

Submission to the West Coast Regional Council on the Proposed Regional Coastal Plan 2016 from the West Coast Penguin Trust

Return your signed submission to the West Coast Regional Council by 5.00pm, Monday 21 March 2016
Submissions may be: a) Posted to: Proposed RPS, West Coast Regional Council, PO Box 66, Greymouth
7840 b) Delivered direct to the West Coast Regional Council at 388 Main South Road, Greymouth c)
Emailed to rcp@wcrc.govt.nz d) Sent by facsimile (03) 768 7133

PART A: Submitters contact details

Public information - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

Your information is held and administered by the West Coast Regional Council in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. It is therefore important you let us know if your form includes any information you consider should not be disclosed.

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PART B: Trade Competition

As per Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement that: a) Adversely affects the environment b) Does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

I could not gain an advantage in trade competition through this submission

Signature: Inger Perkins – by email

Date: 8 March 2016

(A signature is not required if you make your submission by electronic means)

PART C: Request to be Heard

I do wish to be heard in support of my submission; and if so, I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any Hearing.

Submission to cover:

- A. The specific provisions of the proposal as required
- B. Expression of support or opposition each separate provision being submitted on, the wish to have amendments made, and the reasons
- C. Amendments sought from the West Coast Regional Council, (as specific and precise as possible).

The submission of the West Coast Penguin Trust is as follows:

1. There is reduced emphasis on seabirds and marine mammals

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

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

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

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

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

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

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

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

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

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

In particular, the two penguin species have breeding colonies throughout the length of the West Coast, which they access through, and are adjacent to, the CMA, with Tawaki mainly south of Bruce Bay, and Korora more common north of there. These species require passage to and across the foreshore to breeding sites. Disturbance can markedly reduce breeding success.

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

The **Trust also strongly urges** the WCRC to make activities in or adjacent to their breeding colonies and important foraging areas, prohibited and/or non-complying and/or discretionary activities as appropriate.

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

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

2. PRCP section 7.3.1 (policy)

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

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

3. PRCP section 10.3.1 (policy)

The Trust requests that an additional section (iv) be added to 10.3.1(a) to read: "marine mammals and seabirds;"

Reason: Marine mammals and seabirds can be very sensitive to noise, and their wellbeing severely compromised by it. Reference material is as follows:

- i.) Williams R *et al* "Impacts of Anthropogenic Noise on Marine Life" in Oceans and Coastal Management 115 (2015) pp. 17-24.
- ii.) "Marine Mammals and Noise Fact Sheet" NOAA Fisheries Service Southeast Region.
- iii.) European Science Foundation Position Paper 13 June 2008. "The Effects of Anthropogenic Sound on Marine Mammals".

4. Monitoring

The Trust requests that monitoring (chapter 15) is undertaken as necessary and that the words "subject to the funding available" are removed from 15.1.

Reason: Proper monitoring to assess the effectiveness of the plan and the level of compliance with consent conditions is a reasonable expectation of the WCRC's duty. There can be little point in preparing any plan if the resources to gauge its effectiveness are not in place. Sufficient funds need to be collected and budgeted through both rates and 'user pays' charges.

5. Schedule 1 Coastal Marine Area Boundaries Across Rivers

The Trust requests that the CMA boundary for the Haast river be moved upstream to the SH6 bridge.

Reason: The reach of the Haast River from the bridge to the open sea is frequented and used by a range of coastal birds for roosting, foraging and breeding, including Red-Billed Gulls, Pied Stilts, White-Fronted Terns, Royal Spoonbills, Oystercatchers, Spur-Winged Plovers, Spotted and Black Shags and Banded Dotterels.

Ensuring that this area remains in an undeveloped and natural state is important for native fauna. This no doubt applies to the coastal sections of other braided rivers.

6. Schedule 3E Outstanding Natural Character Areas

The Trust requests that Schedule 3E be revised to include all those natural character areas considered to be High and Outstanding by Brown NZ Ltd.

Reason: This assessment includes habitat among the bio-physical values, which is generally found to be high throughout, and if not, e.g. for C15, Haast River Mouth, as we have noted above, the area is used for roosting, foraging and breeding by a variety of native birds. For C49, Cape Foulwind, night time values are not rated (nor defined), but sooty shearwaters (*Puffinus griseus*) nest there and they as well as blue penguins arrive and depart during the hours of darkness. For the record, C or NCA 50, Wall Island, is home to an important colony of seabirds including fairy prions, sooty shearwaters, red-billed gulls, white fronted terns and blue penguins; it is the largest West Coast seabird colony between Cook Strait and Fiordland.

It makes sense to join areas assessed as High to the neighbouring areas assessed as Outstanding where contiguous for the purposes of assigning NCA status and protection, and extending seawards where appropriate. Although the assessment conducted by Brown NZ Ltd is useful and well presented, it may be that the assessors are unaware of some local wildlife as noted here.

The Trust assumes that, where areas of natural character are identified that do not extend into the CMA, for example C40, Paparoa Foothills, (location of Westland petrel colonies) they will be identified by District Councils in relation to their plans and by the WCRC in relation to the Land & Water Plan and accorded the appropriate level of protection.

7. Tourism

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

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

SCHEDULE 3- CROSS BOUNDARY AREAS

3.1 Marine Mammal and Bird Sites Above Mean High Water Springs

The identification of sites important for marine mammal and birds above the line of mean high water spring provides a mechanism for recognising the existence of these values adjacent to the coastal marine area. In undertaking coastal management within or adjacent to any Marine Mammal and Bird Site, priority will be given to avoiding, remedying or mitigating adverse effects on values associated with the area.

Area	Values Above Mean High Water Spring
MMB 1—Toropuhi to Wekakura Point	A large NZ Fur Seal rookery (breeding and haul out site).
MMB 2—Kongahu Point	NZ Fur Seal rookery (breeding and haul out site).
MMB 3—Three Steeples and Black Reef	NZ Fur Seal rookery (breeding and haul out site).
MMB 4—Wall Island and adjacent coast	NZ Fur Seal rookery (breeding and haul out site); Breeding and roosting area for coastal birds (including white-fronted terns, spotted shags, sooty shearwaters, little blue penguins, prions).
MMB 5—North End of Nine Mile Beach (Buller)	Little Blue Penguin nesting site.
MMB 6—Charleston	Little Blue Penguin nesting site.
MMB 7—South of Deep Creek	NZ Fur Seal rookery (breeding and haul out site).
MMB 8—Seal Island to Perpendicular Point	NZ fur seal haul out. Breeding and roosting area for coastal birds (including little blue penguins, white-fronted terns, spotted shags, sooty shearwaters, prions, banded dotterels).
MMB 9—Dolomite Point	Breeding area for white-fronted terns.
MMB 10—North Barrytown flats	Flight path access to breeding colony for Westland petrels.
MMB 11—Point Elizabeth, including Shag Rock and Big Rock	NZ Fur Seal rookery (breeding and haul out site).
MMB 12—Wanganui Bluff	NZ Fur Seal haul out site.
MMB 13—Abut Head	NZ Fur Seal winter haul out site.
MMB 14—Okarito Bluffs	NZ Fur Seal haul out site.
MMB 15—Galway Point to Gillespies Point	NZ Fur Seal winter haul out site.
MMB 16—Heretanuiwha Point	Breeding, roosting and moulting area for Fiordland crested penguins.
MMB 17—Butress Point	Nesting site for Fiordland crested penguins.
MMB 18—Hanata Island	NZ fur seal haul out site.
MMB 19—Titira Head	NZ fur seal haul out site.

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MMB 20—Awatikato Point	Nesting site for Fiordland crested penguins.
MMB 21—Abbey Rocks	Nesting site for Fiordland crested penguins.
MMB 22—Otumotu Point	Breeding, roosting and moulting area for Fiordland crested penguins.
MMB 23—Murphy Beach	Breeding, roosting and moulting area for Fiordland crested penguins.
MMB 24—Arnott Point	NZ fur seal haul out site.
MMB 25—Seal Point	Nesting site for Fiordland crested penguins.
MMB 26—Open Bay Islands	A large NZ fur seal rookery. Breeding and roosting area for coastal birds (including Fiordland crested penguins, little blue penguins, spotted shags, sooty shearwaters, prions).
MMB 27—Jackson Head	Breeding, roosting and moulting area for Fiordland crested penguins.
MMB 28—Stafford Bay to Cascade point	Nesting site for Fiordland crested penguins. Also, there is a large NZ fur seal rookery at Cascade Point.
MMB 29—Halfway Bluff	Nesting site for Fiordland crested penguins.
MMB 30—Cascade Bay	Nesting site for Fiordland crested penguins.
MMB 31—Browne Island	NZ fur seal haul out site.
MMB 32—North of Gorge River	Nesting site for Fiordland crested penguins.