

**Community &
Public Health
West Coast**

a division of
Canterbury District Health Board

**Submission from
Community and Public Health, West Coast**

**West Coast Regional Council
Proposed West Coast Regional Coastal Plan 2016**

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Details of Submitter

Dr Cheryl Brunton
Medical Officer of Health

Postal Address

Community and Public Health
PO Box 443
3 Tarapuhi Street
Greymouth

Phone: 03 768 1160

Fax: 03 7681169

Contact Person for this application:

Claire Robertson
West Coast Team Leader
Community and Public Health

DDI: 03 768 1170

Email: claire.robertson@cdhb.health.nz

Introduction

We welcome the opportunity to comment on the Proposed West Coast Regional Coastal Plan 2016. Community and Public Health West Coast, a division of the Canterbury District Health Board, is making this submission to promote the reduction of adverse environmental effects on the health of people and communities and to improve, promote and protect their health pursuant to the New Zealand Public Health and Disabilities Act 2000 and the Health Act 1956.

Community and Public Health has delegations and authorities to discharge statutory obligations for public health within the West Coast Region under Crown funding agreements with the Ministry of Health for the West Coast District Health Board. The Ministry of Health requires public health services to reduce any potential health risks by means including submissions and further submissions on any proposed Policy Statement or Plans to ensure matters of public health significance are considered by the Authority. The Proposed West Coast Regional Coastal Plan 2016 includes matters with the potential to have impacts on the health of people and communities.

1. The specific provisions of the proposal our submission relates to are shown below together with a statement whether we support or oppose the specific provision or wish it to be amended.
2. In relation to all submissions, the decisions we seek from the West Coast Regional Council are set out below together with reasons. Where we provide new words to be inserted into the Proposed West Coast Regional Coastal Plan or seek amendments to the wording of specific parts of the proposal, the scope of our submission is intended to also cover words to the like effect in the specific section or in any other plan section which might be consequentially amended, or added.
3. Community and Public Health could not gain an advantage in trade competition through this submission.
4. We wish to be heard in support of this submission and will not consider presenting a joint case with any other submitter. If clarification or facilitating resolution of any matter is initiated pursuant to Schedule 1, s. 8AA of the Act, we request to be consulted and invited.

Specific Section references and topics referred to in the Proposed Plan	Discussion/Comment	CPH's recommendation/decision sought
1. Introduction		
CPH applauds Council for the development of the Proposed West Coast Regional Coastal Plan (hereinafter referred to as the Plan). We support in principle the objectives, policies and rules included in the plan.		
2. Poutini Ngāi Tahu Values		
2.1	<p>CPH applauds Council for engaging with Poutini Ngāi Tahu in the development of this section of the Plan.</p> <p><i>This acknowledges Poutini Ngāi Tahu's status as Mana whenua and their role as Kaitiaki of Te Tai o Poutini. It also demonstrates that Council is giving effect to the provisions of sections 6(e), 7(a) and 8 of the Resource Management Act.</i></p>	Include statement in final Plan
2.8	<p>CPH supports the inclusion of Ingoa Tawhito (traditional place names) in Schedule 1 of the Plan.</p> <p><i>This acknowledges Poutini Ngāi Tahu's status as Mana whenua and their role as Kaitiaki of Te Tai o Poutini. It also demonstrates that Council is committed</i></p>	Amend Schedule 1 by listing, where relevant, the Ingoa Tawhito before the English names.

	<i>to giving effect to the provisions of sections 6(e), 7(a) and 8 of the Resource Management Act.</i>	
2.9.	<p>CPH supports Poutini Ngāi Tahu’s desire to ensure mahinga kai and other resources of importance to them are protected from the effects of other activities in the coastal marine area</p> <p><i>This assists in safeguarding Māori cultural practice and ensures sustainability and wellbeing for future generations. It also demonstrates that Council is committed to giving effect to section 6(e) of the Resource Management Act.</i></p>	Include statement in final Plan
2.12	<p>CPH supports activities which ensure that Poutini Ngāi Tahu have appropriate input into resource management decisions.</p> <p><i>We encourage Council to actively engage with all West Coast-based Māori and not just those affiliated to Poutini Ngāi Tahu.</i></p>	Include section 2.12 in final Plan
3. Natural and Human Use Values		
CPH agrees it is important the adverse effects on the existing natural and human use values supported by the coastal marine area are avoided, remedied, or mitigated.		
3.2 Objectives 3.2.1 and 3.2.2	<p>CPH agrees that the positive effects of new employment opportunities should be recognized: it is true that jobs attract people to the West Coast.</p> <p><i>However, we are concerned that the explanation focuses on mineral extraction</i></p>	Reword the explanation under 3.2.2 to include reference to the employment opportunities created through tourism

	<p><i>and large scale resource-based projects. We are aware that mineral extraction in particular is an industry prone to boom and bust cycles, oftentimes at the expense of the social and economic wellbeing of West Coast communities, and that the adverse environmental effects of the industry are not always minor, or adequately mitigated. Large scale resource-based projects also have the potential to have effects that are more than minor on the coastal environment. By contrast, the potential for economic benefits to the community from tourism are enhanced by protection, rather than exploitation of the natural resources of the coastal environment. The West Coast Wilderness Trail (in particular the Coastal Pathway) is an example of this type of beneficial development. Although the pathway itself is not in the coastal marine area covered by the plan, its value as a tourist attraction depends at least in part on the state of the adjacent coastal environment.</i></p>	
3.2.4	<p>CPH supports the objective to maintain, or enhance, the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu.</p> <p><i>This ensures ongoing access to cultural practice which is essential to hauora /wellbeing.</i></p>	Retain the objective
3.2.5	<p>CPH supports the objective to avoid or mitigate the exacerbation of any natural hazards or creation of hazards that can affect infrastructure, transport routes and wellbeing of communities.</p>	Retain the objective
3.3 Policies 3.3.1	<p>CPH acknowledges that use and development of the coastal marine area can provide community benefits, including employment. However there is no definition of the ‘significant community benefits’ from activities (“renewable energy, infrastructure, or mineral developments”) for which it may be sufficient to remedy or mitigate unavoidable effects.</p> <p><i>This lack of clarity may result in pressure to allow development which may</i></p>	<p>Include a definition of ‘significant community benefits’ in the Glossary.</p> <p>Make reference in the Plan regarding the use of</p>

	<p><i>have short term community benefits at a higher than anticipated environmental cost.</i></p> <p><i>Furthermore, this policy contains no indication as to how the potential significant community benefits would be assessed against potential adverse effects. The use of Integrated Impact Assessment is a useful and inclusive process to address such an analysis and inform decision-making.</i></p>	Impact Assessment Tools to assist with decision-making where proposed activities have potential significant community benefits but also have unavoidable effects.
3.3.5	<p>CPH supports the policy to avoid adverse effects on (a) threatened species habitats and (b) outstanding natural features and landscapes etc.</p> <p><i>This seeks to ensure the West Coast remains an environment that supports local, national and global species biodiversity essential to sustainability.</i></p>	Retain the policy
3.3.6	<p>CPH strongly endorses the policy to give priority to avoiding adverse effects to the situations listed in 3.3.6 (1) as well as avoiding causing or exacerbating a natural hazard in any Coastal Hazard Area.</p>	Retain the policy
3.3.7	<p>CPH supports the policy to avoid, remedy or mitigate adverse effects on water quality, recreational values and human health.</p>	Retain the policy
5. Structures		
5.3 Policies 5.3.7	<p>CPH commends the inclusion of the policy to take the effects of climate change and sea level rise into consideration when designing and building permanent structures in the coastal marine area.</p> <p><i>Notwithstanding policy 5.3.7 concerning sea level rise there is no mention in this section regarding requirement for bridges, wharves etc to be built to a</i></p>	<p>Retain the policy.</p> <p>Include a provision in the Plan requiring structures such as bridges and wharves to be built</p>

	<i>standard to withstand heavy rain, storm surges and flooding events</i>	to a standard to withstand heavy rain, storm surges and flooding events.
8. Discharges		
8.3 Policies	<p>With the exception of discharges of fuel from vessels, this section does not include a specific policy relating to discharges to water of substances such as fuel, wastewater and sludge.</p> <p><i>Discharge of such substances has potential to have a negative impact on the quality of the West Coast coastal marine environment.</i></p>	<p>Include a policy which prohibits discharges of substances such as fuel, wastewater and sludge to the Coastal marine environment.</p> <p>Alternatively, make specific reference to the related elements of the relevant district and regional plans which have this effect.</p>
8.3.3	<p>CPH supports the proposal to have regard to opportunities to enhance the existing water quality of the receiving environment when renewing resource consents for existing discharges.</p> <p><i>This policy will assist in improving the quality of the coastal recreational water environment and has potential benefits for the protection of the wellbeing of people and communities.</i></p>	Retain the policy.
8.4.1	<p>CPH commends the proposal to encourage district councils to require an assessment of centralised sewage effluent treatment and disposal systems for coastal subdivisions and land use.</p> <p><i>The disposal of human waste water is an important public health issue on the West Coast. Untreated or inadequately treated sewage effluent discharged into the coastal marine environment can cause potentially serious negative</i></p>	Retain the policy.

	<i>impacts on human health and also on marine life.</i>	
10. Noise		
10.1 Introduction	<p>CPH supports the proposal in part but with amendments to the terminology.</p> <p><i>Amendments to the terminology are necessary so that it is consistent with the Act and the acoustical standards cited for measurement and assessment of noise. The words in the first sentence confuse the responsibility of noise producers with those of the planning authority. The words used omit "mitigation" of the effects of noise. CPH's suggested amendments will avoid potential uncertainty about terminology and reflect the actual words in the Act. Shared responsibility with the Minister of Conservation, which is a statutory requirement under s.30 (1) (d), has also been overlooked. "Residences" per se do not require protection, rather it is activities by people in buildings and their environs which may be sensitive to noise such as residential activities and which require protection. "Excessive" noise is addressed in other specific provisions of the Act. It is "unreasonable" noise in the context of s.16 of the Act which is the key issue to be addressed in this proposed plan section.</i></p>	<p>Retain the provision in part but amend as follows:</p> <ul style="list-style-type: none"> A. delete "managing noise generated within the coastal marine area, and the effects of such noise " and replace with "controlling the emission of noise and the mitigation of the effects of noise" B. Add a new second sentence "This function in the Coastal Marine Area is in conjunction with the Minister of Conservation under section 30 of the Act." C. In the current second sentence, insert "Unreasonable or" before "excessive" D. Delete "residences" and replace with "noise sensitive activities" <p><i>Note: The scope of relief sought is intended to include amendments to the like effect arising from consolidation, re-ordering or expansion of like provisions in this section or elsewhere in the Proposed Plan, or consequential amendments to this section, as a result of decisions about other parts of the Proposal.</i></p>

<p>10.2 Objective</p>	<p>CPH supports the proposal in part but with amendments to terminology.</p> <p><i>Amendments to the terminology are necessary so that it is consistent with the Act and the acoustical standards cited for measurement and assessment of noise. "Noise levels" is undefined in the standards cited where "sound level" is used and the term "level" puts undue emphasis on sound pressure level when it is character and duration as well as sound pressure level which affects how sound is perceived. Strictly speaking noise is not "generated," rather it is a human perception about unwanted elements of sound received at a time and place. The words in the first sentence confuse the responsibility of noise producers with those of the planning authority where the former have responsibility to in effect manage noise pursuant to their responsibilities under s.16 and manage its effects under s. 17 of the Act, whereas the Council has a statutory duty to "control" noise under s. s.30 (1) (d) (vi).</i></p>	<p>Retain the provision in part but amend as follows:</p> <p>Replace "manage noise levels generated" with "Control noise"</p>
<p>10.2 Objective Explanation</p>	<p>CPH supports the proposal in part but with amendments to terminology.</p> <p><i>The proposal provides a simple explanation covering the main implications but needs the word "emit" noise rather than "generate noise (see submission point above).</i></p>	<p>Retain the provision in part but amend as follows:</p> <p>Replace "generate" with "emit"</p>
<p>10.3 Policies 10.3.1</p>	<p>CPH supports the proposal in part but with amendments to terminology</p> <p><i>Noise "levels" is undefined in the standards cited where "sound level" is used and the term "level" puts undue emphasis on sound pressure level when it is character and duration as well as sound pressure level which affects how sound is perceived. Absence of reference to "people" and their "health", matters of high level importance under s.5 of the Act in the list of matters to which regard must be had, is a significant omission given Council should be informed by the decisions and determinations of the Court in cases such as the West Coast coal terminal near Granity. The published names are pursuant to</i></p>	<p>Retain the provision in part and amend as follows:</p> <ul style="list-style-type: none"> A. In 10.3.1 delete "levels" B. In 10.3.1 (a) add a new item "the health of people and communities" C. In 10.3.1 (c) delete "duration and nature of background noise" and replace with "character, level and duration of other sounds in the environment"

	<p><i>the Standards Act 1988 and should not be varied in any way. “Background noise level” used in this sub-clause of the proposal, has a limited and defined meaning and other specific terms such as “residual sound” cover what is intended to be listed in this sub-clause of the proposal. Errors in the names of standards cited in sub-clause (d) should be corrected.</i></p>	<p>D. In 10.3.1 (d) replace “NZS 6801 (2008) with “NZS 6801:2008”</p> <p>E. In 10.3.1 (d) replace “ NZS 6802 (2008) with “NZS 6802:2008”</p> <p>F. In 10.3.1 (d) replace “ NZS 6803 (1999) with “NZS 6803:1999”</p> <p>G. In 10.3.1 (d) replace “ NZS 6807 (1994) with “NZS 6807:1994”</p> <p>H. In 10.3.1 “Explanation” either (preferred) delete “levels” or replace “noise levels” with “sound levels”</p>
<p>10.3.1 sub-clause (b) and Explanation</p>	<p>CPH supports the proposal as it covers the critical elements.</p> <p><i>Duration and nature of noise produced covers the essential matters of sound, character, duration and sound level in terms of the receiver of noise.</i></p>	<p>Retain the provision</p>
<p>12.7 Noise</p> <p>12.7.1 Permitted Noise Activities</p> <p>Rule 45 Noise</p>	<p>CPH supports the proposal in part but with amendments to terminology.</p> <p><i>A method of how sound is to be measured and assessed in Rule 45 (as distinct from Rule 46) is essential. Reference to “sound levels” is inappropriate as the (unstated) method of assessment (NZS6802:2008) uses a Rating Method to assess compliance which requires consideration of more than just “sound levels” Since Seismic survey underwater noise must not be confused with environmental noise, this can be avoided by adding a note to distinguish use of cited standards for environmental noise from underwater noise applications. The numerical limits are consistent with the recommendations found in NZS6802:2008 and appropriate for sustainable management of the CMA and protection of the health and amenity of people and communities in adjacent areas.</i></p>	<p>Retain the provision in part and amend as follows:</p> <p>A. In the paragraph before sub-clause (a) and in sub-clause (c), replace “sound levels” with “noise limits”</p> <p>B. In all three sub-clauses delete “dBA Leq” and replace with “dB LAeq”</p> <p>C. Insert a new Sentence after the list of sub-clauses as follows” “In this rule sound shall be measured and assessed in accordance with NZS 6801:2008 Acoustics- Measurement of environmental sound and</p>

		<p>NZS 6802:2008 Acoustics-Environmental noise.</p> <p>D. Add a note after this new clause as follows “Note: Underwater noise associated with seismic surveys is not assessed using the above standards.”</p>
<p>12.7.2 Discretionary Noise Activities</p> <p>Rule 47 Discretionary Noise Activities</p>	<p>CPH supports the proposal as it facilitates control of noise.</p> <p><i>This is an appropriate status facilitating control of noise.</i></p>	<p>Retain the provision</p>
<p>13. Information Requirements</p> <p>13.2 General Information Required</p>	<p>CPH supports the proposal.</p> <p><i>Listing effects on human health as matters to be assessed under sub-clause 10 is important and consistent with s.5 of the Act.</i></p>	<p>Retain the provision</p>
<p>13.3.7 Noise sub-clause 1</p>	<p>CPH supports the proposal in part but with amendments to terminology.</p> <p><i>Corrections to terminology are required for reasons stated in other parts of this submission above and with reference to differentiating underwater noise assessment from environmental sound and replacing background noise levels with other more appropriate terminology. These provisions are presumably not intended to apply to underwater sound. “Excessive” noise is addressed in specific provisions of the Act and is not relevant to the information requirements of proposed section 13 where it is the “reasonableness” of noise in the context of s.16 of the Act which is the key issue to be addressed.</i></p>	<p>Retain the provision in part and amend as follows:</p> <ul style="list-style-type: none"> A. In the sub-clause heading add after “noise” “(not underwater noise)” B. In sub-clause 1. delete “level of” C. In sub-clause 1. replace “generated by” with “of” D. In sub-clause 1. replace “background noise levels” with “other sounds in the environment.”

<p>13.3.7 Noise sub-clause 2</p>	<p>CPH supports the proposal in part but with amendment.</p> <p><i>In the proposed section about information, reference to “excessive” noise is misleading and the key reference to “unreasonable” noise has been omitted. Excessive noise is not a consideration under information requirements.</i></p>	<p>Retain the provision in part and amend as follows:</p> <p>Replace the term “excessive” with “unreasonable”</p>
<p>Glossary</p>	<p>The Plan is a public document and its provisions have the potential to affect individuals, communities and the environment. In order to make it more understandable to the ordinary person, explanations of terms such as adverse, positive, minor and significant effects be should be included in the glossary.</p> <p><i>Many policies and decisions within the Plan are based on these descriptors. While some of these terms are defined in the Act itself, it would be useful to include an explanation of these terms, with examples where relevant, within the Plan document to make it easier for those unfamiliar with the details of the Act to understand.</i></p>	<p>Amend the Glossary to include explanations of the following terms:</p> <ul style="list-style-type: none"> ● Adverse effects ● Positive effects ● Minor effects ● Significant effects ● Significant community benefits