



WESTLAND
DISTRICT COUNCIL

FILE REF: RMA 13.2

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31 March 2016

West Coast Regional Council
PO Box 66
Greymouth 7840
Attention Lillie Sadler

Dear Lillie,

Westland District Council submission on Proposed Regional Coastal Plan

Please find enclosed the Westland District Council's submission on the proposed Regional Coastal Plan.

Thank you for the extension to the timeframe to make this submission, to enable Council to consider the submission at their March meeting.

The Westland District Council will not gain an advantage in trade competition through making a submission.

The Westland District Council **does** wish to be heard in relation to our submission.

The contact detail for future written correspondence in relation to this submission is:

Rebecca Beaumont
District Planner
Westland District Council
Private Bag 704
Hokitika 7842

I am very willing to meet to discuss any aspects of our submission or proposed amendments in greater detail. Please contact me on (03) 756 9086 or rebecca.beaumont@westlanddc.govt.nz.

Sincerely,

Rebecca Beaumont
District Planner

<p>The specific provisions of the proposal that my submission relates to are:</p> <p>Whole plan - Timing of notification</p>	<p>Our submission is that:</p> <p>The Coastal Plan process should be postponed until the current proposed Regional Policy Statement (RPS) process is completed. The RPS is the critical RMA document for the West Coast and sets out the management framework for the four territorial authorities, including the management of cross boundary issues. The RPS also sets the objectives and policies for the region as a whole. By notifying the Coastal Plan prior to the hearing and decision on the proposed RPS, parties who have submitted on cross boundary issues in relation to the management of the Coastal Environment and also in relation to the specific objectives and policies for the coastal environment, are forced to make the same submissions through this process. This is not considered to be efficient for any parties.</p>	<p>Westland District Council seeks the following amendments from Council</p> <p>Postpone further progress on the coastal plan until a decision is released on the proposed Regional Policy Statement.</p>
<p>Whole plan - Amend to comply with amendments sought by Westland District Council to Proposed Regional Policy Statement</p>	<p>As discussed above, in order to protect our submission on the proposed Regional Policy Statement, WDC submits that the following amendments proposed by WDC to the RPS are given effect to within the Coastal Plan. This includes: Methods 3, 4, 8, 11, 12 and 13 within the Natural Hazards chapter of the RPS: Method 3 :<i>"The Regional Council shall, with the support of District Councils, develop or support programmes, where necessary, to investigate the following:</i> <i>a. Identify areas subject to coastal erosion;</i> <i>b. Identify areas subject to coastal inundation including at risk from a tsunami;</i> Method 4: <i>"The Regional and District Councils will work together to investigate and define potential high hazard areas where information is uncertain or insufficient."</i> Method 8: <i>"The Regional and District Councils will promote the development and use of guidelines to guide the design and assessment of new development</i></p>	<p>Postpone further work on the Coastal Plan until decision is released on Regional Policy Statement.</p> <p>Amend the Coastal Plan to comply with new suggested provisions within the RPS</p>

<p>Section 1.1 and 1.2 : Area of coverage of the Coastal Plan: The scope of the Coastal Plan should extend to manage the entire Coastal Environment</p>	<p><i>in relation to hazards.</i>"</p> <p>Method 11: " Both the Regional and District Councils request applicants for privately initiated plan changes or resource consents, where relevant, to provide baseline information or fund investigation on risks or impacts of natural hazards such as flooding, land instability, coastal hazards or active faults at a local scale, in order that the environmental effects of the proposal or change can be adequately assessed at an appropriate level of detail. This may include the applicant working with the West Coast Regional Council to gather information."</p> <p>Method 12: "Initiate, coordinate and promote activities that assist communities to build resilience to the effects of natural hazards "</p> <p>Method 13: "Assist vulnerable communities to adapt to the consequences of natural hazards, including those that are likely to be adversely affected by climate change and resultant sea level rise."</p> <p>Also proposed Method 5 in Section 5 Coastal Environment of the RPS: "Review and amend the Coastal Plan and the Land and Water Plan to ensure that the area influenced by the coastal environment is addressed by both documents."</p> <p>The Coastal Plan should be amended to ensure that the plan gives effect to these proposed provisions.</p>	
	<p>The Coastal Plan clearly manages the Coastal Marine Area from the Mean High Water Spring out to sea. This is not considered to provide for integrated management as required by Policy 4 of the New Zealand Coastal Policy Statement (NZCPS).</p> <p>Through managing effects only on the seaward side of Mean High Water Springs, land uses immediately adjoining the CMA that is within the "Coastal Environment" as defined by the NZCPS, and has an effect on the coastal environment above and below the Mean High Water Spring are unable to be considered and managed in a holistic way. This is particularly in relation to greenfields development where a decision is required to be made as to whether the development should occur in that location at all, rather than</p>	<p>Broaden out to manage the full coastal environment through this plan.</p>

	<p>assessing the effects of individual components below mean high water spring as is provided for in the current Plan. It can also lead to a requirement for consent from the West Coast Regional Council and the Westland District Council when if effects were managed across Mean High Water Spring the activity may require consent from WCRC only providing a clearer and more efficient process for the applicant and Councils alike.</p>	
<p>Schedule 3C Coastal Hazard Areas</p>	<p>Limiting the hazard areas to end at Mean High Water Spring only significantly limits the applicability of the hazard assessment, by requiring landowners adjoining the coastal hazard areas to obtain further reports to determine if their land is entirely or partially affected over a 100 year timeframe, and therefore where to locate potential development. Policy 24 of the NZCPS requires an assessment of erosion, inundation, cumulative storm conditions, human influence, climate change and sea level rise.</p> <p>The Coastal Plan specifically states that “<i>District Councils should also take account of the Coastal Hazard Areas and hazard risk when assessing land use and subdivision consent applications on land adjoining or close to a CHA.</i>” As the landward extent of these hazards is not clear, this will create a requirement for the District Council, or individual landowners to obtain technical advice on the extent of the coastal hazard in each location and on an individual consent basis, rather than having it mapped as part of a Coastal Hazard Area within the coastal environment.</p> <p>It is not considered that the current plan provisions can be considered to be “risk based” as stated within the section 32 analysis, as no information is supplied on what risks are present, or the level or assessment required. It does not provide any certainty to developers as to whether their proposed development may be subject to coastal hazard risk over the long term, or the ability to make decisions about siting of buildings or infrastructure.</p>	<p>Define the landward extent of the Coastal Hazard Areas in order to better provide for their management, and allow landowners to make informed decisions.</p>
<p>Whole plan - Implementation of the New Zealand Coastal Policy Statement</p>	<p>Related to the comments above, it is not considered that the draft Coastal Plan implements the NZCPS in its entirety. Specifically, the following policies need to be addressed in greater detail:</p> <ul style="list-style-type: none"> • Policy 4 promoting integrated management of the coastal environment, • Policy 6 in relation to the alteration of character of the coastal 	<p>Amend the Coastal Plan to implement the NZCPS.</p>

	<p>environment, coastal settlements, visual effects, set backs for development,</p> <ul style="list-style-type: none"> • Policy 7 strategic planning, in relation to providing for future development and areas inappropriate for development, and areas at risk, • Policy 11, indigenous biological diversity, • Policy 13 Preservation of natural character • Policy 15 Natural Features and Landscapes • Policy 17, historic heritage identification and protection • Policy 21 enhancement of water quality • Policy 24 identification of coastal hazards in relation to land potentially affected by hazard and in particular the potential for inundation and tsunami risk • Policy 25 in relation to the treatment of the above areas in relation to subdivision, use and development • Policy 27 in relation to promoting long term risk reduction, the costs of permitting hard protection structures and identifying transition mechanisms <p>The Westland District Council does not consider that these matters are solely District Council functions, or that they are addressed in the Regional Coastal Plan in a manner that would meet the NZCPS. Further assessment of the existing proposed provisions or the addition of further policies or rules would address this.</p>	
<p>Section 3: Natural and Human Use Values</p>	<p>WDC supports the recognition within the plan that some uses and development within the coastal environment have positive effects and that other activities are required to locate within the CMA. The requirement for new development to consider our infrastructure within the CMA is supported.</p>	<p>Retain the plan provisions that recognise the necessity of occupation of the coastal environment by infrastructure and the positive effects of use and development</p>

<p>Section 3: Natural and Human Use Values</p>	<p>Support the introduction of Policy 3.3.6(2) and 3.3.7(2) which require the consideration of the creation or exacerbation of natural hazard risk for any activity within the CMA.</p>	<p>Retain Policy 3.3.6(2) and 3.3.7(2).</p>
<p>Section 5: Coastal Structures</p>	<p>The specific ranking of values contained within Policy 5.3.6 is not necessary and erodes any requirement to consider effects on landscape or biodiversity. Policy 5.3.5 specifically addresses the safety of people and communities and the positive impacts of the protection works. Plan users will be able to balance the requirements of the two policies during the assessment of any consent application.</p> <p>There are limited provisions within the coastal plan requiring avoiding or mitigating effects on landscape and biodiversity and the most significant effects on landscape and biodiversity will potentially be bought about by the introduction of coastal protection structures. The section 32 analysis states the intent of the clause within policy 5.3.6 was to avoid delays when urgent hazard protection works were required. It is considered that any urgent protection works would proceed under emergency works provisions rather than requiring specific policy creation.</p>	<p>Remove Policy 5.3.6. Sufficient provision is made elsewhere to provide for the mitigation and avoidance of coastal hazard risk, and the ability to consider the positive effects of protection of infrastructure, people and townships.</p>
<p>Section 5: Coastal Structures</p>	<p>It is not considered that the amendments to the introduction and explanation of Policy 5.3.5 go far enough to encourage alternative protection mechanisms than hard protection structures. Policy 25 and 27 of the NZCPS require the provision of guidance as to whether an area is suitable for development at all, and the reduction of risk. The Coastal Plan should be seeking to avoid the social, economic and environmental effects of coastal hazard by addressing alternatives to hard protection structures, including avoidance, within the policy itself, rather than in the surrounding explanation.</p>	<p>Amend policy 5.3.5 to include consideration of</p> <ul style="list-style-type: none"> - <u>Assessment of available alternatives to hard protection structures</u>
<p>Section 8: Discharges : Policy 8.4.1 Other Methods</p>	<p>The Council supports the introduction of a policy (Policy 8.4.1) relating to the encouragement of reticulated or centralised systems to avoid adverse effects on the CMA. However, the reference to this function being carried out by District Councils should be amended. As any potential discharges are</p>	<p>Amend Policy 8.4.1 to refer to the West Coast Regional Council rather than District Councils. Create an</p>

	<p>managed through this proposed plan, and the Land and Water Plan, it is more appropriate that the encouragement of centralised systems be undertaken by the West Coast Regional Council.</p> <p>Centralised systems can provide greater long term environmental benefits and reduction in the risk of individual on site effluent disposal failure, however can incur greater upfront financial costs on developers. The Westland District Council has direct experience in encouraging a centralised system in a sensitive receiving environment during a subdivision, only to be provided an assessment of the compliance of individual onsite systems with the relevant rules of the Land and Water Plan. Consent applicants often take the view that the West Coast Regional Land and Water Plan sets the "permitted baseline" or "environmental bottom line" and therefore no further improvement in management of onsite discharge is required.</p> <p>At the very least, this provision should be amended to refer to the West Coast Regional Council.</p> <p>This provision could be strengthened by the creation of a rule, or the amendment of the discharge rules within the Land and Water Plan over time to be able to implement this policy.</p>	<p>associated rule within the Coastal Plan or Land and Water Plan setting out when centralised systems will be required due to sensitive receiving environment, high water table or coastal hazard risk.</p>
<p>Section 12: Rules 12 and 23</p>	<p>It is noted that there are specific plan provisions relating to disturbance and deposition associated with State Highway structures (Rules 12 and 23). The Westland District Council is required or may be likely to be required to undertake protection works along the Haast – Jackson Bay Road over the next ten years and it may be appropriate to also recognise the District Councils as parties who may also be undertaking this work, given that the effects would be of a similar nature.</p>	<p>Amend rules to specifically allow protection works undertaken by Westland District, Grey and Buller District Councils as well as NZTA in relation to State Highway Structures.</p>

<p>Section 13: Information requirements: 13.3.2 Structures</p>	<p>13.3.2 specifically states that applications for structures will not necessarily require engineering design when the works relate to a “small-scale, single, residential-size property”, are not located adjoining a hazard area, outstanding landscape or natural area, and “has minimal potential for erosion effects at the end of the wall”.</p> <p>This is not supported as it is not considered efficient resource management to have structures encouraged for single properties, and it is highly likely that these works will have more likelihood of end effects due to the focus being on protecting one specific property rather than alter an erosion process at a wider location. It is also questioned how plan users will implement part c) and determine when there is “minimal potential for erosion effects at either end of the wall”.</p> <p>As a land owner and infrastructure owner within the CMA and the coastal environment, the District Council would expect that any assessment of a coastal protection structure includes an assessment to ensure that the structure is adequately constructed, and that it will not create effects on our property. As a potential protection works constructor ourselves, we would not construct protection works without undertaking this assessment ourselves anyway, to ensure the efficiency of our structures. It is not considered overly onerous to require this work to be undertaken.</p> <p>The statement within the section 32 that “Activities that have no or low risk of causing or exacerbating a coastal hazard do not have to pay the extra cost of having an independent assessment done by a coastal geotechnical hazard expert” is not accepted. The effects of single residential property protection works require assessment to ensure that adjoining land is not affected, or if development should occur in that location at all, if the location is subject to hazard risk over the long term.</p> <p>If end effects are created by protection works that have not been designed, it shifts the costs to the adjoining landowners, who then must obtain advice and potentially construct their own protection works. These effects may have been due to a design fault that could have been addressed during the design of the original works and the end effects avoided.</p>	<p>Remove reference to engineering design not being required for small scale protection works.</p> <p>Provide further information as to how protection works can be designed to create ‘minimal’ end effects and insert this detail into section 13.3.2, or remove this statement.</p>
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<p>Section 14: Financial contributions</p>	<p>It is noted that the current provisions of the Resource Management Act Reform Bill 2015 remove the ability of Council to impose financial contributions. If this provision remains within the Resource Management Act, despite the submission from the West Coast Region, then this entire section will require amendment.</p>	<p>Consider alternative methods to address matters within section 14 if the proposed Resource Management Reform Bill is approved. Continue to oppose the removal of financial contributions through the submission on behalf of West Coast Councils.</p>
<p>Definition section : Mean High Water Springs</p>	<p>The definition of Mean High Water Spring as "the average line of spring high tide" is a variable measure. The definition does not include a time period over which the average is to be taken, or whether alternative methods such as the landward vegetation line, or the toe of any protection works, often also used to define Mean High Water Spring can be used. The current definition does not allow a landowner to readily define where Mean High Water Spring is within the Coastal Environment. A further detailed definition, or an amended definition of the landward extent of the coastal environment, should be utilised to ensure that the boundary of the CMA can be clearly located and understood.</p>	<p>Liaise with Territorial Authorities, Department of Conservation and coastal management specialists to provide either a further detailed definition of Mean High Water Spring, or an alternative definition of the landward extent of the CMA.</p>