

Submission to the proposed West Coast Regional Coastal Plan

21 March 2016

To: Proposed West Coast Regional Coastal Plan
West Coast Regional Council
PO Box 66
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By email to rcp@wrc.govt.nz

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1. Forest & Bird could not gain an advantage in trade competition through this submission.
2. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

3. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna. In more recent years Forest & Bird's role has extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness of what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
4. Forest & Bird has a long-term interest in activities on the West Coast within and adjacent to the CMA as it supports habitat for important and highly vulnerable sea bird species including the Westland Petrel and the little blue and Fiordland crested penguins. Forest and Bird owns the Dick Jackson Reserve near Punakaiki which provides nesting habitat for the Petrel and is adjacent to a larger Petrel Colony managed by the Department of Conservation. Our members are active in other conservation groups throughout the Coast including the West Coast Penguin Trust. It is also the home of important habitat for indigenous vegetation and other fauna.
5. This is a submission on all provisions of the Proposed West Coast Regional Coastal Plan (Proposed Plan).
6. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.

GENERAL SUBMISSION

7. The Proposed Plan fails to give effect to the New Zealand Coastal Policy Statement (NZCPS) by placing use and development of the regions natural resources at the forefront of the objectives and policies without properly considering the provisions of the NZCPS.
8. The NZCPS clearly sets out the policy direction in respect to preserving the natural character of the Coastal Marine Area (CMA), protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna. This policy direction is set through objectives and policies, including Objective 2 and Policies 11, 13 and 15 of the NZCPS and must be given effect to through regional coastal plans.
9. The section 32 report accompanying the Proposed Plan appears to consider these NZCPS provisions can be applied at Councils discretion

The Proposed RCP takes a much-needed pragmatic approach to coastal management in the West Coast CMA. It appropriately reflects the low level of development occurring to date, and this is expected to continue. In its current form the Coastal Plan is significantly out of date, and with its overly cautious approach which was appropriate at the time, it is now considered unbalanced and does not reflect the existing and potential future resource uses in the CMA. The proposed 'second generation' Coastal Plan aims to be a more concise document with a better balance of both enabling resource use and managing effects of activities, making it a useful tool for the West Coast Regional Council over the next 10-15 years.

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

Bird habitat

11. The West Coast region has a number of significant bird species who are vulnerable in terms of their numbers and the potential loss of habitat as a result of activities within and adjacent to the CMA. The Proposed Plan does not properly recognise the importance of these species and their vulnerability to disturbance by human activities. Their breeding locations and the importance of their protection is not specifically referred to in any objective, policy, rule or Schedule. The positive economic, social and cultural benefit of the protection of these species is not considered in any policy. These benefits should be recognised in the Proposed Plan to support the Policy and Rule requirements of avoiding, mitigating and remedying adverse effects.
12. The protection of bird habitat is further put at risk by the policy approach to directing recognition of employment as a positive effect of use and development (Policy 3.3.1) without recognising potential adverse effects as required by the RMA or to give effect to the NZCPS. Further such direction is inappropriate and unnecessary as the definition of "effects" under the RMA includes both positive and negative.
13. Activities, such as occupation, access, noise and disturbance can have adverse effects on important bird species including Black Billed Gulls, Red Billed Gulls, Fiordland Crested and Blue Penguins and the Westland Petrel with many of these species being nationally vulnerable or nationally critical.
14. The Westland petrel is endemic to the West Coast with their breeding location in the coastal ranges near Punakaiki. It is estimated 4,000 pairs breed annually. Human activities within the CMA (lighting, noise for instance) can adversely impact on the flight path to their breeding location and may result

in lower fledgling weights and reduced first year survival. The conservation status of this species was changed from nationally vulnerable to nationally endangered in 2013. Conditions on permitted activities and policy direction for consented activities needs to be added into the proposed Plan to avoid adverse effects consistent with Policy of the NZCPS.

15. The penguin species have breeding colonies along the coast and need to be able to access the foreshore as they move to and from their breeding sites. Disturbance can cause penguins to flee, facilitating nest predation and may cause starvation in moulting penguins. Provisions are needed in the Proposed Plan to ensure that permitted and consented activities to avoid adverse effects.
16. The proposed Plan has deleted Schedule 3.1 of the Operative Plan. This Schedule identified important marine mammal (fur seal haul out areas) and bird sites and required that any activities within or adjacent to these sites must avoid, remedy or mitigate any adverse effects associated with the values of these sites. The Proposed Plan needs to include this Schedule and provide condition and policy guidance to ensure adverse effects are avoided or mitigated consistent with Policy of the NZCPS.
17. The Proposed Plan fails to properly consider the adverse effects on birds and their habitat within and adjacent to the CMA and is contrary to both the NZCPS and Part 2 RMA.

Outstanding Natural Landscapes and High Natural Character Areas

18. The Proposed Plan inexplicably excludes several areas identified in the S Brown reports that were assessed as having either high natural character or outstanding natural landscapes within the CMA. This is entirely inconsistent with the NZCPS including Objective 2 and Policies 11, 13 & 15 that clearly set out what the Council is required to do to protect these values. It is clearly inconsistent with section 6 (a) (b) RMA.
19. All sites identified in the two technical reports prepared by S Brown should be included in proposed Schedules 3D and 3E of the Plan.
20. The provisions in the Proposed Plan also fail to ensure that Policies 13 and 15 of the NZCPS are properly recognised. There is no clear evidence in the s32 to support the approach taken, where by permitted activities do not include any conditions to ensure potential adverse effects within these areas are no more than minor. The s32 and Proposed Plan fail to consider the issue of cumulative effects in terms of permitted activities. Further the monitoring provisions in Chapter 15 rely on complaints and not on any specific monitoring of permitted activities with areas of Outstanding Natural Landscapes and High Natural Character Areas.

Significant wetlands within the Coastal Marine Area

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

22. The result of this is a poorly written proposed Plan which provides little or no direction for the next decade around the very important resource management issues facing the West Coast.
23. Forest and Bird seeks that the Proposed Plan be withdrawn or significantly amended to address the matters raised in the General submission comments above and the specific submission comments on provision in the following table.

Submission on specific provisions

Title of Provision	My submission is that	I seek the following
Chapter 1 Introduction		
1.1	<p>Chapter 1 sets out to purpose and scope of the Proposed Plan, however it is not clear that within the CMA the default requirement is for resource consents to be sought under the RMA. Without the permitted rules in this plan consents would be required for all activities. This should be reflected in the wording relating to Chapter 3-10</p>	<p>Amend 1.1 to clarify the precautionary approach of the RMA to activities in the coastal marine area.</p> <p>Amend 1.4 as follows: “Chapter 1 This Chapter provides an introduction to the Plan, <u>describing the Coastal Marine area where this Plan applies</u> and a diagram of the resource management framework applying to the coast.”</p> <p>Amend 1.4 as follows: “Chapters 3-10 These Chapters...These provisions...consent applications. The Rules determine whether <u>an activity is permitted or where</u> consent is required for a particular activity within the coastal marine area.”</p>
1.2	<p>The delineation between Regional Council and District council functions in the CMA is not clearly described.</p> <p>Reference to Island areas is incomplete</p>	<p>Amend the plan to clearly explain that District Councils functions do not generally apply in the CMA. Retain reference to the exception for Westland DC and explain whether this means both the Coastal Plan and the Westland District Plan apply to the “foreshore” within that district. Provide further guidance on connect of the coastal plan in terms of district plans such as “While both plans should considered for those undertaking activities in CMA, because activities within the</p>

		<p>CMA can affect adjacent land uses, it is unlikely there will be overlap in terms of consenting requirements unless the activity in both within and landward of the CMA”.</p> <p>Amend the last sentence as follows: “Island areas above mean high water springs are not subject to rules in this Plan. <u>Effects of activities above mean high water springs are addressed by the Land and Water Regional Plan and in West Coast District Plans.</u>”</p>
1.4	The purpose of the schedules should be briefly outlined as for the other chapters of the plan	<p>Amend 1.4 as follows: “The Schedules follow Chapter 16 <u>The Schedules set out specific requirements, criteria, standards and maps to be met by permitted activities and guide consents applications.</u>”</p>
Chapter 3 Natural and Human Use Values		
3.1	<p>There is no reference to the RMA or how this chapter fits strategically. The objectives and policies in this chapter are not consistent with the NZCPS</p>	Delete chapter
New Chapter	<p>Include a new Chapter to provide for Indigenous Biodiversity, Natural Character, Natural Features and Natural Landscapes. This is needed to recognise and provide for the matters of National Significance under section 6 of the RMA. To give effect to Policies 11, 13, 14 and 15 of the NZCPS</p>	<p>Add a new chapter for Indigenous Biodiversity Natural Character, Natural Features and Natural Landscapes</p> <p>Include an introduction recognising the relevant aspects of the RMA and NZCPS and the positive economic, social and cultural benefits of protecting significant biodiversity and outstanding natural character and landscapes, through the</p>

	<p>Incorporate and strengthen the policy direction around cumulative effects of Policy 3.3.10 of the proposed plan by recognising permitted as well as consented activities in this new chapter</p> <p>Add the following schedules to be recognised within the policies of this chapter (as other chapters as appropriate to address this submission):</p> <p>Schedules 3.1 “Marine Mammal and Bird Sites Above Mean High Water Springs” from the currently operative RCP. This schedule should be updated prior to adding it into the Plan. Forest and Bird would be happy to meet contribute to this.</p> <p>Schedules 3.2 “Outstanding Natural Features and Landscapes Above Mean High Water Springs” from the currently operative RCP</p> <p>To provide protection of significant wetlands to align with the approach as in Land and water Plan by including the Wetland schedules. Include policy direction to exclude permitted activities from identified significant wetlands and include policy guidance and rule classification for consented activities to recognise both the identified significant wetlands and the criteria for consented activities only.</p> <p>Rationalise the Coastal Management Areas from the currently operative plan against the wetland schedule (from Land and Water Plan) and include</p>	<p>implementation of the Regional Coastal Plan to the West Coast.</p> <p>The work Council has done to identify outstanding natural landscapes and character areas included in Schedules 3D and 3E and significant wetlands referring to schedule and criteria.</p> <p>The work Council has done with the Department of Conservation and others to identify habitats within schedules 3.1 and 3.2 from the currently operative RCP.</p> <p>Recognise the issues of cross boundary effects and that activities in the CMA need to consider effects on adjacent land values.</p> <p>Significant Biodiversity: Set objectives and policy framework to achieve biodiversity and landscape outcomes for the west Coast CMA consistent with section 6 of the RMA and Policy 11 of the NZCPS. This should include conditions on permitted rules to avoid effects in identified significant areas/habitat, during nesting seasons, and to sufficiently minimise effects to be no more than minor.</p> <p>At a minimum this should include a condition excluding permitted activities within significant wetlands and adjacent to the sites identified in schedules 3.1 and 3.2 (from the currently operative RCP) during breeding season.</p> <p>Outstanding Natural Character and Natural Features and Natural Landscapes: Set objectives and policy framework to achieve</p>
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	<p>any areas identified in the Coastal Management Area schedule, which are not listed in the Land and water plan Wetland schedule, into this Plan.</p> <p>The Proposed Plan does not set Policy direction consistent with the NZCPS. New Policies are needed to ensure activities to avoid adverse effects of activities on outstanding natural character, natural features and natural landscapes in the coastal environment. Any activities which could have significant adverse effects on Natural Character, natural features and natural landscapes must be avoided and all activities must avoid, remedy or mitigate other adverse effects of on natural character in all other areas of the coastal environment.</p> <p>Opportunities to restore or improve natural character seem to be limited to an offset mechanism in the proposed Plan under 'Financial Contributions'. This is inconsistent with the NZCPS approach to avoid., mitigate or remedy and should be replaced by policy direction to restore or improve natural character.</p> <p>Removal of redundant, abandoned or unauthorised structures and providing remediation is already indicated in the proposed Plan and could be strengthened to achieve this direction</p>	<p>outcomes for the West Coast CMA consistent with section 6 of the RMA and Policy 13, 14 and 15 of the NZCPS. This requires a thorough assessment of potential adverse effects including cumulative effects to establish whether and to what scale activities can be provided for as permitted activities within these areas. Some Outstanding areas could be more susceptible than others to the scale of activities permitted within the plan and this could be addressed though specific exclusion within those areas. Because the uptake of permitted activities could change during the lifetime of the plan, policy direction should recognise the need for monitoring on cumulative effects from these activities.</p> <p>Policy direction needs to be consistent with the NZCPS to avoid adverse effects on outstanding natural character outstanding natural features and outstanding natural landscapes, avoid significant adverse effects on natural character, natural features and natural landscapes and avoid, remedy or mitigate other adverse effects of on natural character, natural features and natural landscapes in all other areas of the coastal environment and to promote restoration. This means ensuring policies and rules set out where activities cannot occur and that activities within the CMA avoid, or appropriately mitigate adverse effects on adjacent land, air or water in the coastal environment and provide opportunities for restoration.</p>
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		Policy direction should include direction for restoration and process for identification of areas and opportunities for restoration or rehabilitation of natural character.
Chapter 4 Public Access and Occupation of Space		
Objective 4.2.1	Support the general intent of the objective however note that this does not provide an objective for the occupation of space	Incorporate an objective to provide for the occupation of space within the CMA where this does not not have adverse effects within the CMA or on sensitive sites adjacent to the CMA
Objective 4.2.2	Effects of access can be from more than vehicles and effects can come from permitted activities too	Amend To enable access where effects are no more than minor and manage effects of access where this has potential to be more than minor through the resource consent process
Policy 4.3.1	It may be “necessary” to restrict access for protection of significant habitat or breeding seasons. Clause (c) is vague. Policies 4.3.2 and 4.3.3 appear to sufficiently cover ‘exceptional circumstance.	Amend policy to include a new clause: “For the protection of habitats and breeding times of birds and mammals, including areas adjacent to those listed in Schedules 3.1 “Marine Mammal and Bird Sites Above Mean High Water Springs”. Delete clause (c)
Policy 4.3.2	Support. Provides direction as to when access may be restricted.	Retain
Policy 4.3.3	Support approach as appropriate to consider these options under RMA	Retain
Policy 4.3.4	Support in part approach as appropriate to consider these options under RMA	Retain but needs to be supported by adequate rules and schedules to assist in the identification of where these sites maybe, not only Schedule 10.
Policy 4.3.5	The adverse effects on habitats recognised in this	Retain and amend consistent with amendments

	policy could also occur from access on foot access and from non-consented activities	sought Policy 4.3.1
Chapter 5 Structures		
Objective 5.2.1	Support intent of this objective however policy guidance is needed to ensure structures are avoided in Outstanding areas as per policies 11, 13, 14 and 15 of the NZCPS.	Retain but add clarification in the explanation to include reference to requirements under NZCPS policies 11, 13, 14 and 15 and policy direction to address submission.
Policy 5.3.1	Support in part but needs consider effects on adjacent biodiversity values.	if not already provided for in the other policies ad a clause as follows: (x) areas adjacent to the CMA identified in the Wetland schedule, Schedules 3.1 and Schedule 3.2.
Policy 5.3.2	Support. Appropriate direction to mitigate visual effects	retain
Policy 5.3.3	Support intention to require removal of redundant structures	retain
Policy 5.3.4	Support Policy approach where whitebait stands may affect riverbanks and beds and consistency with Land and Water Plan	retain
Policy 5.3.5	A consent process should be required for all new or alteration of coastal protection structures	Add policy direction for all such structures to require resource consent for erections, placement or alteration in the CMA.
Policy 5.3.6	This policy is inconsistent with NZCPS	delete
Policy 5.3.7	This policy needs to properly recognise responsibilities under the NZCPS	Delete the last sentence.
Chapter 6 Disturbance		
Objective 6.2.1	Not consistent with RMA to avoid, remedy or mitigate. Permitted rules should include standards where necessary to ensure effects are no more than minor using the avoid, mitigate and remedy approach.	Amend to To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in appropriate places and forms, and within appropriate limits to manage adverse effects Explanation

		The objective enables people and communities to provide for their social, economic and cultural wellbeing, whilst avoiding, remedying or mitigating adverse effects within and adjoining the coastal marine area. <u>Or consideration through a consent process where effects have potential to be more significant, including where appropriate activities are considered to be those that meet the permitted rules, or where a resource consent can be granted to avoid, remedy, or mitigate adverse effects, or in rare instances effects cannot be avoided, remedied, or mitigated and offsetting measures can be considered are applied.</u>
Policy 6.3.1	Support	retain
Policy 6.3.2	Support – clarify what “major” disturbance is or amend	Amend as follows: “ Any major Disturbance activities in the foreshore should blend... “
Policy 6.3.4	Support in part	Amend as follows: “ ... consider <u>the extent to which the activity:</u> <u>(x) Protects natural character of the coastal environment;</u> <u>(x) avoids adverse effects on habitat and the breeding times of threatened and vulnerable bird species;</u> <u>(a) Maintains</u> The capacity of rivers to carry flood flows; <u>(b) Provides for</u> The sustainable yield of the river system; <u>(c) Adverse avoids, mitigates or remedies</u> effects on bed levels and channel location; <u>(d) Adverse avoids, mitigates or remedies</u> effects on riverbank stability and riverbank vegetation; <u>(e) Adverse avoids, mitigates or remedies</u> effects

		<p>on Poutini Ngāi Tahu values;</p> <p>(f) <u>avoids, mitigates or remedies effects</u> Navigation safety;</p> <p>(g) <u>avoids, mitigates or remedies effects</u> Fish passage;</p> <p>(h) <u>avoids</u> Potential spread of pest plants and invasive, aquatic micro-algae.</p>
Chapter 7 Vegetation Removal and Planting		
Policy 7.3.1	Support recognition of “ecological criteria for significant wetlands in Schedule 2”, however this needs to include a reference to the significant wetland identified in the schedule from the operative L&WP.	<p>Add under 1)</p> <p><u>“bird nesting areas and indigenous habitats within the CMA or adjacent to the activity”</u></p> <p><u>Amend clause (b) to include reference to the schedule of identified significant wetlands.</u></p>
Policy 7.3.2	Support the preference for indigenous vegetation however this vegetation needs to be locally sourced and be naturally occurring species within the region. What about location of planting or effects associate with planting?	<p>Amend as follows</p> <p>For any vegetation planting in the coastal marine area, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock, where practicable. <u>Any new planting are species that are naturally occurring within the region.</u></p>
Chapter 8 Discharges		
Objective 8.2.1	Support intent Provide for both in Objective and then set guidance in Policy	8.2.1 “To avoid, remedy, or mitigate adverse effects of contaminants directly discharged to the coastal marine area.”
Policy 8.3.2	As written the policy does not consider the protection of significant biodiversity	Amend to protect the value of significant wetlands as identified in the wetland schedule in the operative L&WP
Chapter 9 Taking, Use, Damming or Diversion		
Objective 9.2.1	This objective needs to be supported by policy and	Amend as necessary to address submission

	rule direction for as permitted activity conditions/standards address effects	
Chapter 10 Noise		
Objective 10.2.1	Support	Retain
Policy 10.3.1	Consideration needs to be given to ensure all activities which could have more than minor adverse effects on wildlife through generation of noise are considered.	Amend the policy or appropriate rules to ensure permitted activities are avoided areas adjacent to schedule 3.1. during bird breeding sea Add a new clause to considered the scale of impacts on indigenous wildlife
Rules		
12.1 Occupation of Space in the Coastal Marine Area		
Rule 1	Effects on mammal and bird breeding could be significantly affected by these activities	Include a condition ensuring the occupation does not take place in or adjacent to an area identified in 3.1 of the operative RCP during breeding times
12.2 Structures		
Rule 6	This does need to include consideration for biodiversity and natural character, features, landscape as required under the NZCPS.	Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx
Rule 7	Support inclusion of conditions (m) and (n) Needs to include exclusion for biodiversity and natural character, features, landscape as required under the NZCPS.	Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx.
Rule 9	Disturbance associated with installing monitoring can have significant effects and should be avoided in significant and outstanding areas.	Amend to exclude areas identified in Schedule 3D and 3E and the identified significant wetlands New schedule xx.
Rule 10	If these structure are in or adjacent to mammal/bird areas they should avoid	Include a clause to ensure activities are avoided doing breeding times for mammals and birds

	construction during breeding season	
12.2.2 Controlled Structures		
Rule 12	Councils should consider effects of planning as well as removal of vegetation	Retain condition (a) Amend condition (b) to include planting
Rule 13	Support in part	Ensure policies provide adequate guidance for consents under this rule as sought
12.3 Disturbance Activities		
Rule 15	These activities can have significant effects on wildlife especially during sensitive nesting times. Known nesting sites or sites suited to nesting should be recognised in a schedule in this plan and a condition on this rule. Cumulative effects of this small nature could also have significant effects on the areas identified in the Schedule 3D and 3E should be avoided by this rule.	Add conditions as follows: (x) Does not occur within a schedule 3D and 3E (x) Does not occur in or adjacent to mammal and bird areas identified in schedule 3.1 during breeding season
Rule 17	Same as for rule 15	As above
Rule 18	This has significant effects and does not meet the purpose of the RMA	delete
Rule 19	This has significant effects and does not meet the purpose of the RMA	delete
Rule 23	See our comments on Rule 12.	
Rule 24	This activity can have significant effects that can affect wildlife indigenous biodiversity.	Amend to include matters of discretion for areas identified in Schedule 3D and 3E and the identified significant wetlands schedule and schedule 3.1 from the operative RCP.
Rule 25	This activity can have significant effects and the matters raised in the policy and general section of this submission need to be considered in the resource consent process.	Amend provisions of the plan as required to address this submission
New rule	To give effect to the NZCPS a non-comply status for	Disturbance other than as provided for under rules

	activities where effects have not be addressed through conditions and polices consistent with policies 11, 12, 13 and 14 of the NZCPS is required.	15-23 within an Outstanding natural character, outstanding natural landscape and features as identified in schedule 3D and 3E is a non-complying activity
Rule 26	Support with amendment	Seek that only applies to naturally occurring indigenous plants
Rule 28-30	Support	Retain
12.5 Discharges		
Rule 31	Support	Retain
Rule 32	Support	Retain
Rule 33	Support	Retain
Rule 34	Support	Retain
Rule 35	Support	Retain
Rule 36	Support	Retain
Rule 37	This activity is not appropriate as a controlled activity as the adverse effects could be significant.	Change activity status to restricted discretionary and remove provision regarding non-notification.
Rule 38	Support	Retain
12.6 Takes, use, damming, diversion		
Rule 39	The rule is uncertain and unclear.	Delete
Rule 40	The reference to erection is not appropriate as it relates to existing structures	Remove reference to erection.
Rule 41	Support aproviding changes sought to related rules sought above (particularly 7, 9 and 10) are made.	Retain as long as amendments sought above are made.
Rule 42-44	Support providing changes sought to related provisions rules sought above are made.	Retain as long as amendments sought above are made.
12.7 Noise		
Rule 45, 46	Needs to include condition to restrict noise near bird/mammal nesting areas and times.	Include condition restricting noise near bird/mammal nesting areas
Rule 47	Support	Retain
Chapter 13 Information Requirements		
General submission	We have sought a number of changes to the plan	Amend provisions to give effect to the submissions

	in this submission. This will require consequential amendments to this section.	points made in this submission.
13.1	The applicant has to provide the assessment of effects. The council needs enough info to determine if the potential effects achieve the RMA, NZCPS and requirements of this plan etc	Amend 13.1(b) such that it requires a AEE in accordance with the Act
13.2	Support clause (8) – need to include schedule of bird nesting areas	Retain
13.3.2	Effects of structure in river beds should also include information on potential effects on bird nesting	11.d) include bird nesting
13.3.3	For disturbance and deposition of material information requirements need to include potential effects on bird nesting	
13.3.4	Why do they need to do an assessment of ecological significant for wetlands if there is already a schedule in the Land and water plan?	Amend clause 7 “ Avoiding Addressing assisting the spread of pest plants.”
13.3.7	Should include provision of information on sensitive sites, such as residential properties, bird nesting habitat and mammals etc. adjacent to the activities/likely to be affected by the activity	Add provision as suggested
Financial contributions		
14.3.5	This is inconsistent with NZCPS. You can’t require a financial contribution where and activity is meant to have been avoided?	Delete
15 Monitoring and Review		
15.1	The more permissive the plan is the more council needs to provide for monitoring Methods should be included within this plan setting out what the council needs to monitor to ensure requirements of permitted activities are complies with and whether cumulative effects are	Add additional requirement to monitor the effects of activities.

	occurring. This will provide a sound biases on which to provide for permitted activities within the CMA. And will guide council in prioritising monitoring funding in the Annual Plan to achieve the objectives and policies of this Plan.	
Schedule 2	This needs to be proceeded by a schedule identifying the specific sites identified in the Land and Water Plan	Retain
Schedule 3 Significant Natural and Human Use Values	This is an advice note and not relevant for a schedule.	Delete
Schedule 3B Coastal development area	This includes sites that have been identified as ONLs/Outstanding Natural Character	Delete sites in ONLs/Outstanding Natural Character
Schedule 3D Outstanding Natural Features and Landscapes	<p>Activities in the CMA can have adverse effects on outstanding natural features and landscapes adjacent to the CMA.</p> <p>Needs to include all sites identified in the S Brown report</p> <p>Needs to apply to permitted activities also.</p>	<p>Add all outstanding natural features and landscapes within or extending into the Coastal Environment as identified in the S Brown report.</p> <p>Amend the text at the 4th paragraph as follows : “Outstanding.... This Schedule provides a mechanism for recognising the existence of these values within and adjacent to the coastal marine area where a proposed activity requiring resource consent may have adverse effects on the landscape values to avoid adverse effects and provide protection required by Policy 15 NZCPS and consistent with s6 RMA.</p>
Schedule 3E Outstanding Natural Character Areas	Activities in the CMA can have adverse effects on outstanding natural character areas adjacent to the CMA.	<p>Add all outstanding natural character and areas within or extending into the Coastal Environment.</p> <p>Amend the text at the 4th paragraph as follows : “Outstanding.... This Schedule provides a</p>

		<p>mechanism for recognising the existence of these values within and adjacent to the coastal marine area where a proposed activity requiring resource consent may have adverse effects on the landscape values” <u>to avoid adverse effects and provide preservation of these values as required by Policy 13 NZCPS and consistent with s6 RMA.</u></p>
New schedules	The plan is deficient in that it does not have the wetland schedules in the LWRP and does not carry through Schedule 3.1 in the existing Coastal Plan.	<p>Include the Wetland schedules from the Land and Water Plan as this includes wetlands within and adjacent to the CMA.</p> <p>Add Schedule 3.1 from the currently operative plan to identify of bird and mammal. Ensure that a condition is added to permitted rules to restrict access and disturbance of these areas during breeding seasons as appropriate.</p> <p>Add a new schedule identifying known sites that are significant in terms of section 6(c)</p>