant values also needs to change.</p>

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	<p><u>Other options</u> – The main source of the proposed Chapter 3 policies are the policies in the Natural and Human Use Values chapter of the L&amp;WP, as these have been through the RMA First Schedule process and are working well. Using the L&amp;WP policies in the Proposed RCP makes these two Plans consistent in case Council wishes to combine them into one plan in the future. They also ensure that consent proposals for activities occurring both above and below the Mean High Water Spring line are assessed against the same, or similar, policies.</p> <p>The Hawkes Bay, Taranaki, and Northland Coastal Plan policies on natural and human use values were also considered in the preparation of Chapter 3. The latter two Plans are first generation plans and so reflect a high emphasis on protecting natural values with several detailed policies on each matter. The Hawkes Bay Plan is a recently operative second generation plan, and also has numerous policies for each of the RMA section 6 natural values matters. This reflects the Hawkes Bay Region's particular style of plan development. None of these Councils' policies were considered to be preferable above what is proposed for the West Coast context.</p> <p>The proposed Chapter 3 policies were assessed against the NZCPS policies to ensure that they are consistent with the national direction. The proposed Policies 3.3.1-3.3.3 give effect to Policies 6(1)(a), (6)(2)(a) and (c), and 8 of the NZCPS, which recognise that infrastructure, mineral extraction, marine renewable energy generation, and aquaculture, are important to the social, economic and cultural wellbeing of people and communities. The proposed Policies 3.3.1-3.3.3 make it clear that the positive effects of development must be given sufficient weight in the consent process, and be balanced against the natural environment principles.</p> <p>NZCPS Policy 11 requires protection of coastal indigenous biodiversity that meets certain criteria. Species or sites which meet the Policy 11 criteria and which may need protection from activities in the West Coast CMA are not listed or shown on maps in the Proposed RCP. There is too much DOC area within and adjoining the CMA to show on the Plan maps, it makes them cluttered and difficult to read. The Department has provided some information on rare and threatened species, and habitats in the West Coast CMA that meet the NZCPS Policy 11 criteria, although the threat rankings are being updated every few years and may change. One of the species currently listed in the operative Plan is not rare or threatened. It is considered more efficient to use the biodiversity information in consent processing to assess effects of CMA activities on coastal biodiversity on a case by case basis.</p>

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	<p>Schedule 2 in the Proposed Plan contains the ecological criteria for identifying significant wetlands. This is appropriate to use to assess any activities that may adversely affect a wetland as the criteria have been set by the Environment Court based on expert ecologists advice, and are taken from the Council's Land and Water Plan (L&amp;WP).</p> <p>New Policy 3.3.5 is added to address the NZCPS Policies 11, 13, and 15 requirements to avoid adverse effects on significant biodiversity and outstanding landscapes and natural character. The recent Supreme Court decision on the King Salmon case determined that the term "avoid" means avoid. This is a strong direction which potentially makes obtaining consent difficult for an activity in or near an area with these significant values. It is anticipated that this will not be unreasonably onerous on the West Coast as most of the outstanding landscapes and natural character areas are along the northern and southern parts of the coastline where there is little or no demand for development, and they are mostly in, or adjoin, conservation estate. Importantly, the Court's decision further explains that activities with minor or temporary effects may be acceptable where the significant biodiversity, landscape or natural character values can still be protected or preserved. This is consistent with the approach generally taken by Council whereby small-scale structures in the CMA have been authorised where they do not significantly impinge on landscapes or natural character.</p> <p>Protection of significant biodiversity, landscapes and natural character must be weighed up alongside the protection of regionally significant infrastructure from coastal erosion and inundation. An exception is made in Policy 3.3.5 for situations where a hazard protection structure may be needed to ensure the coastal State Highway or power lines servicing South Westland remain functioning, but the structure may have visual impacts on an adjoining outstanding landscape or natural character area, or may disturb significant indigenous species. This exception is not considered to be inconsistent with the NZCPS as policies for protection of natural values and management of coastal hazards would need to be weighed up in the consent process. Further explanation about the exception to Policy 3.3.5 is given in the section of this Report evaluating the proposed Policy 5.3.6.</p> <p>Environment Court caselaw provides specific criteria for assessing effects of consent applications on natural character, and these are the basis for the proposed Policy 3.3.8. This is appropriate for the West Coast context where there is an abundance of natural character, and not all of it is categorised as outstanding. Council contracted a landscape consultant to identify coastal outstanding natural character areas and landscapes. These areas are listed in</p>

Section 32 provision	Evaluation
	<p>Schedules 3E and 3F of the Proposed Plan. This will assist consent applicants to identify whether their proposed activity is in, or adjacent to, one of these areas, thus helping determine the level of assessment of effects needed. Policy 3.3.8 will be useful for assessing whether adverse effects on outstanding natural character areas can be avoided or are acceptable under Policy 3.3.5, and whether these effects can be avoided, remedied or mitigated on other natural character areas.</p> <p>(ii) The Chapter 3 policies are considered to be efficient and effective as they are clearly linked to the objectives and provide robust direction to consents staff when processing consent applications. The Chapter 3 provisions will be assessed along with other relevant objectives and policies from the activity chapters. The relatively small number of value-related policies is appropriate for the low level of development in the West Coast CMA, as most consent applications are small-scale and straightforward, making processing consents streamlined, and keeping costs to a minimum.</p> <p>The enabling policies give a clear message to consider the positive effects and benefits of proposed development in the CMA. The key to growth for the region is attracting resource use and development that is here for the long term. Economic growth can be leveraged from the use of natural resources in the CMA. Since the first Coastal Plan became operative the vast majority of coastal consent applications have been approved. The new enabling policies make it explicit to consider social and economic effects and the benefits associated with coastal resource use.</p> <p>Having the hierarchy of managing effects on significant and non-significant values in Policies, 3.3.5, 3.3.6, and 3.3.7 means an appropriate level of protection can be applied where the values are the highest and the potential adverse effects are the most significant. Application of the full policy framework in Chapter 3 will provide for both the human and natural components of the 'environment'.</p> <p>Providing for small-scale activities with no more than minor adverse environmental effects avoids unnecessary regulation of these activities. Policy 3.3.4 enables people to continue to undertake permitted activities in the West Coast CMA that have minimal environmental impacts.</p> <p>Poutini Ngāi Tahu's involvement in consent processing recognises and provides for their relationship, culture, and traditions with their ancestral lands, water, sites, wāhi tapu, and</p>

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	<p>other taonga. Poutini Ngāi Tahu contribute a wealth of local knowledge about the inshore CMA and sites of value to them which is useful in assessing effects in the consent process. The policy reflects current practice: Council, Te Rūnanga o Ngāi Tahu and the two West Coast Rūnanga have established procedures so that iwi participation in consent processing is efficient, and iwi views are effectively heard. Ngāi Tahu are consulted with, and kept informed of relevant matters, reflecting the fact that both West Coast iwi and Council have limited resources and so focus on being involved with, and undertaking, the core RMA functions.</p> <p>The risk-based approach taken with the new Policies 3.3.6(2) and 3.3.7(2) replaces the operative Natural Hazards Chapter 14, and is an efficient and effective way to ensure that the level of hazard management applied is appropriate to the identified risk. There is flexibility in the consent process to decide what level of assessment is needed depending on the location, degree of effects and hazard risk. 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. The reviewed Coastal Hazard Areas (CHA) are listed in Schedule 3C of the Proposed Plan with a ranking of low, medium, or high priority for hazard risk, in line with Policy 24 of the NZCPS. These risk rankings will make consent processing more efficient as they will assist with identifying what management is appropriate to achieve Objective 3.2.5 in the Plan. While Council has information on the CHA's, hazard risks may arise at new sites in the future, and erosion cycles and rates may vary. A risk management approach is practical and pragmatic for avoiding excessive restrictions on development where it is not warranted, and ensuring sufficient precautions are taken when needed. The hazard provisions provide the scope for enabling people to undertake resource use to provide for their social and economic wellbeing whilst also managing and protecting the safety of communities, property and infrastructure.</p> <p>No other methods are proposed in Chapter 3 as the consent process is the most efficient and effective means for this Council to manage resource use and protection in the CMA. Council has limited funds to undertake other non-regulatory work in the CMA, and there are few resource use pressures to warrant doing this.</p> <p>(iii) Most of the operative policies, and all operative other methods, in Chapters 5, 6, and 14 are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Policies listing sites in the Schedules duplicate the Schedules themselves;</li> <li>• Policies protecting natural values are repetitive;</li> </ul>



Section 32 provision	Evaluation
	<ul style="list-style-type: none"> <li>• The task is undertaken as routine practice in the consent process;</li> <li>• They reflect NZCPS 1994 provisions which are now obsolete;</li> <li>• The policy is unclear;</li> <li>• Marine reserves and some mataitai reserves are now approved, so the Method is out of date;</li> <li>• The Method is provided for in the RMA and does not need to be repeated in the Proposed Plan;</li> <li>• The adverse effect referred to in the Method is added to Chapter 13 Information Requirements and will be considered in the consent process;</li> <li>• The Method has been implemented in the development of other regional plans, and is outside the scope of the Proposed RCP.</li> </ul> <p>The proposed policy mix in Chapter 3 will achieve the proposed objectives by providing guidance to resource users, consents staff, and decision makers when assessing if a proposed resource use will provide for the economic, social and cultural wellbeing of people and communities while protecting natural values.</p>
<p>(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-</p> <p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p><b>Benefits</b></p> <p><u>Social and economic:</u></p> <p>The new enabling policies will provide more future <i>opportunities</i> for development in the CMA. Based on terrestrial sector contributions to Gross Regional Product (GRP) on the West Coast, mineral extraction is the most likely activity to contribute to economic benefits. If marine energy, aquaculture, or hydrocarbon production occurs in the life of this Proposed Plan, the construction, operation, and maintenance of these facilities will generate employment opportunities. Employment and income created by new activities can have flow-on effects of increased population and local spending, which in turn helps to retain health, education, welfare, retail, and other key services in the community. There may be further opportunities for new, innovative resource use that can cope with, or utilise, the climatic and physical conditions of the West Coast CMA.</p> <p>There is no guarantee that the new enabling provisions will result in significant economic growth and increased employment. The scale and rate of growth will partly depend on the costs of development, market demand and conditions, and central government policy. The new enabling provisions will at least require that the benefits of new development are recognised, subject to adverse effects being managed. Should future growth and development occur in the West Coast CMA, this may result in social and economic benefits for individual communities. Due to the</p>

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	<p>dispersed nature of the West Coast population, the establishment of a small number of new or additional resource use activities could lead to significant benefits for individual communities. Existing resource uses such as whitebait fishing, decorative stone collection, natural material removal and beach mining can continue to provide financial, cultural, and social benefits.</p> <p>The new provisions for managing effects of CMA activities on natural hazard risk will continue to help protect people and property, and reduce the risk of damage or loss of property and infrastructure, and associated costs.</p> <p><u>Environmental and cultural:</u> The objectives and policies for managing adverse environmental effects will continue to provide protection of natural and cultural values in the CMA relative to their significance. Significant and outstanding coastal biodiversity, natural character and landscapes will be retained, while allowing development where it does not detract from these values. The majority of the CMA's natural character is unlikely to significantly change as a result of the proposed provisions, due to an anticipated low increase in the level of future development.</p> <p>More knowledge about the environment of the West Coast CMA can be acquired through using its natural resources, contributing to improved management in the CMA. For example, the Jackson Bay marine farm has provided information on Hector's dolphins in this area as a result of investigations and monitoring required in the resource consent. This information would not otherwise be available.</p> <p>Poutini Ngāi Tahu may continue to gain financial, cultural and social benefits from using coastal resources, particularly in new mataitai reserves, as well as having their taonga protected from the adverse effects of resource use in the CMA.</p> <p>The benefits of managing coastal hazard risk will also accrue to Poutini Ngāi Tahu communities and their property in the coastal environment.</p> <p><b>Costs</b> <u>Social and economic:</u> Resource consent applicants will continue to be charged for consent processing. Costs will vary on a case by case basis, depending on the nature and scale of actual and potential effects. The Proposed Chapter 3 provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. The only possible exception to</p>

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	<p>this is if a further assessment of effects of a proposed activity on outstanding natural character values is required by an expert consultant to determine whether the new, restrictive Policy 3.3.5 is complied with.</p> <p><u>Environmental and cultural:</u> It is not anticipated that there will be any significant environmental costs arising from the implementation of the proposed policies, in terms of widespread or serious environmental damage. This assumes there will be a relatively low level of development in the CMA over the life of the Proposed RCP. There may be a positive benefit of additional environmental protection from future investment and development, as large-scale activities often only occur with the provision of the offsetting of environmental effects. Any increased protection, rehabilitation, or offsetting required by a consent, is an activity that is unlikely to be undertaken by any other party.</p>
(2)(b) Quantify if practicable the benefits and costs	<p>There is not expected to be any overall significant change in costs from the status quo. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified.</p> <p>It is considered not necessary as part of this section 32 evaluation to quantify the benefits and costs of implementing the proposed Policy 3.3.5. These can be difficult to estimate, especially quantifying the benefits of protecting outstanding natural character which is mostly amenity values, and weighing these against the cost of loss of development in the CMA if a consent application is declined due to it being inconsistent with Policy 3.3.5. This Policy needs to be considered alongside the enabling policies. If the need arises, quantifying such benefits and costs would be considered on a case by case basis for a particular consent proposal.</p>
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	<p>The new enabling provisions will not result in rampant, inappropriate development as they will be balanced with other provisions, so the risk of significant adverse environmental effects is low.</p> <p>It is possible that if the new enabling provisions are not included, the West Coast may miss out on new development opportunities in the CMA. Risk averseness can act as a disincentive for business growth and job creation.</p> <p>There is a risk that the cost to consent applicants of obtaining an assessment of effects on an outstanding landscape or natural character area to determine if a proposed activity meets Policy</p>

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	3.3.5 may discourage new development. However, it is expected that this risk will be low, due to the anticipated low level of development in the West Coast CMA in the future. Most new development is likely to be small-scale, and may not adversely affect these values. Once the Proposed RCP is operative, Council can monitor the implementation of Policy 3.3.5 to see if this situation arises, and whether any changes are needed.

### 3.2 Public Access and Occupation of Space

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(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?	<p>Yes. Objective 4.2.1 combines the operative Objectives 7.3.1 and 7.3.2, and reflects the fact that there has been little change in the level of public access to and along the CMA over the last 14 years. Consent granted for a large coal conveyor jetty at Granity that was to be perpendicular to the beach has not eventuated, although provision was made in the consent to retain public access either around or underneath the jetty. Perpendicular rock groyne on the Hokitika Beach to protect the area from erosion, now covered with sand, have not permanently restricted access. Consents for erosion protection walls at Punakaiki, Hokitika and Bruce Bay are designed to provide access to the beach either at the same site or nearby. It is appropriate that Objective 4.2.1 maintains the status quo, as there is no pressing need to change it, for example, to enhance public access.</p> <p>Safe public access to and along the West Coast CMA is plentiful in areas where people frequent the CMA, and this is expected to continue. Maintaining public access in the CMA will enable West Coast people and communities to continue to provide for their economic, social and cultural wellbeing. Commercial activities need access to move equipment, personnel and vehicles within the CMA. Access along the foreshore also enables a range of recreational activities such as walking, swimming, fishing, boating, or collecting beach material to be undertaken.</p> <p>Providing for the occupation of CMA space in Objective 4.2.1 is appropriate as there are few pressures on space in the West Coast CMA from resource use and development. The most common form of permanent occupation is by seawalls, which mostly lie parallel to the foreshore and are usually situated at the back of the beach against the dune or adjoining hillside. These are vitally important to protect people, property, land, and infrastructure from coastal erosion and inundation. Whitebait stands and natural material removal temporarily occupy space. Current activities requiring coastal space are all in inshore or foreshore areas, but take up a very small proportion of the total length of the West Coast CMA. Very few conflicts arise over maintaining public access and activities taking up space in the CMA.</p> <p>The new Objective 4.2.2 reflects current practice which takes a pragmatic approach to managing the effects of vehicle access in the CMA. The use of heavy vehicles and machinery in the CMA for commercial beach mining, or rock protection work, for example, can adversely affect dunes, shellfish beds, and indigenous fauna, or create a safety hazard to pedestrians on the beach. The</p>

Section 32 provision	Evaluation
	<p>new Objective makes it clear that only the effects of vehicle use associated with consented activities are managed by the Proposed RCP. Council cannot effectively manage public vehicle use in the CMA, and the current Objective 7.3.4 is therefore proposed to be deleted.</p> <p>The operative Objective 7.3.3 is also proposed to be deleted. In order to protect cultural or ecological sites from being adversely affected by public access in the CMA, a new rule would need to be added to the Proposed RCP prohibiting public access to such sites. This is not practical as it would be difficult for the Council to enforce. Additionally, Council does not have the powers to make bylaws restricting public access in the CMA under section 149 of the Local Government Act 2002. Other tools such as signage, education, and verbal direction are more effective ways to protect these values from being damaged by public access.</p> <p>The two proposed objectives are considered appropriate as they will give effect to section 6 of the RMA to maintain public access in the CMA. They also give effect to Objective 4, and Policies 6(2)(b), 18 and 20 of the NZCPS to provide for both public open space, and activities needing to locate in the CMA.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> – If no policy direction is provided in the Proposed RCP for maintaining public access, providing for occupation of space by activities, or managing effects of vehicle use in the CMA, consents staff and decision makers would have to rely on the NZCPS. However, most of the NZCPS Policy 18 and 19 provisions for providing for public open space and walking access either apply to the coastal environment above the CMA, or are non-regulatory tasks which are not core functions of the Regional Council. There are no issues with the provision of walking access in the West Coast CMA, and there is little guidance in these NZCPS policies that is relevant for consent processing. Policy 20 for controlling vehicle use is broad and could be interpreted to apply to general vehicle use, which is also not relevant for the West Coast context as explained above.</p> <p><u>Status quo</u> - Most of the operative Coastal Plan policies for access and occupation are proposed to be retained as they work well in consent processing and are appropriate to achieve the objectives. For example, the current policies ensured that access to the</p>

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	<p>foreshore was provided for with the recently constructed Hokitika seawall, as part of the resource consent requirements. Minor wording changes will make the policies clearer, up to date, and more specific.</p> <p><u>Other options</u> – Southland and Taranaki Regional Councils' Coastal Plan policies for access and occupation were considered. However, the Southland policies tend to be restrictive of exclusive occupation, reflecting a policy in the NZCPS 1994 which is not in the 2010 version. Most of the exclusive occupations in the West Coast CMA are for rock protection works, and these need to be located in the CMA. Some of the Taranaki policies are similar to the West Coast current policies, however the wording of their policies was not considered to be preferable to the proposed policies.</p> <p>The Horizons and Bay of Plenty permitted rules for occupation by temporary events were considered. However, the conditions on these other Councils' rules are unnecessary for the West Coast CMA, given the low number of events and scale of their effects here.</p> <p>(ii) Retaining most of the operative access and occupation policies and rules, subject to minor amendments, is the most efficient and effective option to meet the proposed objectives, which are also largely retained. All bar one of the proposed policies provides direction for conditions to be placed on consents to manage adverse effects of activities occupying space, or affecting public access, in the CMA.</p> <p>New Policy 4.3.4 provides clearer guidance to consents staff for assessing effects of reclamations on public access if the situation arises where the policy needs to be applied. The terms "necessary" and "practicable" in the policy provide flexibility to assess whether esplanade strips on reclamations in the CMA are needed to protect public access, as very few reclamations are sought in the CMA.</p> <p>The amendment to Policy 4.3.5 to make it applicable to vehicle use associated with a consented activity makes the policy consistent with the proposed Objective 4.2.2. It is an ineffective and inefficient use of Council's compliance resources to respond to complaints about dangerous driving or other public vehicle use in the CMA, especially where this occurs some distance away from Council's main office. Enforcement is problematic as staff cannot get to most sites in time to observe the dangerous driving or the vehicle. Public vehicle use on beaches is not a major issue on the West Coast compared to other regions with higher populations. Council has received very few complaints about it over the past 14 years.</p>

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	<p>Occupation of the CMA by whitebait stands is addressed in the proposed new controlled Rule 11 for the stands as a structure. This avoids having two separate rules for these parts of the activity. Analysis of the efficiency and effectiveness of the proposed controlled rule is the same for the occupation of space, and for whitebait stands as structures. Refer to the analysis in the section of this Report on Structures.</p> <p>No other methods for managing access and occupation of space are proposed as the consent process is the most efficient and effective means for Council to manage their effects in the CMA. There are very few access and occupation pressures to warrant other methods being utilised.</p> <p>It is considered efficient to continue Council's policy of not charging for the occupation of space in the CMA. The small number of occupations means there are few losses of public benefits, and a relatively low level of private benefits gained, giving little justification for charging a fee. This approach will continue to reduce costs to occupiers of space, and will not result in a proliferation of permanent structures taking up space. Competing interests in the permanent use of space is not an issue on the West Coast.</p> <p>(iii) Two of the operative policies and all of the operative other methods are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The policy is based on a policy in the old NZCPS 1994 which is now obsolete;</li> <li>• It is done routinely in consent processing;</li> <li>• It is provided for in the RMA and does not need to be in the Plan;</li> <li>• Not a core function of Council;</li> <li>• Out of date.</li> </ul> <p>Two of the operative rules are proposed to be amended or deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Events occupying the CMA each year do not occur in estuaries or lagoons, and any vehicle use involved is minimal;</li> <li>• The term "land of the Crown", is now obsolete since the Foreshore and Seabed Act was replaced with the Marine and Coastal Area (Takutai Moana) Act;</li> <li>• The rule was a transitional rule and is now out of date;</li> <li>• Restricted Coastal Activity status is now obsolete;</li> <li>• It is unnecessary to have two discretionary rules for the small number of occupations in</li> </ul>



Section 32 provision	Evaluation
	the CMA.
<p>(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-</p> <p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>The occupation provisions in themselves are unlikely to generate opportunities for future economic growth or employment, as most occupation of space is associated with structures or disturbance. Refer to the evaluation of the costs and benefits of the environmental, economic, social and cultural effects of the structures and disturbance provisions, including on economic growth and employment opportunities, in the next two sections of this Report. The only activity requiring occupation without these other activities is events. Given the West Coast climatic conditions it is unlikely that any future large-scale events will be regularly undertaken in the CMA that would contribute to economic growth or employment.</p>
(2)(b) Quantify if practicable the benefits and costs	<p>There is not expected to be any overall significant change in costs from the status quo. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.</p>
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	<p>Council has sufficient experience with managing effects of occupation on public access and open space in the CMA to be confident that these proposed provisions will enable appropriate future resource use and development to establish while maintaining public access and ensuring sufficient open space is available. Much of the West Coast CMA is undeveloped and unoccupied, and this is expected to largely stay the same over the next 10-15 years. In the event that occupation is sought for a new, large-scale development, the proposed provisions are considered appropriate to assess the effects.</p>

### 3.3 Structures

Section 32 provision	Evaluation
<p>(1)(a) Are the objectives the <i>most appropriate way</i> to achieve the purpose of the Act?</p>	<p>Yes. It is appropriate that the proposed new Objective 5.2.1 provides for structures in the CMA subject to managing adverse environmental effects. The new Objective is consistent with the approach taken in the Proposed RPS to enable development in the West Coast region that contributes to the economic, social, and cultural wellbeing of people and communities, while also meeting environmental outcomes.</p> <p>Most of the West Coast population is located in the coastal towns of Karamea, Westport, Greymouth and Hokitika. It is vital to the health, safety and wellbeing of these West Coast communities that existing infrastructure structures in the CMA continue to be able to be used and maintained in good working order, to service people's needs. These types of structures in the CMA include:</p> <ul style="list-style-type: none"> <li>• Training walls on the Buller and Grey Rivers;</li> <li>• Navigation aids;</li> <li>• Piles and abutments of 27 bridges on the coastal State Highway and local roads;</li> <li>• Hazard protection works to protect roads, houses, farmland and other property; and</li> <li>• Sewage and stormwater outfall pipes and culverts.</li> </ul> <p>Other existing structures in the CMA contribute to the economic and social wellbeing of the region's communities by providing income and employment. The wharf and swing moorings at Jackson Bay importantly support fishing in the southern part of the region by providing a base for commercial and recreational fishermen to offload their catches, refuel, and secure their vessels. The construction, operation, and maintenance of the Jackson Bay marine farm, and the hydro electricity generation outfall near Granity, provide work for a number of people. Whitebaiting stands afford income and a food source for those partaking in this form of fishing.</p> <p>The Proposed RCP needs to enable new structures associated with future development to be established in the West Coast CMA where this contributes to economic growth and people's wellbeing. The West Coast is currently in an economic lull and a number of our communities are facing significant hardship. The number of existing, permanent coastal structures in the Region's CMA is relatively small compared to other regions, and there is generally little or no development pressure along much of the 600km length of coastline. Between 2001 and 2006 just 17 resource consents were granted for structures in the CMA, excluding whitebait stands. From 2007 to 2014, 24 consents were granted, mostly for rock protection structures.</p>

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	<p>The proposed Objective does not imply promoting development at any cost. Consent applications lodged for structures in the CMA will be assessed against all relevant objectives and policies in the Proposed Plan, including the provisions in Chapter 3 which deal with effects on significant and other natural and human values. It is anticipated that there will be little increase in the number of new structures over the life of the Proposed Plan. The only West Coast port in the CMA is Jackson Bay (Westport and Greymouth are upstream of the CMA), and it is unlikely to expand significantly as the number of fishing boats utilising the port is limited by the size of the fishery resource. Nor is the construction of any high-rise motels, offices or restaurants on or close to the foreshore anticipated. The rough climatic conditions, strong sea currents, and exposed coastline can limit the type of structures able to be built in this area. It remains to be seen whether offshore development such as hydrocarbon production, further aquaculture, or marine renewable energy generation facilities eventuate.</p> <p>In reviewing the four operative Objectives for structures it was not considered appropriate to retain these as the status quo. Three of the Objectives are protective, reflecting the nature of first generation plans, and making the suite of objectives unbalanced in terms of the purpose of the Act. Since Chapter 3 of the Proposed RCP provides for protecting significant natural and human values, these matters do not need to be further duplicated in the Structures Chapter. Objective 8.3.3 also does not reflect the low level of development pressure from structures in the West Coast CMA, or the new direction in the Proposed RPS, which needs to be given effect to in the Proposed RCP. The fourth Objective 8.3.4 is considered unnecessary as the matter is covered by Policy 5.3.1.</p> <p>Enabling appropriate structures in the future subject to managing adverse effects will provide the balance of the Act. The proposed Objective 5.2.1 gives effect to Objective 6 of the NZCPS to enable people and communities to provide for their wellbeings.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> – If no policy direction is provided in the Proposed RCP for structures in the CMA, consents staff and decision makers would have to rely on the NZCPS. However, there is little practical guidance in the NZCPS for managing use, and effects, of structures in the West Coast CMA. Policy 6(2)(e)(i) requires that structures be made available for public or multiple</p>

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	<p>use wherever reasonable and practicable, but there are no private jetties or marinas in the West Coast CMA where public or competing use is an issue. Large-scale hazard protection structures are designed to provide public access to the CMA. The Buller and Grey River training walls and the Jackson Bay wharf have, for a long time, been accessible for the public, so the NZCPS access policies give no additional, applicable guidance. With respect to NZCPS Policy 6(2)(e)(ii), recent advice from the Ministry of Justice on removal of abandoned structures suggests that the wording of the NZCPS policy is not altogether appropriate (see the further explanation below). In relation to managing coastal hazards, implementing the NZCPS Policies 25 and 27 on the West Coast is a more complex matter than these policies suggest, and this is discussed further under section (ii). The NZCPS alone does not provide the specific guidance needed for managing structures in the West Coast CMA.</p> <p><u>Status quo</u> – Four of the current policies are carried over into the Proposed RCP as their subject matter is still relevant, and with minor amendments, the policies will achieve the new Objective. Policy 5.3.2 is retained from the operative Plan as it succinctly deals with visual impacts of structures on natural character, and reflects current practice in consent processing to add a standard condition to manage this effect. The other three policies for removal of abandoned structures, taking into account sea-level rise, and whitebait stands being consistent with Council's management policy are amended to make them legally valid, and up to date with current legislation and science.</p> <p>Only four of the structure rules are considered appropriate to retain in the Proposed Plan, with amendments, as they are still relevant. Reasons for deleting other rules are given under (iii) below. The structure rules in the operative Plan do not wholly reflect the types of structures that occur in the West Coast CMA, or in some cases are not a suitable class of activity. They are more reflective of the Otago Regional Coastal Plan, on which the current West Coast Coastal Plan was based. The Council now has more than 14 years of knowledge and experience with managing structures in the CMA, and the proposed suite of rules is tailored to practically and realistically manage structures to achieve the new Objective.</p> <p><u>Other Options</u> – Taranaki, Horizons, and Southland Coastal Plans' policies for structures were reviewed and considered, however most of their policies addressed effects on natural and human use values which are covered in Chapter 3 of the Proposed RCP. Staff were seeking concise and straightforward policies to reflect the small number of structures and issues in the West Coast CMA. Current resource consents were looked at for examples of the types of conditions being applied to manage the effects of structures, and these have formed the</p>

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	<p>basis for the new Policy 5.3.1.</p> <p>Rules for swing moorings in the Taranaki, Tasman, and Southland Coastal Plans' were considered to help draft a new permitted rule for the Jackson Bay moorings. The most relevant conditions from the other Councils' rules are incorporated into Rule 8. Maritime New Zealand were consulted about the Jackson Bay swing moorings, and they identified the mooring area shown in Schedule 7.</p> <p>Rules in the Council's Land and Water Plan (L&amp;WP) for small-scale boardwalks, culverts, fords, bridges, and monitoring equipment are replicated in the Proposed RCP. This ensures that these rules are consistent where structures occur both above and below the CMA boundary.</p> <p>Council's policy for "Management of Whitebait Stands" is also added to the Proposed RCP as Schedule 5 because it is lengthy and detailed, rather than including it in the Structures Chapter.</p> <p>(ii) Changes to the policies and rules are considered to be efficient and effective for meeting the Objective as they more accurately address current resource management issues with structures in the CMA, and reflect current practice applied when processing consents.</p> <p>In the course of preparing Regulations under the Marine and Coastal Area (Takutai Moana) Act 2011, the Ministry of Justice has identified that regional councils do not have legal powers to remove abandoned structures. These powers may be given to regional councils in the next round of RMA reforms. This would give the Council the choice of removing the structure themselves (once an internal investigation confirms the structure is abandoned), or following the inquiry process outlined in the new Regulations with subsequent vesting of the structure in the Crown if the owner cannot be located. Until legal powers to remove abandoned structures are added to the RMA, Council must use the inquiry process if an abandoned structure needs to be removed. The Policy is amended to reflect the situation. There is a low risk of incurring the costs of implementing the inquiry process as the risk of dealing with an abandoned structure is low.</p> <p>New protection structure Policy 5.3.5 gives effect to NZCPS Policy 27(1)(c) and (d), and 27(3) and (4), by recognising that hard protection structures may be the only practical option on the West Coast for protecting existing development from coastal hazards. The three main</p>

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	<p>towns, several small settlements, numerous individual residential properties, and farmland are located in the 'narrow, coastal strip' adjoining the CMA. This is where most of the region's population lives. Policy 5.3.5 will make consent processing more efficient by providing clear guidance on dealing with the issues and effects surrounding these structures. If considered necessary, further engineering assessment can be required through the consent process to ensure that the structure will deliver adequate protection while minimising environmental effects. The new Policy fills a gap as there is currently no specific guidance for protection structures in the operative Plan.</p> <p>Concerns were raised in pre-consultation feedback about the proposed protection structure policies being more enabling than the requirement in the NZCPS Policies 25(d) and 27(2)(a) to discourage hard protection structures, and reduce the need for them. Staff agree that where new coastal subdivision or land use is proposed, and the coastal hazard risk is low, alternative, preventive-type tools such as setback distances, minimum floor heights, or vegetation buffers, should be utilised in the first instance. The three West Coast District Plans have setback distances for dwellings from the CMA to avoid increasing the risk of harm from coastal hazards. The question of what is the most suitable tool to use to avoid and mitigate coastal hazards is part of the bigger picture of taking an adaptive approach to managing coastal hazard risk. This is more appropriately dealt with through other processes apart from the Proposed RCP. No amendments were considered necessary to Policy 5.3.5, however it will assist with implementing the Policy if the broader picture of adaptive coastal hazard risk management is explained, to clarify the policy approach taken. Amendments are therefore made to the Introduction of the Structures Chapter, and the Policy 5.3.5 Explanation.</p> <p>Proposed Policy 5.3.6 will be efficient for guiding decision-making on consent applications for hazard protection work in Coastal Hazard Areas (CHA's) where the structure may adversely impact adjoining significant biodiversity, landscapes or natural character areas. Policy 3.3.5, which is referred to in Policy 5.3.6, is very restrictive on activities affecting these significant values, however it is not expected that Policy 5.3.6 will result in the prolific construction of protection works as it only applies to six areas. These are where a CHA adjoins either the State Highway, or power lines in the Waikatoto Lagoon; and a site with significant biodiversity, an Outstanding Landscape, or an Outstanding Natural Character Area on the landward side of the road or power line. Policy 5.3.6 should help to avoid potentially lengthy delays and increased costs of consent processing where the restrictive nature of Policy 3.3.5 may unnecessarily require a level of assessment of effects that is not practicable when urgent hazard protection works need to be authorised.</p>

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	<p>A number of new permitted rules with conditions are proposed to be added for small-scale structures to remove the need for obtaining a resource consent. This is considered efficient as the scale of effects from these small structures is no more than minor, and does not warrant the cost and level of assessment required through the resource consent process. Adding these rules will achieve the new proposed Objective by enabling these structures while minimising adverse effects. Permitting temporary whitebait shelters, and moorings in Jackson Bay fills a gap as these structures are not currently permitted in the operative Plan.</p> <p>The current restricted discretionary status of whitebait stands (and their occupation of space) is considered unnecessary for several reasons. There is a limit on the total number of stands that are allowed, stands are temporary, and the environmental effects are well known and no more than minor. The consent applications are not notified, and no consents have been declined. The conditions are generally standard for all consents, and stands are monitored for compliance during fishing season. Controlled activity status is more efficient to streamline processing of the large number of consents, while still allowing assessment of site specific effects, mainly with relocations. It is also proposed to make whitebait stands above the CMA a controlled activity in the Land and Water Plan, to achieve consistent and integrated management of stands above and below the CMA boundary on rivers.</p> <p>As a result of Council's recent experience, and in response to pre-consultation feedback, it is proposed to add a new rule prohibiting whitebait stands in the CMA, and any associated occupation or disturbance, on all rivers other than those where stands are authorised in Schedule 5 of the Proposed RCP. The new Rule aims to avoid confusion and costly disputes over which rivers can and cannot have whitebait stands erected on them. Up until now, a consent application could be lodged for a whitebait stand as a discretionary activity on a river not listed in Council's Whitebait Management Policy. If the status quo were to continue, it would be difficult for Council to decline a consent for an individual whitebait stand as the effects are generally no more than minor. However, there is the potential for an increasing number of consent applications to be lodged, increasing the risk of potential cumulative effects from a proliferation of whitebait stands being erected on riverbanks, and creating administrative problems with processing multiple applications. The proposed prohibited rule will effectively avoid the potential for these cumulative effects to occur.</p> <p>No other methods are proposed in the Structures Chapter as the consent process is the most efficient and effective means for this Council to manage the use and effects of structures in</p>

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	<p>the West Coast CMA. Council has limited funds to undertake other non-regulatory work in the CMA, and there are few environmental pressures with structures to warrant this.</p> <p>(iii) Four of the operative policies, and all of the operative other methods, are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Buildings, hotels and restaurants needing toilets, drinking water, and rubbish disposal do not exist in the West Coast CMA, and are unlikely to in the future;</li> <li>• The Policy does not reflect the new approach taken in the Proposed RPS and Proposed RCP;</li> <li>• No new navigation aids have been erected in the last 14 years, and maintenance of existing aids is permitted by the proposed Rule 10;</li> <li>• The matter is covered by the new Chapter 3 Objective 3.2.1 and Policy 3.3.1;</li> <li>• Done routinely in consent processing;</li> <li>• Provided for in the RMA and does not need to be in the Proposed RCP;</li> <li>• The matter is covered by proposed Policy 5.3.3 for removal of structures;</li> <li>• The use of bonds is provided for in Chapter 14 of the Proposed RCP.</li> </ul> <p>Eight of the operative rules are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• There are very few maimais around coastal lagoons and estuaries now, and these can be treated as having de minimus effects;</li> <li>• Council has not processed any consents for controlled tele or radiocommunications structures or undersea cables in the last 14 years, and is highly unlikely to, given the dynamic coastal and climatic conditions;</li> <li>• Maintenance of navigation aids can be covered by a general permitted rule for maintenance of structures;</li> <li>• Permitting removal of old wharves in a port area is not relevant - the Westport and Greymouth ports are outside the CMA, and the Jackson Bay wharf is unlikely to be removed in the next 10-15 years;</li> <li>• Restricted Coastal Activity status is now obsolete;</li> <li>• It is unnecessary to have four discretionary rules for the small number of permanent structures in the CMA.</li> </ul>
(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-	The proposed structure policies and rules are unlikely to contribute significantly to a net increase in the West Coast economy. Whitebait fishing from stands is the main income earning activity involving structures in the West Coast CMA. There are limited future opportunities for increased income and employment from whitebait fishing from stands, due to the number of stands being



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<p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>capped on the rivers listed in Schedule 5 of the Proposed RCP. The cap on stand numbers was established by the Department of Conservation (DOC) several decades ago to manage fishing activities and avoid depletion of the whitebait fishery. Any increase in income or employment from fishing off a stand on a river listed in Schedule 5 of the Proposed RCP will be dependent on the fish stock that is available and caught, and the price.</p> <p>The proposed prohibited Rule 14 also limits future opportunities for income and employment from fishing off stands erected on other rivers. However, this has not been sought until recently, and it will indirectly help to protect the whitebait fishery from being over-fished in the future.</p> <p>There may be more opportunities in the future for tourism-related structures in the CMA to contribute indirectly to economic growth. For example, boardwalks or other visitor facilities can provide access to estuary and lagoon areas administered by DOC for eco-tourists, and enhance visitor experiences. However, it is unknown whether such facilities will directly result in increased visitor nights, or visitor spending. The length of visitor time spent in the region can be influenced by other factors such as the weather and travel plans.</p> <p>Any future installation of culverts, fords or bridges in coastal water in the CMA is likely to be related to farming, or infrastructure provision. Farming activities occur mostly above the CMA and so their contribution to economic growth cannot be attributed to the Proposed RCP provisions. While the construction and maintenance of infrastructure such as sewage outfalls, stormwater culverts, and bridge piles provides employment, these structures do not directly generate economic growth. They may indirectly contribute to it by providing services to make visitors' stays pleasant and comfortable, by enabling West Coast people to enjoy a healthy and safe lifestyle, and by connecting primary products to markets.</p> <p>There is ample space for further moorings to be erected within the Jackson Bay mooring area shown in Schedule 7 of the Proposed RCP if additional fishing or recreational boats wish to utilise the Bay and wharf facilities. However, as with whitebait fishing, opportunities for economic growth and employment are more likely to be influenced by other factors such as fishing quotas and stock availability rather than how many swing moorings are available, and whether resource consent is needed for them or not.</p> <p>The proposed structure policies in Chapter focus on managing specific environmental effects of structures, so the assessment of the Chapter 3 objectives and policies in this Report should also be referred to when considering opportunities for economic growth and employment.</p>

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	<p>The structure policies and rules as proposed will not reduce appropriate opportunities for economic growth and employment. It is anticipated that at a minimum, the proposed provisions will enable existing types of structures to continue in a 'business as usual' manner.</p> <p><b>Benefits</b></p> <p><u>Social and economic:</u></p> <p>Whitebait fishers using stands can continue to gain the economic and social benefits of fishing, which generally result in larger catches than by using scoop nets.</p> <p>It is anticipated that future consent applications sought for erosion protection works will be granted where no other suitable alternatives are effective, and where the effects can be managed, consistent with the proposed policy framework. In these cases, quarry and landowners can gain income from selling rock to construct coastal hazard protection walls. Resource consents will continue to require that, where possible, locally sourced rock is used to blend in with the surrounding landscape and minimise the visual impact of such structures.</p> <p>People, land, buildings and infrastructure will be kept safe from harm and damage from coastal erosion and inundation by the use of hard protection structures.</p> <p>Repairs to the coastal State Highway from storm damage can continue to be undertaken as quickly as possible to reduce delays for road users, while keeping the time and costs of consent processing to a minimum.</p> <p>Permitting the installation of culverts will help with land drainage, improving pasture quality and milk production, as well as avoiding damage and loss of income for farmers from ponding, backup, and flooding.</p> <p>Additional swing moorings can be installed at Jackson Bay within the area shown in Schedule 7 without the cost of having to obtain consent. Permitting moorings in Jackson Bay will enhance access in this part of the CMA for fishermen.</p> <p>Although monitoring equipment is seldom installed in the West Coast CMA, providing for such structures as a permitted activity subject to conditions will reduce the costs of installation, making an indirect contribution to the collection of scientific information, and ultimately benefitting our understanding of the environment.</p>

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	<p>Public safety in the vicinity of medium or larger-scale activities such as rock wall construction, gravel extraction or beach mining will be provided for by temporarily restricting access where necessary.</p> <p><u>Environmental and cultural:</u></p> <p>Public awareness and appreciation of coastal lagoons and estuaries may be heightened if additional boardwalks are erected to provide access to these areas. The proposed permitted activity status for boardwalks removes the costs of obtaining resource consent, subject to compliance with conditions.</p> <p>Permitting small-scale bridges over rivers and creeks will help to maintain or enhance water quality in the CMA. It will enable dairy cows, farm stock and vehicles to cross without going through the water, avoiding discharging animal effluent, or disturbing sediment in waterbodies.</p> <p>Installing culverts, and keeping them clear of debris, can assist with maintaining water flows and fish passage.</p> <p>The design of erosion protection walls can maintain or enhance pedestrian access to the CMA.</p> <p>It is anticipated that the economic, social, and cultural benefits gained from utilising structures in the CMA will also accrue to Poutini Ngāi Tahu.</p> <p><b>Costs</b></p> <p>The proposed structure provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Resource consent applicants will continue to be charged for processing applications. Costs will vary on a case by case basis, depending on the nature and scale of actual and potential effects. Compliance and enforcement costs will likely continue to remain low for structures having minimal environmental effects.</p> <p>Due to the regulatory protection that the Proposed RCP puts in place to manage adverse effects, it is not anticipated that there will be high environmental costs occurring through the implementation of the proposed provisions, in terms of significant loss or damage to the natural environment and human values. It is possible that there will be a positive benefit of additional environmental protection from future investment and development as large-scale activities often only occur with the provision of offsetting environmental effects.</p>

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(2)(b) Quantify if practicable the benefits and costs	Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	<p>Council has sufficient experience with managing small to medium-scale structures, and some large-scale structures, in the CMA to be confident that the Proposed RCP provisions will enable appropriate future resource use and development while managing adverse environmental effects. If a resource consent is sought for a new type of large-scale structure, the proposed provisions are considered appropriate to assess the effects and provide guidance for decision makers. Discretionary activity status allows Council to obtain an independent peer review of a consent application by someone with the relevant technical, planning, or other expertise to ensure that all effects are fully assessed. There is also an option in the RMA for Council to request that the Environmental Protection Authority process an application.</p> <p>There is some uncertainty about the extent of effects of coastal hazards in the West Coast coastal environment over the life of the Proposed RCP. However, there is insufficient justification to include in this Proposed RCP more detailed policy guidance on assessing the risk of a structure being damaged by a coastal hazard event, or causing or exacerbating a coastal hazard. The Government and other agencies have released several guidance manuals for local government on coastal hazards and climate change, including estimates of sea level rise over the next 100 years.<sup>1</sup> The Proposed RCP provisions are based on the information that is available at this time. Should further information on coastal hazards come to light or further work be needed, then these will be implemented as required.</p>

<sup>1</sup> Ministry for the Environment. May 2004. "Coastal Hazards and Climate Change: A guidance manual for local government in New Zealand".

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### 3.4 Disturbance, Extraction/Removal, Deposition, Reclamation

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(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?	<p>Yes. It is appropriate that the proposed new Objective 6.2.1 provides for disturbance activities<sup>2</sup> within the CMA, subject to managing adverse environmental effects. The new Objective is consistent with the approach taken in the Proposed RPS to enable development in the West Coast region that contributes to the economic, social, and cultural wellbeing of people and communities, while also meeting environmental outcomes.</p> <p>A number of current disturbance activities in the CMA contribute to the economic and social wellbeing of the region's communities. Gold mining, sand and gravel extraction, and the construction of hazard protection structures are the main activities generating income and employment. Removal of selected small, flat, oval stones to make ornamental retail items is a relatively new activity since the early 2000's, providing work for stone pickers and those crafting the products. Small volumes of sand and driftwood are taken for people's domestic needs.</p> <p>It is vital to the health, safety and wellbeing of West Coast communities that disturbance associated with maintaining infrastructure in the CMA can continue to be undertaken. This applies to river training walls, hazard protection structures, bridge piles and abutments, outfall pipes, and culverts. Sand, shingle, driftwood, and silt is routinely cleared, or when needed, from stormwater culverts and blocked river mouths and channels, in order to prevent or alleviate damage to adjoining land, buildings and roads.</p> <p>The Proposed RCP needs to enable new and existing disturbance activities to be established or continue to operate in the West Coast CMA. The West Coast is currently in an economic lull and several of our communities are facing significant hardship. There is generally little or no development pressure in the West Coast CMA. Enabling appropriate disturbance activities in the future subject to managing adverse effects means people and communities will benefit economically and socially, as well as benefitting from having well-maintained infrastructure.</p> <p>The proposed Objective does not imply promoting disturbance activities at any cost. Objective 6.2.1 reflects Objective 6 of the NZCPS, to enable people and communities to provide for their wellbeings "...in appropriate places and forms, and within appropriate limits;....". The proposed Objective captures the balance of the RMA.</p>

<sup>2</sup> For the purposes of this evaluation, disturbance activities includes extraction/removal, deposition, and reclamation.

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	<p>The four operative Objectives for disturbance in the CMA are not considered appropriate to retain as the status quo. Three of these are protective, reflecting the nature of first generation plans, and they make the suite of objectives unbalanced in terms of the purpose of the Act. Since Chapter 3 of the Proposed RCP provides for protecting natural and human values, these matters do not need to be duplicated in the Disturbance Chapter. Although the fourth Objective 9.3.4 enables disturbance activities, this is provided for in the proposed Policy 3.3.4 and does not need to be repeated in the Disturbance Chapter. Having four objectives is considered excessive for the number and scale of disturbance activities in the West Coast CMA and their effects. Replacing them with one new Objective 6.2.1 will achieve the balance of the Act.</p> <p>The proposed new Objective for disturbance activities in the CMA provides a cohesive and strategic direction for these types of activities. It is straightforward, easy to apply, and can be understood by resource users and decision makers.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> – If no policy direction is provided in the Proposed RCP for managing disturbance activities in the CMA, consents staff and decision makers would have to rely on the NZCPS Policy 6(1)(a) and (2)(a). These provisions recognise that mineral extraction and other uses and development are important to the social, economic and cultural wellbeing of people and communities. Other NZCPS policies provide direction on managing adverse effects that could apply to some extent to assess the effects of disturbance activities in the West Coast CMA. However, the NZCPS is a higher level document intended to give direction to the management of the CMA throughout New Zealand, and the wording of a number of the policies does not reflect the specific disturbance issues for the West Coast, or captures the social and economic issues that communities are facing.</p> <p><u>Status quo</u> – The two operative policies for managing the visual impact of disturbance on natural character, and consideration of alternatives for reclamations, are carried over into the Proposed RCP as they are still relevant, and with minor amendments the policies will achieve the new Objective 6.2.1. The remaining six policies are not considered to be appropriate to achieve the new Objective for reasons listed below under (iii). As an example, having three policies for reclamations is disproportionate to the very low number of reclamations that have</p>

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	<p>been undertaken - three in the last 14 years. This is unlikely to change in the future.</p> <p>Most of the operative permitted rules are appropriate to be retained, subject to minor amendments. These activities are still undertaken, and will continue to be in the future. Enabling them will achieve the new Objective.</p> <p>All of the operative Other Methods are proposed to be deleted for reasons explained below in (iii).</p> <p><u>Other options</u> – The proposed new policies and rules are based on several sources. Policy 26 of the NZCPS is relevant to disturbance activities in the CMA, and is reflected in new Policy 6.3.1. It is standard practice to add conditions to consents for disturbance requiring a setback distance from dunes and riverbanks, to ensure that these are not damaged or made unstable, which could potentially reduce their ability to act as a natural defence against coastal hazards. The term “man-made” is added to recognise that on the West Coast rock protection walls are in some cases the best practicable option to protect existing development from erosion or inundation.</p> <p>Some of the proposed policies are based on current good practice with consent processing. The Policy 6.3.3 clauses reflect the types of conditions that are attached to disturbance consents to set appropriate limits. New Policy 6.3.5 requiring a hazard risk assessment where necessary for proposed disturbance activities in or near a Coastal Hazard Area also reflects routine practice with processing consent applications.</p> <p>Other disturbance policies and rules are from the L&amp;WP for activities in riverbeds. This includes proposed Policy 6.3.4 for gravel extraction, and new permitted rules for debris clearance, and temporary geotechnical testing. Having the same policies and rules for these activities ensures consistency where they occur both above and below the CMA.</p> <p>Policies for disturbance in the Taranaki, Horizons, and Hawkes Bay Regional Council's Coastal Plans were reviewed and considered. Several of these other councils' policies deal with adverse effects on natural and human values, and these matters are dealt with in Chapter 3 of the West Coast Proposed RCP. There were no other provisions in these Councils' Plans that added value to the proposed Policy 6.3.3.</p> <p>The operative permitted rules for taking driftwood and small-scale beach mining have no</p>

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	<p>conditions, and Council has received a number of enquiries and complaints over the years about the scope of these activities and their effects. Conditions are therefore added to set appropriate limits to ensure that effects are no more than minor. The conditions are based on Council's experience of dealing with these activities.</p> <p>Through the pre-consultation process, Ngāi Tahu sought additional policies and non-complying rules for mining, offshore mining in particular. Staff consider that adding further policies and non-complying rules is unnecessary as the proposed policies for disturbance, in conjunction with the Chapter 3 policies and the discretionary rule, are adequate to assess potential effects of a proposed mining application on cultural values. A reference to the Chapter 3 policies is added to the Explanation of Policy 6.3.3 to make this clear. The discretionary rule provides the opportunity for Ngāi Tahu to be involved in the consent process and identify how cultural values might be adversely affected. The Chapter 13 Information Requirements section 13.3.3 for disturbance is amended to require consent applicants to provide information on aspects of offshore mining and its effects, in case consents are sought for this activity in the future. The discretionary consent process is considered to be suitable for determining whether an offshore mining proposal is appropriate and will achieve the Objective 6.2.1, or whether it will not.</p> <p>(ii) The proposed changes to the disturbance policies and rules are considered to be efficient and effective for meeting Objective 6.2.1 as they more specifically address current resource management issues with disturbance activities in the CMA, and reflect current practice with processing consents.</p> <p>Changes to the suite of policies will avoid uncertainty with processing consent applications for disturbance activities in the CMA. New Policies 6.3.3, 6.3.4, and 6.3.5, as well as the addition of information requirements for disturbance in riverbeds, channels, mouths, estuaries, lagoons, and the seabed in Chapter 13, will give resource users certainty regarding what information is required and what matters will be assessed. These matters are not spelt out in the operative Coastal Plan.</p> <p>Conditions are added to some of the permitted disturbance rules to make them more effective for avoiding damage to sand dunes. The potential for small-scale beach mining, and removal of sand, shingle, stone, and driftwood to make dunes unstable increases if these activities are undertaken near the base of the dunes. Additionally, vehicles driving over dunes to access the beach can erode the dunes. These conditions are consistent with the proposed Policy 6.3.1 to protect natural hazard defences.</p>



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	<p>The proposed permitted rule for clearing the Blackwater and Granite Creek channels in the Otumahana Estuary, and the section of the Granite Creek bed that is in the CMA upstream of the Estuary, will reduce the costs of consent processing, and will avoid flooding of adjoining land. Clearance of the Blackwater Creek channel has been carried out approximately six times in the last 19 years under a resource consent held by the local Rating District, to minimise flood damage to farmland from the buildup of sediment in the Creek channel. The Granite Creek channel and bed also needs to be cleared to reduce flooding of surrounding farmland. Sediment from an upstream slip into the Creek in 2002 has now reached the Estuary, raising the channel and bed level. This has led to elevated water levels in the Estuary causing flooding and land damage. Making these clearance activities permitted will remove the delays and costs previously experienced with renewing the consent for clearance of the Blackwater Creek channel, and applying for consent to clear the Granite Creek channel and bed. The delays were based on concerns from other parties about environmental effects, however these concerns were not substantiated. The environmental effects of the Blackwater Creek channel clearance are well known, temporary, and minor. An ecological assessment of effects of clearing the Granite Creek channel was undertaken in 2010. The assessment identified that the effects would be no more than minor. The occasional clearance of these channels covers a relatively small area at the south end of the Estuary. The conditions of the proposed permitted rule will ensure that the natural values of the Estuary ecosystem will be provided for.</p> <p>The proposed new controlled rule for disturbance and deposition of rock associated with State Highway drop out repairs fills a gap in the operative Coastal Plan, and provides certainty about the status of this activity. Under the operative Plan, the activity is discretionary by default. However, discretionary status is considered to be unnecessary, as consents for drop out repairs on the coastal State Highway often need to be granted retrospectively and promptly, for emergency work undertaken after rough weather and seas have damaged the road. The State Highway is a regionally significant piece of infrastructure, and it is vital that the road is reopened as soon as possible to restore safe traffic movement. Processing retrospective consents for emergency drop out repairs has been proven to be effective for maintaining the State Highway while managing adverse environmental effects of the work. Effects are generally well known and can be addressed by conditions on the consent. The proposed new rule is consistent with the controlled rule status for the rock protection as a structure, and its occupation of space in the CMA. It is also appropriate for an activity that will be ongoing in the future, given climate change predictions of sea level rise and storm events.</p> <p>No other methods for managing disturbance in the CMA are proposed to be added to this</p>

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	<p>section of the RCP. Council has limited resources to undertake non-regulatory work in the CMA, and there are few environmental pressures with structures to warrant this.</p> <p>(iii) Six of the operative policies, and all of the operative other methods, are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The new Policy 6.3.3 gives more specific direction on placing limits on the scale and effects of a disturbance activity;</li> <li>• Policies 9.4.2 and 9.4.3 are repetitive, and are replaced with new Policy 6.3.1, which has wording consistent with NZCPS Policy 26;</li> <li>• The policy has hardly been used and the scenario is unlikely to happen;</li> <li>• There are few alternatives available for obtaining beach materials apart from in the CMA;</li> <li>• Sea-level rise affecting reclamations would be considered under the proposed structure Policy 5.3.7;</li> <li>• Buildings, hotels and restaurants needing toilets, drinking water, and rubbish disposal do not exist in the West Coast CMA, and are unlikely to in the future;</li> <li>• Method 9.6.1.3 is replaced by Rule 18 and is now obsolete;</li> <li>• All other Methods are done routinely in consent processing.</li> </ul> <p>Nine of the operative rules are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Rules 9.5.3.1 and 9.5.3.2 duplicate each other as they both deal with clearing material from structures;</li> <li>• Restricted Coastal Activity (RCA) status is now obsolete;</li> <li>• No consent has been sought for laying submarine cables in the last 15 years. If this situation arises, the activity will be appropriately dealt with under the general discretionary rule to assess site-specific effects. Deleting Rule 9.5.3.5 is consistent with deleting the controlled Rule 8.5.1.4 for cables as structures.</li> </ul>
<p>(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-</p> <p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>The proposed disturbance policies and rules are unlikely to contribute significantly to a net increase in the West Coast economy. Gold mining, gravel extraction and selective stone removal are the main income earning activities involving disturbance in the CMA. Although the enabling provisions of the Proposed RCP will flag to potential investors that the benefits of future development will be explicitly recognised, the extent to which future activities establish is more influenced by the availability and accessibility of the resource, prices, and market demand, rather than the Plan provisions for disturbance. The proposed disturbance policies and rules focus on managing specific environmental effects of disturbance, so the assessment of the Chapter 3 objectives and policies in this Report should also be referred to when considering opportunities for</p>

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	<p>economic growth and employment.</p> <p>It could be expected that more contracting work for coastal hazard avoidance or mitigation will be needed in the future given the predictions for climate change phenomena of increased frequency and intensity of storm events. This may potentially lead to a small increase in employment of earthworks operators. Again, this will not be a direct result of implementing the Plan provisions but from external factors.</p> <p>The disturbance policies and rules as proposed will not reduce appropriate opportunities for economic growth and employment. It is anticipated that at a minimum, the proposed provisions will enable existing types of disturbance activities to continue in a 'business as usual' manner.</p> <p><b>Benefits</b></p> <p><u>Social and economic:</u></p> <p>Permitting small-scale removal of natural beach material for domestic and recreational purposes will enable people and communities to continue benefitting financially and socially. It is estimated that black sand hobby mining generates around \$250,000 per annum (pers com, P O'Sullivan, 19/2/14).</p> <p>Owners of infrastructure in the CMA, and land and buildings adjoining the CMA, will continue to be able to clear debris around structures, and clear blocked river and creek mouths without the costs and delays of obtaining consent. This will help to reduce the risk of damage to property, and the potential loss of income from flooding of farmland.</p> <p>Permitting the Blackwater and Granite Creek channels in the Otumahana Estuary to be cleared subject to compliance with the conditions will enable the risk of damage to adjoining land from flooding, and the potential loss of income to farmers, to be avoided.</p> <p>Contractors can continue to extract gravel to provide for roading and other infrastructure.</p> <p>Repairs from storm damage to the coastal State Highway can continue to be undertaken as quickly as possible to reduce delays for road users, while the time and costs of consent processing for the disturbance and deposition are kept to a minimum.</p> <p>Ongoing hazard protection work with rock structures, and debris and river mouth clearance will continue to generate employment for local earthworks contractors.</p>

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	<p><u>Environmental and cultural:</u> Restricting disturbance activities from operating in close proximity to beach dunes, and requiring that existing vehicle accesses be used, will assist with keeping the dunes stable and maintain their function as natural defences against coastal hazards.</p> <p>Managing gravel extraction in riverbeds and along the open coastline in the CMA will ensure that effects on riverbed, bank, and channel stability, and flows, are no more than minor.</p> <p>It is anticipated that the economic, social, and cultural benefits gained from activities involving disturbance in the CMA will also accrue to Poutini Ngāi Tahu.</p> <p><b>Costs</b> The proposed disturbance provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Resource consent applicants will continue to be charged for processing applications. Costs will vary on a case by case basis, depending on the nature and scale of actual and potential effects. Compliance and enforcement costs will likely continue to remain low for disturbance activities having minimal environmental effects.</p> <p>Due to the regulatory protection that the Proposed RCP puts in place to manage adverse effects, it is not anticipated that there will be high environmental costs occurring through the implementation of the proposed provisions, in terms of significant loss or damage to the natural environment and human values. It is possible that there will be a positive benefit of additional environmental protection from future investment and development as large-scale activities often only occur with the provision of offsetting environmental effects.</p>
(2)(b) Quantify if practicable the benefits and costs	There is not expected to be any significant change in costs from the status quo. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	Council has sufficient experience with managing small to medium-scale disturbance, and some large-scale disturbance activities, in the CMA to be confident that the Proposed RCP provisions will enable appropriate future resource use and development while managing adverse environmental effects. If a resource consent is sought for a new, large-scale development involving disturbance

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	<p>of the foreshore or seabed, the proposed provisions are considered appropriate to assess the effects and provide guidance for decision makers. Discretionary activity status allows Council to obtain an independent peer review of a consent application by someone with the relevant technical, planning, or other expertise to ensure that all effects are fully assessed. There is also an option in the RMA for Council to request that the Environmental Protection Authority process an application.</p> <p>Refer also to the explanation in the Structures section of this Report about the uncertainty of effects from future coastal hazards. This explanation also applies to managing the risk of disturbance activities causing or contributing to coastal hazards.</p>

### 3.5 Vegetation Clearance and Planting

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<p>(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?</p>	<p>Yes. The general phrase “avoid, remedy, or mitigate” in the proposed Objective 7.2.1 is considered appropriate as it covers the range of potential adverse effects of vegetation planting and removal, depending on the type and scale of the activity, and the nature and sensitivity of the site. Very little of either of these activities is undertaken in the West Coast CMA. Coastal vegetation mostly grows landward of the CMA, and only small areas exist within the CMA around river mouths, estuaries, lagoons, and on the foreshore where erosion has resulted in the CMA boundary moving inland to dunes or adjoining land with vegetation. Vegetation removal occurs as part of disturbance activities such as opening blocked river mouths or constructing hazard protection walls. Where vegetation is removed in the CMA, it can affect land, dune, or river bank stability, biodiversity, natural character, hazard risk, or cultural values. Provided that adverse effects are managed, vegetation can be removed to enable structures or disturbance activities to proceed, as these activities provide for the safety and wellbeing of people and communities, and contribute to the social and economic wellbeing of the region. Conditions can be added to resource consents to reinstate or restore vegetation where appropriate. Including vegetation removal in the proposed Objective fills a gap as the operative Objective 13.3.1 does not refer to this activity.</p> <p>The proposed Objective is more general than the operative Objective, and provides direction for the planting and removal of both indigenous and exotic species in the CMA. The operative Objective is based on section 12(1)(f) of the RMA and only deals with managing exotic planting. However, this does not reflect current vegetation-related activities in the CMA which are likely to continue in the future, or the approach taken to manage effects. Replacement planting following vegetation clearance requires the use of indigenous species where possible. The indigenous coastal grass Pingao has been planted on the Okarito beach and in other areas further south as a restoration project, while some native estuarine planting has been undertaken in the last few years around the Okarito Lagoon. Staff are not aware of any planting of exotic or introduced species undertaken in the CMA in the last 14 years. The operative Objective is therefore proposed to be deleted.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> - If no policy direction is provided in the Proposed RCP for managing vegetation planting and removal in the CMA, consents staff and decision makers would have to rely on the NZCPS. Policy 14 of the NZCPS applies to the restoration of natural character and has some clauses relevant to the restoration of</p>

Section 32 provision	Evaluation
the policies and methods?	<p>vegetation. Policy 13 for protecting indigenous biodiversity habitat, and Policy 26 which recognises that natural defences include coastal vegetation, also provide some guidance for considering effects of vegetation removal. However, it is considered appropriate that the proposed policy framework is kept concise to reflect the low extent of vegetation-related activities and their effects in the West Coast CMA. Staff can refer to specific clauses in the NZCPS when processing consent applications.</p> <p><u>Status quo</u> – Subject to minor amendments, the operative Policy 13.4.2, and Rules 13.5.1.1 and 13.5.1.3 are carried over into the Proposed RCP, as they are still relevant for achieving the amended, proposed Objective. The other two operative policies and the rule have the same narrow focus on planting exotic species as the operative Objective, and are proposed to be deleted. Reasons for deleting these provisions, and all of the other methods are explained in (iii) below.</p> <p><u>Other options</u> – Alternative vegetation policies and rules in the Taranaki, Hawkes Bay, and Northland Regional Council's Coastal Plans were considered, to avoid 'reinventing the wheel'. Reference to coastal vegetation in these other Councils' policies is either in terms of retaining it as a natural defence against erosion and inundation, using indigenous plants of local genetic stock for restoration planting, or avoiding the introduction of exotic plants. Some of these matters are relevant to the West Coast, subject to minor wording changes, and are incorporated into the proposed Policies 7.3.1 and 7.3.2.</p> <p>Some of the Policy 7.3.1 matters are also based on Policy 4.3.1 in this Council's L&amp;WP.</p> <p>The proposed new vegetation Rules 26-28 are based on the Waikato Regional Councils' Regional Coastal Plan rules, for reasons explained in the efficiency and effectiveness section below.</p> <p>(ii) The proposed vegetation removal and planting policies are considered to be efficient and effective to achieve Objective 7.2.1 as they provide specific and relevant guidance for managing effects through the consent process. Consents for beach mining and gravel extraction have a standard condition to avoid unnecessary damage to vegetation. Conditions are also added to consents for structures where relevant, to reinstate or replant vegetation, and for indigenous species of local genetic stock to be used. Policy guidance for indigenous planting is unnecessary as the effects are generally beneficial. Adverse effects of exotic planting can be assessed on a case by case basis in the discretionary consent process, although Council expects to receive very few, if any, consent applications for this type of planting in the future.</p> <p>The new permitted indigenous planting and vegetation disturbance/removal rules effectively fill a gap as they are currently not permitted in the operative Plan. This means a resource consent is needed, which is unnecessary as there are generally no, or no more than minor, adverse effects. Indigenous planting is to be</p>

Section 32 provision	Evaluation
	<p>encouraged due to the positive effects it provides. This is reflected in the proposed rule, in that there are no conditions attached to it. The conditions on the new permitted rule for small-scale vegetation disturbance associated with permitted structures, disturbance, and diversions will ensure that environmental effects are no more than minor. The same can be said for the proposed permitted rule for exotic vegetation removal. Exotic vegetation in the CMA can have both positive and negative impacts. It can be beneficial for habitat, and dune or riverbank stability, and the conditions of the proposed rule manage the potential adverse effects of removing it. Exotic vegetation can also become invasive and threaten to crowd out native plant species. For this reason, planting exotic species other than recognised pest plants requires consent.</p> <p>Prohibiting the planting of pest plants in the CMA that are listed in the Regional Pest Plant Management Strategy will continue to be an effective deterrent to prevent this occurring. No pest plants have been introduced into the West Coast CMA over the last 15 years.</p> <p>No other methods are proposed for vegetation planting or removal as the rules and consent process are the most efficient and effective means for this Council to manage these activities in the CMA. Council has limited funds to undertake other non-regulatory work in the CMA, and there are few environmental pressures associated with vegetation planting or removal to warrant this.</p> <p>(iii) Two of the operative policies, one of the operative rules, are all of the operative other methods are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The Policy does not reflect current vegetation-related activities;</li> <li>• It is unnecessary to have a policy referring to the implementation of the Regional Pest Plant Management Strategy;</li> <li>• The Restricted Coastal Activity status in Rule 13.5.1.2 is now obsolete, and the discretionary part of this rule duplicates the other discretionary rule;</li> <li>• Consultation with Poutini Ngāi Tahu occurs routinely through the consent process;</li> <li>• The Method is obsolete;</li> <li>• Liaison is done as and when needed as part of routine Council functions.</li> </ul>
(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for- (i) economic growth that are anticipated to be provided or reduced;	<p>Implementing the proposed vegetation-related provisions in the CMA is unlikely to significantly increase or reduce economic growth or employment in the West Coast region. Most vegetation disturbance or removal, and planting, in the CMA is associated with structure or disturbance activities. Refer to the analysis of the anticipated opportunities for economic growth and employment from implementing the Chapter 3 provisions, and the Structure and Disturbance provisions in these sections of the Report.</p>



Section 32 provision	Evaluation
(ii) employment that are anticipated to be provided or reduced;	<p><b>Benefits</b></p> <p><u>Social and Economic:</u> Contractors undertaking structure and disturbance work will not have the unnecessary costs and delays of having to obtain resource consent to disturb or remove vegetation provided that the conditions are complied with. The clearer policy guidance and information requirements for consent applications may also save time and costs where a consent is required. Reducing time delays for consent processing can be important when protection works need to be undertaken to avoid or mitigate the risk of damage from coastal hazards.</p> <p><u>Environmental and Cultural:</u> Planting can help stabilise river banks, beds, and channels to reduce the risk of scouring, erosion, and sediment entering the water.</p> <p>Planting on foredunes can potentially act as a natural barrier to reduce the impact of coastal erosion and inundation on adjoining land, however its effectiveness depends on the species planted and the extent of the erosion risk. Planting as a natural defence may be more effective at sites with less active erosion, or where the plants can become better established above the CMA boundary. Where there is a medium or high hazard risk and erosion is ongoing, plants are likely to be washed away; this has been the case at Carters Beach and Granity.</p> <p>Indigenous planting can enhance coastal habitat for native birds, reptiles and insects.</p> <p>Whitebait spawning sites listed in Schedule 6 of the Proposed RCP will continue to be protected from vegetation disturbance or removal during the spawning season. These activities are not permitted under the proposed new rules during the spawning season.</p> <p>In the event that an exotic pest plant species listed in the Regional Pest Plant Management Strategy becomes established in the West Coast CMA, biosecurity staff can immediately undertake work to remove it as per the new permitted rule, without the cost and time delay of having to obtain resource consent.</p> <p>Poutini Ngāi Tahu can undertake indigenous planting as part of their kaitiakitanga role, to provide for their culture, traditions, and spiritual values. Other benefits of the proposed vegetation-related provisions may also accrue to Poutini Ngāi Tahu.</p> <p><b>Costs</b> The proposed vegetation-related provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Resource consent applicants will continue to</p>

Section 32 provision	Evaluation
	<p>be charged for processing applications. Costs will vary on a case by case basis, depending on the nature and scale of actual and potential effects.</p> <p>It is not anticipated that there will be any significant environmental cost occurring through the implementation of the proposed vegetation-related provisions. It will not result in a greater rate of vegetation removal above what typically occurs with structure or disturbance activities.</p>
(2)(b) Quantify if practicable the benefits and costs	<p>There is not expected to be any significant changes to the costs of implementing the provisions. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to do a quantified benefit/cost analysis is considered to be unjustified.</p>
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	<p>Council has sufficient information from processing consents, monitoring compliance, and investigating complaints to be confident that the risk of significant adverse effects occurring from implementing the proposed vegetation-related provisions is low. DOC can identify if any rare or threatened species will be adversely affected by vegetation disturbance or removal in the consent process. Council has not received any complaints about this type of adverse effect occurring from small-scale vegetation disturbance/removal as part of undertaking other permitted activities.</p>

### 3.6 Discharges

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(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?	<p>Yes. The proposed new Objective 8.2.1 is considered appropriate to continue managing effects of the relatively small number of existing discharges into the West Coast CMA. There are currently 17 discharges into the CMA, half of these are ongoing discharges of treated municipal sewage effluent and stormwater, treated dairy effluent, limestone, and sediment. The other 50% of discharges happen occasionally, for example, dumping of dredge material from the Buller and Grey Rivers, and sediment from gravel washing, beach mining, bridge repairs, and river channel works. The West Coast CMA has a high dilution rate along its 600km coastline due to the strong northern littoral drift, which provides effective mixing to assimilate the contaminants discharged.</p> <p>It is vital that the Proposed RCP provides for existing discharges from development on land above the CMA, and from infrastructure-related activities in the CMA. These discharges contribute to the economic and social wellbeing of West Coast communities by allowing disposal of waste in a hygienic manner, while also recognising cultural values and meeting environmental outcomes. The current discharges are all consented, and none of them are from heavy industrial activities, or involve the discharge of heavy metals or hazardous contaminants.</p> <p>In tandem with the Chapter 3 provisions, Objective 8.2.1 is also appropriate for managing future discharges into the West Coast CMA. The Objective provides general direction to manage adverse effects of discharges, while the policies address specific aspects of actual and potential effects of point-source discharges.</p> <p>The six operative Objectives are considered to be unnecessary, inappropriate, and out of proportion to the number and scale of effects of discharges on the West Coast. They are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The first part of Objective 10.3.1 does not allow for future discharges that have no more than minor effects, or where adverse effects can be remedied or mitigated;</li> <li>• The second part of Objective 10.3.1 is now obsolete as the five year timeframe for achieving this part of the Objective has passed. Coastal bathing beach Summer monitoring shows improvements in water quality at all monitored sites.<sup>3,4</sup> Water quality monitoring at shellfish gathering sites has not been undertaken at all sites on a regular basis;</li> </ul>

<sup>3</sup> Water quality monitoring at six coastal bathing beaches over the Summer of 2006/07 showed that the water was suitable for contact recreation at four of these sites. Since then land-based sources of contaminants affecting one of these sites, the Orowaiti Lagoon, have been significantly reduced, and the other site has had improved results over time. The 2014/15 round of bathing beach monitoring at eight coastal sites shows that water quality at all of these sites meets the contact recreation standard during most of the Summer season.

<sup>4</sup> Horrox, J., Chaney, E., Eaves, A. (West Coast Regional Council). 2015 "State of the Environment Report – West Coast Surface Water Quality".

Section 32 provision	Evaluation
	<ul style="list-style-type: none"> <li>• The matters are covered by the proposed Policies 3.3.6 and 3.3.7, and are routinely assessed through the consent process;</li> <li>• The Objective repeats the RMA;</li> <li>• The matters are covered by the new Policies 3.3.5, 3.3.6, and 8.3.2;</li> <li>• Most discharges from commercial, trade and industrial premises go into reticulated, municipal stormwater systems and are discharged into freshwater bodies;</li> <li>• The subject matter is covered in Policy 10.4.5 which is retained and amended;</li> <li>• The matter is addressed by a condition on relevant permitted activity rules and resource consents, for no refuelling of equipment to take place in the CMA. Larger spills of hazardous substances from vessels are managed by Council's Tier 2 Marine Oil Spill Contingency Plan.</li> </ul> <p>Replacing the six operative Objectives with one Objective to manage effects of point-source discharges into the CMA will achieve the purpose of the Act.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies, rules, and other method, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> - If no policy direction is provided in the Proposed RCP for managing effects of discharges into the CMA, consents staff and decision makers would have to rely on the NZCPS. The national Policies 21-23 address enhancement of water quality, sedimentation, and discharge of contaminants. Policy 21 is not a "do nothing" option, as it requires the identification of areas of coastal water with deteriorated water quality, and provisions in plans to address improving the water quality. There are few issues with sedimentation on the West Coast so Policy 22 is less relevant. Policy 23 for discharges into the CMA would provide reasonable guidance for processing discharge consents, and managing sewage effluent and stormwater discharges. However, the proposed Policies 8.3.1 and 8.3.2 in the RCP include matters additional to what is in the NZCPS Policy 23, reflecting the West Coast context, and so the proposed policies are the preferred option.</p> <p><u>Status quo</u> – Of the nine operative discharge policies, only Policy 10.4.2 for mixing zones is considered to be appropriate to partially retain. The matters listed in clauses (a)-(c) are still relevant to provide direction in the consent process. With minor amendments the Policy will achieve the new Objective 8.2.1.</p> <p>As with the discharge Objectives, the remaining eight policies are considered to be disproportionate to the small number and scale of discharges into the West Coast CMA. The operative policies reflect that first generation coastal plans were written to protect the CMA against adverse effects, with little recognition of</p>

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	<p>the need to also provide for discharges in the CMA to enable development that contributes to people's wellbeing.</p> <p>Some of the operative permitted rules are appropriate to be retained, subject to minor amendments, as they will be relevant for potential small-scale discharges in the future. They are consistent with the new Objective. However, the rules for discharges of hazardous substances were based on the Otago Regional Council's Coastal Plan, to ensure that fuel and other hazardous substances stored in the Dunedin port did not contaminate the harbour water. There are no such activities in the West Coast CMA to justify retaining these rules.</p> <p>Further reasons for removing operative policies, rules, and other methods are listed below under (iii).</p> <p><u>Other options</u> – The L&amp;WP provisions were assessed to see if they provide relevant guidance for managing discharges into the CMA. The proposed Policies 8.3.1, 8.3.2, and 8.3.4 are based on the L&amp;WP policies for managing effects of discharges to freshwater. They will achieve consistency and integration between these two regional plans for managing effects of discharges into both fresh and coastal water.</p> <p>The Taranaki, Horizons, and Hawkes Bay Regional Council's policies for discharges of contaminants into the CMA were reviewed and considered. Several of these other councils' policies deal with managing adverse effects on natural and human values. These matters are dealt with in Chapter 3 of the West Coast Proposed RCP, and do not need to be duplicated in the Discharges chapter. The Hawkes Bay, ECAN, and Tasman policies for water quality standards were considered. None of these policies fully captured the West Coast situation, although the ECAN water quality standard has been used as a basis for the proposed new water quality standard for shellfish gathering areas. There were no other provisions in these Councils' Plans that were considered to add value to the proposed discharge provisions.</p> <p>In the pre-consultation stage of preparing the Proposed PRCP, the three Ngāi Tahu Rūnanga sought additional policies and non-complying rules for discharges from mining, offshore mining in particular, and discharges of sewage effluent into the CMA. Council acknowledges that discharges into water are an issue of high importance to Māori. Staff attended three hui with Ngāi Tahu Rūnanga representatives to discuss this matter, amongst other things. Having listened to the Rūnanga's views, staff are still of the view that the proposed discharge policy framework, in conjunction with the Chapter 3 policies, the information requirements for consent applications, and the discretionary rules, are adequate to assess potential effects of a proposed mining or sewage effluent discharge on cultural values. Reasons for the staff view are further explained in the efficiency and effectiveness section (ii) below. The following proposed provisions recognise Ngāi Tahu's concerns regarding these discharges into the West Coast CMA:</p>

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	<ol style="list-style-type: none"> <li>1. Policy 8.3.2 requires that effects of sewage effluent discharges on Ngāi Tahu values, including shellfish gathering, and the option of land and wetland treatment for sewage effluent, must be assessed in the consent process;</li> <li>2. The Policy 8.3.2 Explanation clarifies that a consent application for sewage effluent discharge into the CMA will also be assessed against the Chapter 3 natural and human use objectives and policies, and any other relevant provisions of the Proposed RCP;</li> <li>3. The Chapter 6 Disturbance Introduction explains how effects of (offshore) disturbance from potential future mining will be dealt with, including associated discharges, and refers to the proposed discharge objective and policies.</li> </ol> <p>(ii) The proposed policy framework will be efficient and effective for assessing resource consent applications for discharges into the CMA. The policies reflect current practice for dealing with the types of discharges occurring on the West Coast. Approximately two thirds of all consented discharges are sediment, and the remaining third are various other contaminants. Sediment discharges have no more than minor effects on coastal water due to the sea conditions and large river flows creating higher, naturally occurring levels of turbidity. Most discharges are into the open sea or rivers where there is reasonable mixing, rather than into estuaries or lagoons. It is not anticipated that there will be demand to discharge hazardous substances or heavy metals from industrial activity in the future. In the event that consent is sought for such a discharge, the proposed policies are adequate to guide decision-makers.</p> <p>A proposed new policy, water quality standard, and map showing shellfish sites has been added to flag to dischargers that they need to ensure that their discharge meets the water quality standard for the identified shellfish areas. There have been problems in the past at one of the shellfish gathering sites where monitoring has shown that the shellfish were not fit to be eaten raw. These new provisions will provide dischargers with greater certainty of what is expected.</p> <p>New Policy 8.3.4 is similar to the L&amp;WP Policy 8.3.4 for consideration of opportunities to improve water quality when existing discharge consents are renewed. This Policy has been through the First Schedule process and will be useful for reviewing older consents to ensure that these discharges will achieve the proposed objectives and other policies, which may have changed from when the discharges were first approved.</p> <p>New Method 8.4.1 addresses a potential cross-boundary issue that may arise in the future, whereby sewage effluent contaminants from on-site systems in coastal subdivisions may potentially leach into the CMA. A number of rural, coastal subdivisions have been consented in the last 15 years, with some sections being</p>

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	<p>developed for rural-residential use. These subdivisions are not close enough to existing urban areas to connect into existing reticulated sewage systems, so on-site treatment and disposal systems are mostly utilised for individual sections. Depending on soil types, water tables, and other factors, it may be more appropriate to have a communal centralised effluent treatment and disposal system if all of the new lots are eventually built on and the risk of cumulative effects occurring increases. This issue cannot be adequately addressed in the permitted rule for on-site sewage effluent discharges in the L&amp;WP. However, it is considered appropriate to add a Method to the Proposed RCP that complements Method 8.4.2 of the L&amp;WP, as it is an issue that crosses the CMA boundary. The proposed Method outlines the approach that Council will take to avoid on-site sewage effluent contaminants entering the CMA.</p> <p>The two proposed new rules for incidental discharges of contaminants from maintenance of structures, and hull cleaning ensure that these small-scale discharges with no more than minor effects do not unnecessarily require resource consent. Incidental discharges from the maintenance of structures occurs mainly from sandblasting bridges and abutments in rivers in the CMA. While most of the blasting debris is required to be collected under discharge to air consents, small fragments may enter the water. These discharges are infrequent and short-term, and are in small enough volumes that the effects are no more than minor. Similarly, discharges of anti-fouling debris into the CMA can be collected as much as possible to minimise environmental effects. These discharges only occur at Jackson Bay where the small fleet of fishing boats are occasionally cleaned on the foreshore<sup>5</sup>. Since 2013 the Environmental Protection Authority has restricted the type of anti-fouling products that can be used, and the agency is continuing to review other anti-fouling substances. Dischargers must comply with the Hazardous Substances and New Organisms Act 1996 regulations for use of these products.</p> <p>Discretionary rule status for sewage effluent (and petroleum exploration and production) discharges into the CMA is considered to be more efficient and effective than non-complying status. Council agrees with a legal view based on analysis of various regional councils' consent data,<sup>6</sup> that the distinction between discretionary and non-complying rule status is ill-defined and unnecessary. Discretionary activities can be declined due to significant adverse effects, and/or inconsistency with objectives and policies, the same as with non-complying activities. Non-complying status adds little value and complicates the choice of activity status in plans. Discretionary status for the above-mentioned activities provides the opportunity for potentially affected parties such as Ngāi Tahu to be involved in the consent process and identify how cultural or other values might be adversely affected. Where effects can be managed by conditions on resource consents, these can require, for example, buffers or setback distances from Culturally Significant</p>

<sup>5</sup> Discharges of anti-fouling debris into the Blaketown Lagoon and the Westport harbour are discharges into fresh water, and are dealt with in the Land and Water Plan.

<sup>6</sup> Serjeant, D. "Status report: Is the non-complying activity redundant?" Article in the Resource Management Law Association's Resource Management Journal, November 2010.

Section 32 provision	Evaluation
	<p>Areas so that discharges do not adversely affect the values in those areas. The discretionary consent process is considered to be sufficiently robust for determining whether discharges from offshore mining and sewage effluent can be managed to achieve Objective 8.2.1.</p> <p>(iii) Eight of the operative policies, 10 of the rules, and all of the operative other methods, are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• Policy 10.4.1 relates to the current Objective 10.3.1, which is proposed to be deleted;</li> <li>• The Policy matter is dealt with in the new Policy 8.3.2;</li> <li>• It is unlikely that human sewage will be discharged into estuaries, lagoons, mataitai reserves, or marine reserves;</li> <li>• The Policy matter is out of date;</li> <li>• Hazardous substance spills are managed by the Council's Tier 2 Marine Oil Spill Contingency Plan, and other spill response strategies;</li> <li>• Storage and use are not discharges;</li> <li>• Bulk fuel storage at a port is not relevant on the West Coast;</li> <li>• The Policy matters are dealt with by other provisions or plans;</li> <li>• Rules 10.5.1.1 and 10.5.5.1 are not practical to enforce for the discharges of litter and nuclear material;<sup>7</sup></li> <li>• Refueling of ships is covered by the Resource Management (Marine Pollution) Regulations 1998;</li> <li>• Refueling of machinery is address in permitted rule and resource consent conditions;</li> <li>• Restricted Coastal Activity rule status is now obsolete;</li> <li>• It is unnecessary to have six discretionary rules for discharges into the CMA;</li> <li>• This is provided for in section 107 of the RMA;</li> <li>• The other methods are either done routinely in consent processing, are completed, are outside the scope of the Proposed RCP, are obsolete, or are unlikely to be implemented.</li> </ul>
(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-	The proposed discharge policies and rules are unlikely to contribute significantly or directly to a net increase in economic growth or employment. Existing discharges into the West Coast CMA are mostly associated with land use and development above the CMA, and these activities are more likely to stimulate economic growth and employment than discharges into the CMA.

<sup>7</sup> Sections 258-260 of the Maritime Transport Act 1994, and the RMA section 15C ban the dumping and storage of radioactive, toxic and hazardous waste in coastal waters. The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 bans the passage and transport of nuclear material through the territorial sea.



Section 32 provision	Evaluation
<p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>If new activities, such as renewable marine energy, aquaculture, or mineral or hydrocarbon exploration or production, eventuate in the West Coast CMA during the life of this Proposed RCP, the construction, operation, and maintenance of these activities will generate employment opportunities and contribute to economic growth. However, actual discharges associated with these activities will not in themselves result in significant additional employment. A small number of jobs may arise to manage and monitor the discharges.</p> <p>The proposed discharge policies and rules focus on managing specific environmental effects, so the assessment of the natural and human use values, and the structure and disturbance provisions, in this Report should be referred to when considering opportunities for economic growth and employment relating to the discharge provisions.</p> <p>The discharge policies and rules, and Chapter 3 provisions, as proposed will not reduce appropriate opportunities for economic growth and employment. It is anticipated that at a minimum, the Proposed provisions will enable existing discharges to continue in a 'business as usual' manner.</p> <p><b>Benefits</b></p> <p><u>Social and economic:</u></p> <p>Continuing to permit stormwater and land drainage discharges into the CMA subject to conditions will enable coastal landowners and roading authorities to drain excess surface water from their properties and infrastructure, to minimise damage, and loss of income for farmers, from ponding or flooding.</p> <p>Allowing incidental discharges of contaminants from maintenance of structures in the CMA will enable maintenance work to be undertaken without the unnecessary delays and costs of having to obtain resource consent.</p> <p>Continuing with the controlled rule status for the Hokitika municipal stormwater discharge, and any other stormwater discharges not meeting the permitted rule, means that renewal of consents for these discharges can be processed in a straightforward manner. This minimises the costs and ensures that the consents are granted, as stormwater needs to go somewhere, and discharging it into the CMA generally has no more than minor effects.</p> <p>The requirement for dischargers to assess effects on shellfish areas will contribute towards these food sources being fit for human consumption.</p> <p>Discharges of dredging material from the Buller and Grey Rivers should be able to continue as part of dredging the navigation channels of these river mouths. Annual monitoring has shown that the effects are no more than</p>

Section 32 provision	Evaluation
	<p>minor. Maintaining safe passage across the river mouths for fishing boats to access berths in the port areas and unload their catches is important to the regional economy.</p> <p><u>Environmental and cultural:</u></p> <p>Discharges of oil spill dispersants and herbicides are better managed with clearer conditions on the permitted rules. These activities can continue to be undertaken to avoid or mitigate more serious adverse effects on marine habitats and ecosystems from oil spills or the spread of aquatic pest plants.</p> <p>Collecting anti-fouling debris from the Jackson Bay foreshore will help to maintain water quality in the Bay.</p> <p>Progressive improvements in the treatment of municipal sewage effluent discharged into the CMA will improve water quality in the vicinity of the outfalls, and recognises Ngāi Tahu cultural values.</p> <p>Managing effects of discharges into the CMA on Ngāi Tahu values will help to ensure that these values will not be significantly adversely affected.</p> <p><b>Costs</b></p> <p>The proposed discharge provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Resource consent applicants will continue to be charged for processing applications. Costs will vary on a case by case basis, depending on the nature and scale of actual and potential effects.</p> <p>Due to the regulatory protection that the Proposed RCP puts in place to manage adverse effects, it is not anticipated that there will be high environmental costs occurring through the implementation of the proposed provisions, in terms of significant loss or damage to the natural environment and human values. It is possible that there will be a positive benefit of additional environmental protection from future investment and development as large-scale activities often only occur with the provision of offsetting environmental effects.</p> <p>Fishing boat owners who service their vessels on the Jackson Bay foreshore will need to make the time and effort to collect anti-fouling and hull cleaning debris, and dispose of it appropriately. As boats are usually cleaned annually, the new requirement is not considered onerous, and should not involve significant extra time or cost. Rather, it will avoid the cost of getting resource consent for the discharge.</p> <p>The new requirement to consider land or wetland treatment for municipal sewage effluent is likely to incur additional costs for the Westland District Council as part of renewing the resource consent for the Hokitika sewage effluent discharge into the CMA. The existing treatment ponds, and discharge, are culturally offensive</p>

Section 32 provision	Evaluation
	<p>to Ngāi Tahu, and are not meeting nationally recognised guidelines for the level of some contaminants in the discharge. Although the costs of considering this in the consent application process are not known at this stage<sup>8</sup>, the requirement to have regard to land or wetland treatment in the consent application is considered reasonable. Westport and Greymouth have both been through this process, and have installed partial land treatment as part of upgrading their municipal effluent treatment systems to address Ngāi Tahu concerns, reflect national best practice, and meet local community aspirations. The Policy 8.3.2(g) requirement is consistent with the NZCPS Policy 23(2)(b).</p>
(2)(b) Quantify if practicable the benefits and costs	<p>Apart from the Hokitika sewage effluent discharge, there is not expected to be any overall significant change in costs from the status quo. Quantifying the identified benefits and costs of the proposed discharge provisions is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.</p> <p>It is considered impractical and inappropriate to quantify the benefits and costs of investigating full or partial land treatment for the Hokitika sewage effluent discharge, as required in the proposed Policy 8.3.2 clause (g). These benefits and costs are not yet identified. If the consent is granted and requires land treatment of the municipal sewage effluent, this may potentially result in an increase in rates, however it is too uncertain to speculate on the potential social cost. Similarly, it is difficult to quantify the adverse impacts if the discharge continues without any land treatment. If no additional treatment of the effluent is undertaken, the Arahura mussels beds may continue to be adversely affected. Past monitoring of these mussel beds has identified the presence of the human norovirus in mussel tissue, indicating that the mussels are affected by the sewage effluent discharge. The proposed Policy 8.3.2(g) does not outright require land treatment, rather that it must be given regard to in the consent process, so the new policy requirement is not considered to be onerous or inappropriate.</p>
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	<p>Council has sufficient experience with managing small to larger-scale discharges into the CMA to be confident that the Proposed RCP provisions will enable appropriate future discharges while managing adverse environmental effects over the life of the Plan. If a resource consent is sought for a new, large-scale discharge into the CMA, the proposed provisions are considered appropriate to assess the effects and provide guidance for decision makers. Discretionary activity status allows Council to obtain an independent peer review of a consent application by someone with the relevant technical, planning, or other expertise to ensure that all effects are fully assessed. There is also an option in the RMA for Council to request that the Environmental</p>

<sup>8</sup> At the time of preparing this section 32 report, the application to renew the consent for the Hokitika sewage effluent discharge into the CMA had not long been lodged with the Regional Council. The application seeks to continue with the existing treatment pond and discharge into the CMA.

Section 32 provision	Evaluation
	<p>Protection Authority process an application.</p> <p>Although the potential costs of land treatment for the Hokitika sewage effluent are uncertain, there are no risks arising from implementing Policy 8.3.2(g). The consent applicant has obligations under the RMA to recognise and provide for iwi values, and adhere, as much as possible, to nationally recognised guidelines for contaminant levels in sewage effluent discharges.</p>

### 3.7 Takes, Uses, Damming, Diversion

Section 32 provision	Evaluation
<p>(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?</p>	<p>Yes. The proposed Objective 9.2.1 reflects the balance of the RMA by providing for water takes, use, damming and diversion in the CMA while managing adverse effects. Takes of coastal water in the West Coast CMA are mostly used for hobby and commercial beach mining on the foreshore. Diversion of coastal water is usually associated with the construction and maintenance of bridges or flood protection works, or the installation of culverts, in the downstream part of rivers in the CMA. Beach mining and infrastructure contribute to the economic and social wellbeing of the region's communities.</p> <p>The proposed Objective 9.2.1 is consistent with Objectives 5.2.1 and 6.2.1 which provide for structures and disturbance activities generally, including beach mining, infrastructure, and protection works. Refer to the evaluation of the proposed structure and disturbance Objectives for further explanation about how they achieve the purpose of the Act, as this is applicable to Objective 9.2.1.</p> <p>There has been virtually no use or damming of coastal water over the last 15 years, however the new Objective should provide for these activities in case they occur over the life of this Proposed RCP.</p> <p>Although the current Objective 11.3.1 is partly enabling, adverse effects on river mouths, estuaries, lagoons, harbours, and embayments are managed by the Chapter 3 policies, and the Objective does not need to list these areas. Having a more general objective makes it applicable anywhere in the West Coast CMA.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> - If no policy direction is provided in the Proposed RCP for managing effects of water takes, use, damming and diversion in the CMA, consents staff and decision makers would have to rely on the NZCPS 2010. However, there is no specific guidance in the NZCPS for these activities in the West Coast context. Other NZCPS policies for managing effects on aquatic habitat, ecosystems, and water quality may apply, although there are issues with implementing these policies as discussed in the chapters of this Report on natural and human use values, and discharges.</p> <p><u>Status quo</u> – Although two of the current policies are partly enabling, all three policies are considered to be limited in that they are either out of date or duplicate managing effects on natural values that are covered</p>

Section 32 provision	Evaluation
	<p>by the Chapter 3 policies. Replacing them with one new policy that is generally both enabling, and manages adverse effects, is consistent with the new Objective 9.2.1.</p> <p>The operative rules also need revising to make them relevant to the types of takes, uses, damming and diversion occurring or likely to occur in the West Coast CMA. Two of the operative rules are proposed to be deleted for reasons given in (iii) below, while the other two rules are retained and amended. The amendments are discussed under (ii) below.</p> <p>Reasons for removing the two Other Methods are given in (iii) below.</p> <p><u>Other options</u> – The Taranaki, Hawkes Bay, and Horizons Regional Council's coastal policies and rules were reviewed and considered. Most of these policies are about avoiding, remedying or mitigating adverse effects on natural and human use values. These matters are addressed under the proposed Chapter 3 provisions. These Councils' policies and rules for takes, uses, damming and diversion were therefore not considered to add any further value to the West Coast Proposed RCP.</p> <p>Since most diversions in the CMA occur in the downstream section of rivers, the two proposed permitted rules for temporary takes and diversions, and permanent diversions are based on Rules 44 and 45 of the L&amp;WP.</p> <p>Section 14 of the RMA has different requirements for takes, uses, damming and diversions in open coastal water compared to other areas such as river mouths, estuaries and lagoons. This has necessitated having two discretionary rules.</p> <p>The Aquaculture Legislation Amendment Act No 3 2011 requires that aquaculture activities must not be permitted in coastal plans, in either open coastal water or elsewhere. A separate new discretionary rule is added to give effect to this requirement, and the permitted rule for use of coastal water in river mouths, estuaries and lagoons excludes aquaculture.</p> <p>(ii) Reducing the number of policies for takes, use, damming and diversion in the CMA from three to one will make consent processing more efficient. This reflects the small number of consent applications lodged, and level of effects, for these activities in the West Coast CMA.</p> <p>Although there are more rules for takes, uses, damming and diversions in the Proposed RCP than in the operative Plan, the new and amended rules will improve the efficiency and effectiveness of the Plan by correcting inaccuracies and omissions in the operative Plan with regards to applying the RMA provisions.</p>

Section 32 provision	Evaluation
	<p>This will provide more certainty with applying the rules as the RMA provisions for takes, uses, damming and diversions in open coastal water and other parts of the CMA can be confusing to interpret.</p> <p>Making the <u>use</u> of coastal water in river mouths, estuaries and lagoons a permitted activity will avoid the unnecessary costs of having to get resource consent. Section 14(2) of the RMA takes a restrictive approach to the use of coastal water other than in open coastal water, so a consent is required unless it is permitted in the Proposed RCP. There has been no developmental “use”<sup>9</sup> of water in river mouths, estuaries and lagoons on the West Coast, and staff are not aware of any use of coastal water in these areas that may occur over the life of the Proposed RCP. Any developmental use of coastal water in river mouths, estuaries or lagoons is likely to need consents for occupation, structure, disturbance, or discharge.</p> <p>The new Rules 40 and 41 which permit temporary and permanent diversions in rivers in the CMA will enable operators to carry out the activity where it occurs on both sides of the CMA boundary under consistent rules. These new rules fill a gap as currently consents are required for the activities, however they effects can be adequately managed in permitted rules.</p> <p>A separate, new discretionary rule for damming and diversion of <u>open</u> coastal water is added to fill a gap in the operative Plan and make the rule status clear to Plan users. Although the RMA takes a permissive approach to damming and diversion of open coastal water, leaving these as permitted activities is considered inappropriate. Such activities have never been undertaken on the West Coast, so there is too much uncertainty about their effects, and they should be assessed through the consent process if these activities are sought during the life of the Proposed RCP.</p> <p>Small-scale water takes associated with beach mining are provided for in the permitted Rule 17 for disturbance from small-scale beach mining. This avoids having a separate rule in the water takes Chapter for the low number of takes associated with beach mining and their minimal effects.</p> <p>(iii) Three of the operative policies, two of the rules, and all of the operative other methods, are proposed to be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>• The Policy is out of date as the RMA aquaculture amendments now restrict the use of coastal water for aquaculture;</li> <li>• The Policy matters are covered by the Chapter 3 policies;</li> <li>• The NZCPS 1994 which required provisions for taking and use of coastal water by ships is obsolete;</li> <li>• There are very few, if any, coastal water takes for firefighting and individual domestic and recreational</li> </ul>

<sup>9</sup> Activities such as kayaking or swimming are not classed as developmental or resource uses that need managing in the Proposed RCP.

Section 32 provision	Evaluation
	<p>needs; these are de minimus.</p> <ul style="list-style-type: none"> <li>• The matter is addressed in the new permitted diversion rules;</li> <li>• The Other Methods are implemented routinely in consent processing.</li> </ul>
<p>(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-</p> <p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>The proposed policies and rules for takes, use, damming and diversion of coastal water are unlikely to contribute significantly or directly to a net increase in economic growth or employment. Gold prices tend to drive the level of beach mining and associated water takes, and thus the number of jobs created by commercial-scale mining. Diversions may generate short-term work for contractors involved with the construction or maintenance of bridges and erosion protection structures. However, water takes and diversions are ancillary to the primary activities of mining and infrastructure provision. The assessment of the Chapter 3 policies, and the structure and disturbance policies and rules, in this Report should be referred to when considering opportunities for economic growth and employment from the proposed takes, use, damming and diversion policies and rules.</p> <p>If new activities such as renewable marine energy or aquaculture eventuate in the West Coast CMA during the life of this Proposed RCP and involve the use or diversion of coastal water, the construction, operation, and maintenance of these activities will generate employment opportunities and contribute to economic growth. However, this may partly depend on whether local people are employed for these operations. It is difficult to estimate the level of employment and economic growth for the West Coast region that will be directly attributable to the use and diversion of coastal water by renewable marine energy and aquaculture.</p> <p>The policies and rules for takes, use, damming and diversion will not reduce appropriate opportunities for economic growth and employment. It is anticipated that at a minimum, the proposed provisions will enable existing activities to continue in a 'business as usual' manner.</p> <p><b>Benefits</b>  <u>Social and economic:</u>  Small-scale beach mining activities can continue to take small volumes of water from nearby lagoons, rivers or creeks, enabling miners to obtain income from the gold extracted.</p> <p>Owners of land adjoining rivers in the CMA, and roading authorities, will not have the unnecessary costs and time delays of obtaining resource consent for temporary water takes and diversions associated with bridge work and erosion protection structures in riverbeds in the CMA, provided that the conditions of the permitted rules are complied with.</p>



Section 32 provision	Evaluation
	<p><b>Environmental and cultural:</b> The conditions for water takes on the permitted Rule 17 for small-scale beach mining will ensure that water flows and aquatic habitat are not adversely affected, and fish do not enter the intake pipe.</p> <p>Conditions on the new permitted diversion rules will protect fish passage, and avoid erosion, instability, and flooding or damage to the riverbank downstream, or to another person's property.</p> <p>It is anticipated that the economic, social, and cultural benefits gained from undertaking these coastal water activities in the CMA, and management of their effects, will also accrue to Poutini Ngāi Tahu.</p> <p><b>Costs</b> Resource consent applicants will continue to be charged for processing applications for coastal water takes, uses, damming and diversions. The proposed provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Costs will vary on a case by case basis, depending on the level of risk and actual and potential effects.</p> <p>Due to the regulatory protection that the Proposed RCP puts in place to manage adverse effects, it is not anticipated that there will be high environmental costs occurring through the implementation of the proposed provisions, in terms of significant loss or damage to the natural environment and human values. It is possible that there will be a positive benefit of additional environmental protection from future investment and development as large-scale activities often only occur with the provision of offsetting environmental effects.</p>
(2)(b) Quantify if practicable the benefits and costs	There is not expected to be any significant change in costs from the status quo. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.
(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	Due to the very low number of coastal water takes, uses, damming and diversions occurring in the West Coast CMA, Council is confident that the Proposed RCP provisions will enable appropriate future resource use and development while ensuring that adverse effects are minimised. The permitted rules for temporary takes, and temporary and permanent diversions in rivers have been implemented upstream of the CMA boundary in rivers for several years, and there have been no issues with these activities. There is a very low probability and risk of adverse effects from the use of coastal water in river mouths, estuaries, and lagoons. It is unlikely that there will be a proliferation of takes, uses, damming and diversions in the CMA in the next 10-15 years as a result of the proposed changes.

### 3.8 Noise

Section 32 provision	Evaluation
(1)(a) Are the objectives the <i>most appropriate</i> way to achieve the purpose of the Act?	<p>Yes. The proposed Objective 10.2.1 aims to manage noise from heavy machinery and vehicle use associated with beach mining, removal of natural material, construction and maintenance of erosion protection structures and infrastructure, and clearing blocked river mouths. There is not a proliferation of these activities along the West Coast foreshore that generates excessive amounts of noise over long periods. Objective 10.2.1 also applies to noise or sound generated under water from seismic surveys for mining exploration. A definition of noise is added to the Glossary clarifying that noise also includes vibration from seismic surveying.</p> <p>The operative Objective is largely retained, subject to clarification that it applies to noise generated within the CMA. The types of adverse effects listed are removed as these do not need to be in the Objective.</p>
<p>(1)(b) Are the policies and methods the most appropriate way to achieve the objectives, by:</p> <p>(i) are there other reasonably practicable options for achieving the objectives?</p> <p>(ii) are they efficient and effective to achieve the objectives?</p> <p>(iii) what are the reasons for deciding on the policies and methods?</p>	<p>Yes.</p> <p>(i) In the consideration of the development of the policies and rules, and whether there were other reasonably practicable options to achieve the objectives:</p> <p><u>Do nothing</u> – There are no specific policies in the NZCPS 2010 to provide guidance on managing noise produced in the CMA. The New Zealand Standards (NZS) for noise have been applied when processing discretionary consent applications, however if complaints are received about excessive noise coming from a permitted activity it is difficult to enforce the Standards without any regulatory framework to do this. The general duty to avoid, remedy, or mitigate adverse effects in section 17 of the RMA can be used, although it provides more certainty if there are clear provisions in the Proposed RCP for acceptable noise levels.</p> <p><u>Status quo</u> – While the operative Policy 12.4.1 for managing noise is suitable to retain with minor amendments, some rules need to be added to give Plan users more certainty, as explained above. There are currently no rules for noise in the operative Coastal Plan.</p> <p><u>Other options</u> – Noise policies and rules in the Taranaki and Hawkes Bay Coastal Plans were reviewed. Their policies do not add value to the West Coast Proposed RCP as there are very few noise issues from CMA activities that necessitate additional policies. These other Councils' permitted rules for noise levels that meet the NZS, and for seismic surveying that does not use explosives, reflect recognised standards, and two new permitted rules are proposed to be added to the West Coast RCP along these lines. The wording of the new permitted rule is taken from a standard condition on consents for noise-generating activities in the West</p>

Section 32 provision	Evaluation
	<p>Coast CMA.</p> <p>(ii) Minor amendments to the proposed noise policy will make it more streamlined. Assessing effects of noise on ecosystems is deleted from the operative Policy. This is not an issue in the onshore area of the West Coast. Staff are not aware of any instances where Council has had to control excessive noise from CMA activities affecting birds, seals, or their habitat. Background noise from the sea can be loud, and noise from vehicles and heavy machinery is usually temporary or short term. The references to noise effects on public health, and compliance with the New Zealand Standard for port noise are also deleted as these are not an issue in the West Coast CMA.</p> <p>The new proposed rules for noise will be effective for managing the most common effects. The main potential effect of inshore noise is on dwellings near the CMA boundary. The permitted rule requires that the NZS for noise are met at the boundary of residential properties. Having the same noise standards as those in the three district plans will achieve consistency between the Coastal and District Plans for acceptable noise levels within and above the CMA. It also gives effect to the NZCPS Policy 4 for taking an integrated approach to managing noise in the coastal environment.</p> <p>Making seismic surveying permitted (provided that explosives are not used) is the most efficient way of dealing with this activity. It is inefficient to require in the Rule that seismic surveying complies with DOC's Code of Conduct to protect marine species, as it is not practical for Council to monitor or enforce compliance with the Code. Seismic surveying is usually undertaken over a period of days or weeks in offshore areas. It would be expensive for Council's compliance staff to be at sea monitoring seismic surveying, and Council does not have the expertise to do this type of monitoring. Staff have been advised<sup>10</sup> that there is a good level of voluntary adherence to the Code of Conduct by industry, and a trained observer must be present during surveying operations to monitor the effects of the activity and compliance with the Code. There is no point in attempting to duplicate this system through the Proposed RCP. The significant costs to Council of investigating any complaints of non-compliance are not justified for an activity that is already managed by DOC. The Proposed RCP still needs to address seismic surveying as a noise-generating activity under section 16 of the RMA. Making the activity permitted avoids operators having to unnecessarily get resource consent from Council when Council cannot monitor or enforce the consent. There is a very low risk of explosives being used as this procedure stopped approximately 20 years ago<sup>11</sup>, and airguns are now used to generate sound waves. Including the condition avoids the risk of explosives being used.</p>

<sup>10</sup> Pers com, Mike Patrick, 19/2/2015.

<sup>11</sup> Pers com, Mike Patrick, 19/2/2015.

Section 32 provision	Evaluation
<p>(2) (a) Identify and assess the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from implementing the provisions, including the opportunities for-</p> <p>(i) economic growth that are anticipated to be provided or reduced;</p> <p>(ii) employment that are anticipated to be provided or reduced;</p>	<p>The policy and rules for managing noise generated onshore or under water will not significantly or directly result in increased income or employment for the West Coast. Onshore noise is a byproduct of heavy machinery and vehicle use in river mouths and on the foreshore. Seismic surveying is a data gathering activity undertaken by skilled personnel likely to be employed from outside of the West Coast Region. The extent to which noise-generating resource use and development activities contribute to economic growth and employment is discussed in the assessments of the natural and human use values, structure, and disturbance provisions in this Report.</p> <p>The proposed policies and rules for managing noise as an adverse effect are not overly restrictive so as to be a disincentive for resource use and development in the CMA. It is anticipated that at a minimum, the proposed provisions will enable activities to continue in a 'business as usual' manner.</p> <p><b>Benefits</b></p> <p>Contractors and seismic surveyors can undertake their activities, subject to meeting the conditions of the permitted rules, without the cost of obtaining resource consent. Currently a consent is required as there are no permitted rules.</p> <p>Requiring that explosives are not permitted will help to protect marine mammals. Explosives can have significant adverse effects on marine life.</p> <p><b>Costs</b></p> <p>If a resource consent is required for noise that does not meet the permitted rules, applicants will continue to be charged for processing applications. The proposed noise provisions do not place any additional cost requirements on consent applicants above what is already required in the consent process. Costs will vary on a case by case basis, depending on the level of risk and actual and potential effects.</p>
<p>(2)(b) Quantify if practicable the benefits and costs</p>	<p>There is not expected to be any significant change in costs from the status quo. Quantifying the identified benefits and costs is not considered practical or useful, and does not add reasonable value to this section 32 assessment. The time and cost it would take to quantify the benefits and costs is unjustified. There are no new or large costs arising from implementation.</p>
<p>(2)(c) Assess the risk of acting or not acting if there is uncertain or insufficient</p>	<p>Given that the NZS for noise are nationally recognised and utilised, there is no risk of adopting these as a suitable standard for a permitted level of onshore noise.</p>

<b>Section 32 provision</b>	<b>Evaluation</b>
information about the subject matter of the provisions.	Staff have been advised <sup>12</sup> that there is limited research available on the actual effects of seismic surveying on marine mammals. The activity is proposed to be made permitted on the basis that DOC allows seismic surveying to be undertaken in accordance with the Code of Conduct, so it is reasonably assumed that this equates to the effects of the surveying being no more than minor. DOC's Code of Conduct was updated in 2013, and prescribes detailed preparation procedures and operational requirements for different strengths of acoustic waves used, as well as requirements for trained observers, and avoidance zones and shutdown periods where mammals with calves are detected.

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<sup>12</sup> Pers com, Mike Patrick, 19/2/2015.