

21 March 2016

West Coast Regional Council
P O Box 66
Greymouth 7840

Attention: Michael Meehan

Dear Michael

Proposed West Coast Regional Coastal Plan 2016

Please find enclosed the submission by the Minister of Conservation in respect of the proposed West Coast Regional Coastal Plan 2016. The proposed West Coast Regional Coastal Plan is a simple yet comprehensive proposed plan which is easy to understand. The rule framework has generally appropriate permitted activities with almost all other activities being discretionary.

The Department has appreciated the discussions with Council during plan preparation. As a result the submission is primarily in support.

Please contact Joy Comrie in the first instance if you wish to discuss any of the matters raised in this submission ([03 7569148 and email jcomrie@doc.govt.nz]).

Yours sincerely



Mark Davies
Director, Operations Western South Island
Under delegated authority from
Honourable Maggie Barry ONZM
Minister of Conservation

SUBMISSION ON THE PROPOSED WEST COAST REGIONAL COASTAL PLAN 2016

Clause 6 of Schedule 1, Resource Management Act 1991

TO: West Coast Regional Council

NAME OF SUBMITTER: Honourable Maggie Barry ONZM
Minister of Conservation

STATEMENT OF SUBMISSION BY THE MINISTER OF CONSERVATION

1. This is a submission on the proposed West Coast Regional Coastal Plan 2016.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposed West Coast Regional Coastal Plan that my submission relates to are set out in Attachment 1 to this submission.
4. I support or oppose or seek amendments to the specific provisions as set out in Attachment 1.
5. The general reasons for my submission are that the decisions sought in this submission are required to ensure that the proposed West Coast Regional Coastal Plan 2016:
 - 5.1 Promotes the sustainable management of natural and physical resources;
 - 5.2 Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;
 - 5.3 Gives effect to the New Zealand Coastal Policy Statement;
 - 5.4 Integrates the management of land and water across the coastal marine area boundary and across land tenures; and
 - 5.5 The changes sought are necessary, appropriate and sound resource management practice.
6. Further specific reasons are set out in Attachment 1.
7. I **seek** the following decision from the Council:
 - 7.1 That the particular provisions of the proposed West Coast Regional Coastal Plan 2016 that I support, as identified in Attachment 1, are retained without amendment.
 - 7.2 That the amendments, additions and deletions to the proposed West Coast Regional Coastal Plan 2016 sought in Attachment 1 are made.

7.3 Further, consequential or alternative relief to like effect to that sought in 7.1 – 7.2 above.

8. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Mark Davies
Director Operations
Western South Island

Pursuant to delegated authority
On behalf of
Honourable Maggie Barry ONZM
Minister of Conservation

Date: 21 March 2016

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

Address for service of submitter:
RMA Shared Services
Department of Conservation
Private Bag 4715
Christchurch Mail Centre 8140
Email: kmurray@doc.govt.nz
Attn: Ken Murray

ATTACHMENT 1:

**PROPOSED WEST COAST REGIONAL COASTAL PLAN 2016
SUBMISSION BY THE MINISTER OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from proposed West Coast Regional Coastal Plan 2016 (pWCRCP) is shown in *Italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
1. INTRODUCTION			
Pages 1-4	1.1- 1.4 Purpose and Scope of Plan Area covered by the Plan, Relationship to other Resource Management Documents, Structure of the Plan	Support in part. This section is good resource management practice and consistent with the RMA in particular s67 including (2) (f) and s104 (b)(iv) and gives effect to New Zealand Coastal Policy Statement 2010 (NZCPS) in particular Policy 4. A new sentence is required to identify that the Department of Conservation is a major manager of land on and adjacent to the coastal marine area (CMA). On parts of the West Coast there are significant resource management issues where there is the requirement for integrated management between Councils' and the Department. Such an approach is consistent with NZCPS in particular Policy 4(b).	Retain as notified with the addition of a new sentence in 1.1: <u>Where there is a significant resource management issue and the land in the coastal environment or coastal marine area is managed by the Department of Conservation, integrated planning processes with the Department will also be considered.</u>
3. NATURAL AND HUMAN USE VALUES			
Page 10	3.1 Introduction	Support. The introduction outlines the interrelationship between the objectives and policies in this chapter and Schedule 3. This section aids plan clarity.	Retain as notified.
Page 10	3.2 Objectives 3.2.1 3.2.2	Support. Consistent with RMA in particular s5 and gives effect to NZCPS in particular Objective 6, second bullet point.	Retain as notified.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		The emphasis on long term sustainability of the region's communities is important, for new activities can displace other existing activities resulting in an overall loss of jobs.	
Page 10	3.2 Objectives 3.2.3	Support in part. Consistent with RMA in particular Part 2. As identified in the WCRC studies some of West Coasts natural features and landscapes are outstanding and are in the CMA. Specific mention should be included on natural features and landscapes to give effect to NZCPS in particular Policy 15(d) and (e). The explanation appropriately acknowledges the lack of full knowledge of the values of the CMA.	Amend as follows <i>To protect the natural and amenity values within and adjacent to the coastal marine area from inappropriate use and development in the coastal marine area, including natural character, <u>natural features and landscapes</u>, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes.</i> Retain Explanation as notified.
Pages 10-11	3.2 Objectives 3.2.4	Support. The objective is consistent with RMA in particular s6(e), s8 and Ngāi Tahu Act 1996, Ngāi Tahu Claims Settlement Act 1998 and regulations and gives effect to NZCPS in particular Objective 3.	Retain as notified.
Page 11	3.2 Objectives 3.2.5	Support. The objective is consistent with RMA in particular s30(1)(d)(v) and gives effect to NZCPS in particular Policy 25(a).	Retain as notified.
Page 11	2.3 Policies 3.3.1 3.3.2 3.3.3 3.3.4	Support. The policies are consistent with RMA in particular s5 and gives effect to NZCPS in particular Policy 6 including (1)(a) and (2)(c) and Policy 8. Activities that have no more than minor adverse effects that are catergorised as permitted activities is an appropriate resource management practice.	Retain as notified.
Page 12	3.3 Policies 3.3.5	Support in part. The policy gives effect in part to NZCPS in particular Policies 11(a)(i)(ii), Policy 13(1)(a) and 15(a). However indigenous taxa is not recognised. The policy also fails to consider NZCPS Policy 11 (a)(iii), (iv), (v), and (vi). By including the word "areas" and "indigenous ecosystems and vegetation types", Policy 3.3.5 will give effect to the all of NZCPS Policy 11. A number of areas which satisfy the criteria of Policies 5 and 11 (a) are identified in the new Schedule 3G Coastal Protection Areas. With relation to schedule 3G please see Page 27 of this submission. The Department of Conservation manages significant areas within the CMA of the West Coast that are areas set aside for full or partial protection of indigenous biodiversity. These areas include	Amend as follows: <i>3.3.5 Except for situations covered by Policy 5.3.6, in the management of any activity in the coastal marine area, to avoid adverse effects on:</i> <i>(a) <u>Indigenous taxa, indigenous ecosystems and vegetation types, habitats of threatened species or areas which meet the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement or are listed in 3G Coastal Protection Areas;</u></i> <i>(b) Outstanding natural features and landscapes, and areas of outstanding natural character identified in Schedules 3D and 3E.</i> <u>Explanation</u> <i>Policy 3.3.5 gives effect to Policies 11(a), 13(1)(a), and 15(a) of the NZCPS 2010, which requires protection or preservation of threatened biodiversity, outstanding natural features and landscapes, and areas of outstanding natural character from inappropriate use and development. In applying this</i>

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		<p>marine reserves, lagoons including those in Westland National Park and river beds in the CMA. Significant parts of coastal environment are also managed by the Department.</p>	<p><i>Policy, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects in outstanding areas and still give effect to Policies 11, 13, and 15 of the NZCPS, where avoidance of an activity is not necessary (or relevant) to preserving natural character or protecting biodiversity or landscapes.</i></p> <p><i>For any development proposed on or adjacent to land managed by the Department of Conservation such as in a marine reserve or a lagoon in a national park the developer will need to consult with the Department of Conservation and obtain appropriate permissions.</i></p> <p>Please insert the new Schedule 3G Coastal Protection Area attached as Appendix 1 to this Submission.</p>
Page 12	3.3 Policies 3.3.6	<p>Support in part. Consistent with RMA in particular Part 2 including s5, s6(d), (e), (f) and (g) and s8. Gives effect to NZCPS in particular Policies 2(g) and 25(a). However the wording in Policy 3.3.6 (2) is unclear.</p> <p>Giving priority to avoiding adverse effects is an appropriate management response in managing adverse effects on the matters outlined in Policy 3.3.6.</p>	<p>Retain as notified with the following amendment. <i>3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:</i></p> <p><i>1) Adverse effects on:</i></p> <ul style="list-style-type: none"> <i>(a) Spiritual and cultural values and uses of significance to Poutini Ngai Tahu identified in Schedule 3A;</i> <i>(b) Development activities in Coastal Development Areas identified in Schedule 3B;</i> <i>(c) Significant historic heritage;</i> <i>(d) Existing public access to and along the coastal marine area;</i> <i>(e) Existing lawful uses;</i> <p><i>2) <u>Any adverse effect causing or exacerbating a natural coastal hazard in any Coastal Hazard Area listed in Schedule 3C.</u></i></p> <p>And retain the explanation as notified.</p>
Page 13	3.3 Policies 3.3.7	<p>Support in part. The proposed policy omits consideration of natural features. Natural features which meet the policy criteria are present on the West Coast. With regard to water quality the proposed policy fails to give effect to NZCPS Policy 23(i). With regard to indigenous biodiversity, natural character, landscapes and natural features which meet the tests of NZCPS Policies 11(b), 13(1)(b) and 15(b) the proposed policy fails to give effect to the above policies. With regard to human health and the related contact recreation and kaimona, the test should be avoid significant adverse effects</p>	<p>Amend as follows: <i>3.3.7 In the management of any activity in the coastal marine area:</i></p> <p><i>1) Avoid <u>significant adverse effects and avoid, remedy, or mitigate other adverse effects on:</u></i></p> <ul style="list-style-type: none"> <i>(a) Water quality;</i> <i>(b) Indigenous biodiversity, cultural and amenity values, natural character, landscapes, <u>natural features</u>, and historic heritage values not described in Policies 3.3.5 or 3.3.6 <u>or is a marine mammal site listed in Schedule Cross Boundary Areas; (see Appendix 1)</u></i> <i>(c) Intrinsic values of ecosystems;</i> <i>(d) Recreational values in any Coastal Recreation Area identified in Schedule 3F;</i>

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		because of potential risks to human health and the significance of the resources. (2) gives effect to NZCPS 2010 in particular Policy 25(a).	<i>(e) Human health;</i> <i>(f) Infrastructure;</i> <i>(2) Avoid increasing the risk of harm to people, or damage to land, property, or infrastructure, from a coastal hazard in any area not listed in Schedule 3C.</i> <i>Explanation:</i> <i>This policy manages adverse effects of activities in the coastal marine area that are not covered by Policies 3.3.5 and 3.3.6.</i>
Page 13	3.3 Policies 3.3.8	Support in part. A description of an activity on the site of natural character is required to be taken account of under the RMA Fourth Schedule. This natural character description should include the sites attributes, characteristics and qualities that contribute to the natural character of the area.	Amend as follows: <i>3.3.8 When considering effects of a proposed coastal consent activity on natural character within and adjacent to the coastal marine area, take into account factors including:</i> <i>(a) The attributes, characteristics and qualities that contribute to the natural character of the area.</i> <i>(b) The degree of modification of the surrounding environment;</i> <i>(c) Whether the landscape includes a working landscape;</i> <i>(d) The degree to which the surrounding landscape can absorb the change resulting from the proposed activity.</i> Retain Explanation as notified.
Page 13	3.3 Policies 3.3.9 3.3.10	Support. Iwi involvement in resource management processes is critical for sound resource management. The policy is consistent with RMA in particular s3 and s5. Examples of cumulative effects that will continue to require management include gravel extraction from West Coast river beds exacerbating coastal hazard risk.	Retain as notified.
4. PUBLIC ACCESS AND OCCUPATION OF SPACE			
Page 15	4.1 Introduction	Support. The introduction identifies activities where public access may be restricted or where public access may adversely affect values.	Retain as notified.
Page 15	4.2 Objectives 4.2.1 4.2.2	Support. The objectives give effect to NZCPS in particular Objective 4 and Policies 18 and 19.	Retain as notified.
Page 15-	4.3	Support in part.	Retain as notified.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
16	Policy 4.3.1 4.3.3 4.3.4 4.3.5	The policy gives effect to NZCPS in particular Objective 4, Policy 19 including (2), (3)(g) and (i). Motorised vehicle access can have adverse effects on habitats for fish such as spawning areas, on roosting and nesting birds and on kaimoana such shellfish	
Page 15-16	4.3 Policy 4.3.3	Support in part. The wording “military exercises” should be changed to “defence purposes in accordance with the Defence Act 1990”	Retain as notified with the following amendment . <i>4.3.2 Public access along the coastal marine area may be restricted to provide for public activities and events, or <u>defence purposes in accordance with the Defence Act 1990</u> military exercises, which require a degree of occupation for short periods</i>
5. STRUCTURES			
Page 17	5.1 Introduction	Support. The introduction provides an overview of the NZCPS policy direction with regard to hard shoreline protection structures. These structures are found in a number of places in or adjacent to the CMA of the West Coast.	Retain as notified.
Page 17	5.2 Objective 5.2.1	Support in part. The explanation recognises there may be an operational need to locate structures in the CMA, a matter discussed in NZCPS Objective 6 and Policy 6. This matter should be in the Objective itself.	Amend the Objective as follows. <i>5.2.1 To provide for structures to be located within the coastal marine area <u>with an operational need</u>, while avoiding, remedying, or mitigating adverse effects.</i> Retain the explanation as notified.
Page 17-18	5.3 Policy 5.3.1	Support in part. The policy is supported as the identified effects can be potentially significant when a structure is constructed in the CMA. The policies of Chapter 4 with regard to public access and vehicle access should also be considered when considering applications for structures such as hard protection structures.	Amend as notified: <i>5.3.1 In addition to the policies in Chapters 3 and 4, avoid, remedy, or mitigate adverse effects of the construction, operation, repair, maintenance, reconstruction, or alteration of structures, including effects on:</i> <i>(a) Sediment movement;</i> <i>(b) Coastal hydrological and geomorphic processes;</i> <i>(c) Navigation safety;</i> <i>(d) Existing hazard protection works;</i> <i>(e) The coastal environment adjoining the coastal marine area;</i> <i>(f) Existing lawful uses and users of the coastal marine area;</i> <i>(g) Poutini Ngāi Tahu values not identified in Schedule 3A.</i> Retain Explanation as notified.
Pages 18-19	5.3 Policies	Support. Maintenance of structures ensures that the structures do not	Retain as notified.

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	5.3.2	become damaged and a hazard. Good design and location can minimise visual effects of the structure.	
	5.3.4	Poorly located or poorly designed or poorly operated whitebait stands can adversely affect river bank stability and river beds within the CMA.	
	5.3.6	Retention of the policy test “may take priority” is essential, otherwise this policy fails to give effect to NZCPS.	
	5.3.7	The policy gives effect to NZCPS in particular Policy 24 (e).	
Page 18	5.3 Policy 5.3.3	Support. Consistent with Marine and Coastal Area (Takutai Moana) Act 2011 and Regulations. Removal of structures that are redundant, abandoned or unauthorised is excellent management of the CMA. Such an approach gives effect to NZCPS in particular Policy 14(vii). Wrecked ships are not structures.	Retain as notified.
Page 18-19	5.3 Policy 5.3.5	Support in part. This policy should also reference Policy 5.3.1 as the matters in this policy are very relevant when considering whether a coastal land protection structure is the best practicable option. The policy should also give effect to NZCPS in particular Policy 25(c) with regard to whether managed retreat by relocation is feasible.	Amend as follows; <i>5.3.5 When considering resource consent applications for coastal protection structures, have regard to whether the structure is the best practicable option, taking into account:</i> <i>(a) any environmental including those matters in Policy 5.3.1, social, cultural, and economic effects and costs;</i> <i>(b) the safety of people and communities;</i> <i>(c) whether managed retreat by relocation of buildings or infrastructure is feasible;</i> <i>(d) whether the structure is proposed in a Coastal Hazard Area in Schedule 3C, and the priority ranking;</i> <i>(e) whether the works are likely to be properly maintained over the long term;</i> <i>(f) the design of the proposed structure and likely effects at either end.</i> Retain Explanation as notified.
6. DISTURBANCE, EXTRACTION/REMOVAL, DEPOSITION, RECLAMATION			
Page 20	6.1 Introduction	Support. The introduction provides an overview of the existing activities with the CMA of the West Coast. It also identifies potential future activities.	Retain as notified.
Page 20	6.2	Support .	Retain as notified.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	Objective 6.2.1	The objective has the potential to develop a strategic planning approach in the CMA when considering resource consent applications for example for land protection work.	
Page 20-21	6.3 Policy 6.3.1 6.3.2 6.3.3 6.3.6	Support. The policy gives effect to NZCPS in particular Policy 26 with regard to natural defences such as coastal beach shingle ridges and Policy 11 as some of these areas are very significant habitats of indigenous fauna. Significant cultural values are also found in these areas. Restoration of man made defences may be appropriate especially when they protect coastal land that contains crucial infrastructure. By restoring the foreshore in way that blends in the adjacent areas enables natural movement of water and sediment to occur and the visual impact be minimised thus protecting the natural character of the area. The policy therefore gives effect to NZCPS Policy 13. The methods proposed will be effective in managing the effects of disturbance, removal of natural material or deposition. It is also noted the cross reference to Chapter 3 which enables consideration of in particular NZCPS matters. Support. Gives effect to NZCPS Policy 10(1).	Retain as notified.
Page 21-22	6.3 Policy 6.3.4	Support in part. The matters considered in Policies 6.3.3, 6.3.4 and 6.3.5 give Council the ability to sustainably manage the potential adverse effects of gravel extraction in a way that is consistent with the RMA in particular Part 2 within riverbeds in the CMA. However, inappropriate gravel extraction in the active part of a river bed may reduce gravel supply to the open coast and exacerbate coastal erosion risk.	Amend as follows. <i>6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:</i> <i>(a) The capacity of rivers to carry flood flows;</i> <i>(b) The sustainable yield of the river system and the downstream effects on supply of gravel to the open coast including any effects on coastal hazard areas in Schedule 3C;</i> <i>(c) Adverse effects on bed levels and channel location;</i> <i>(d) Adverse effects on riverbank stability and riverbank vegetation;</i> <i>(e) Adverse effects on Poutini Ngāi Tahu values;</i> <i>(f) Navigation safety;</i> <i>(g) Fish passage;</i> <i>(h) Potential spread of pest plants and invasive, aquatic micro-algae.</i> <i>Explanation</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
			<i>Removing material from riverbeds has the potential to impact Chapter 3 Policy 3.3.6 and 3.3.7 matters, plus Policies 6.3.4 and 6.3.5 matters listed above. However, the significance of this impact will depend on the type of activity and site specific factors. Excessive build-up of gravel may contribute to flooding or impacts on infrastructure, for example, on bridges and culverts, and these hazards may be avoided or mitigated by removal of the material. Gravel removal from islands can have the benefit of reducing flow against riverbanks, thereby reducing the likelihood of bank erosion. Adverse effects of extraction activities can include dust and the spread of pest plants or invasive algae like Didymo. It may be possible to prevent the spread of particular pests by not transporting material between some catchments and by high pressure cleaning of trucks and machinery between jobs.</i>
Page 22	6.3 Policy 6.3.5	Support in part. This policy should also refer to gravel extraction, as gravel extraction in river beds or on the open coast could adversely affect the gravel supply to coast and the exacerbate the risk of coastal hazards.	Amend as follows. <i>6.3.5 When processing resource consent applications for disturbance including gravel extraction activities in or near a Coastal Hazard Area identified in Schedule 3C, or in an area which may potentially be subject to coastal hazards, a hazard risk assessment may be required to further assess the effects of the proposed disturbance on the hazard risk.</i> Explanation <i>In areas already prone to coastal erosion or inundation, disturbance activities including gravel extraction can potentially increase the erosion rate or inundation risk when undertaken in conjunction with erosion phases, storm events or higher tides. A coastal hazard assessment by an expert in coastal processes will give a more thorough analysis of the risks and effects, and make recommendations on possible measures to alleviate these.</i>
Page 22	6.3 Policy 6.3.6	Support. Gives effect to NZCPS Policy 10(1).	Retain as notified.
7. VEGETATION REMOVAL AND PLANTING			
Page 23	7.1 Introduction	Support in part. The introduction identifies some issues with regard to vegetation removal and planting.	Retain as notified.
Page 23	7.2 Objective 7.2.1	Support in part. The Objective and its explanation identify some of the issues with regard to vegetation removal and planting and allows a broad response that is consistent with the RMA in particular s5(c). However the removal could also be of areas of predominantly indigenous vegetation. (NZCPS Policy 11 (b) (i)).	Retain the objective as notified and amend the explanation as follows. <i>Vegetation removal associated with disturbance, structures, or damming or diversion activities can potentially exacerbate erosion. Vegetation removal can also adversely affect areas of predominantly indigenous vegetation, habitat for indigenous fauna, and natural character.</i>

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			And retain the last paragraph of the explanation as notified.
Page 23	7.3 Policies 7.3.1	<p>Support in part.</p> <p>The key effects identified when considering resource consent applications for vegetation removal are appropriate. Given the key effects and the potential of vegetation removal to have very significant adverse effects on the matters identified, the use of the avoid, remedy or mitigate is inappropriate. With regard to vegetation removal that increases the risk of natural hazards the test is avoid (NZCPS Policy 25(a)). Similarly with regard to a wetland that meet the criteria of Schedule 2 the test is avoid adverse effects (NZCPS Policy 11(a)(iii)).</p> <p>With regard to whitebait spawning sites and other predominantly indigenous vegetation in the CMA the test is avoid significant adverse effects (NZCPS Policy 11(b)). Such a test does not stop vegetation removal but for example allows vegetation removal outside the period when vegetation can recover to allow whitebait spawning and eggs to hatch.</p> <p>Similarly with regard to water quality, the higher test of of avoid significant adverse effects is appropriate given s69(3) RMA.</p>	<p>Amend as follows:</p> <p><i>7.3.1 To manage vegetation removal in the coastal marine area in order to:</i></p> <p><u>1) avoid adverse effects on;</u></p> <p><i>(a) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;</i></p> <p><i>(b) sites that meet the ecological criteria for significant wetlands in Schedule 2;</i></p> <p><i>(c) the integrity of property or structures;</i></p> <p><u>2) avoid significant adverse effects and avoid, remedy, or mitigate:</u></p> <p><i>1) other adverse effects on:</i></p> <p><i>(a) other areas of predominantly indigenous vegetation</i></p> <p><i>(b) whitebait spawning sites listed in Schedule 6;</i></p> <p><i>(c) water quality;</i></p> <p>2) 3) Avoid any increase in the risk of causing or exacerbating a coastal hazard.</p> <p>3) And recognise the importance of to the positive benefits of removal of a pest plant.</p> <p>Retain the explanation as notified</p>
Page 23	7.3 Policies 7.3.2	<p>Support.</p> <p>The policy is consistent with RMA in particular Part 2 and s6(c). Past experience has shown that planting of exotic plants in the CMA has had significant adverse effects on coastal ecosystems.</p>	Retain as notified.
8. DISCHARGES			
Page 24-25	8.1 Introduction	<p>Support in part.</p> <p>This introduction sets the scene for management of discharges on the West Coast.</p> <p>Because the West Coast CMA is generally free of exotic organisms and its significance and the flow of water and vessels to Fiordland where the fiords are globally unique, the management of risk of introducing exotic organisms to the West Coast must be undertaken.</p>	<p>Retain as notified with the following new paragraphs:</p> <p><u>Vessels arriving to the West Coast region, whether from other domestic locations or from places outside New Zealand, may be carrying organisms that are exotic to the West Coast region. These organisms could be discharged into the marine environment by in-water hull cleaning. The best way to minimise the risks associated with harmful aquatic organisms is to restrict their introduction, or, if they are already present, limit their spread.</u></p> <p><u>The origin of vessel biofouling is an important factor in assessing the risk it presents. The provisions in the Plan allow for the cleaning of micro-fouling (Slime layer) but get progressively stricter (such as requiring capture and removal from the CMA) dependent of the level of fouling and the origin of the fouling.</u></p>
Page 24-25	8.2	Support.	Retain as notified.

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
	Objective 8.2.1 8.3 Policy 8.3.4	These provision are consistent with RMA in particular Part 2, give effect to NZCPS in particular Policies 11 and 23	
Page 24-25	Policy 8.3.1	Support in part. This policy can be read that Policy 8.3.1 has priority over the Policies 3.3.5, 3.3.6 and 3.3.7. These policies identify potentially sensitive areas in the receiving environment and give effect to NZCPS.	Amend as follows: <i>8.3.1 Mixing zones will be required for discharges of contaminants needing resource consent. These <u>mixing zone</u> will be limited to the extent necessary to:</i> <i><u>1)</u> take account of:</i> <i>(a) The size and sensitivity of the receiving environment, and the capacity to assimilate the contaminants;</i> <i>(e <u>b</u>) The physical processes acting on the area of discharge;</i> <i>(d <u>c</u>) The nature of the contaminants discharged, including contaminant type, concentration, and volume;</i> <i>(e <u>d</u>) Whether adverse effects on the life-supporting capacity of water within the mixing zone can be minimised;</i> <i>(f <u>e</u>) The risk and scale of adverse effects if the concentration of contaminants is exceeded beyond the mixing zone. And</i> <i><u>2) Will give effect to the matters identified in Policies 3.3.5, 3.3.6, and 3.3.7.</u></i> And retain the explanation as notified.
Page 25	Policy 8.3.2	Support in part. The matters outlined in Policies 8.31, 3.3.5, 3.3.6 and 3..3.7 should be given effect to to enable this plan to implement NZCPS in particular Objective 1.	Amend as follows. <i>8.3.2 When considering applications for resource consent to discharge contaminants to the coastal marine area:</i> <i>1) Have regard to:</i> <i>(a) Whether adverse effects of the discharge on any estuary, lagoon, or intertidal area can be shown to be minor;</i> <i>(b) Poutini Ngāi Tahu values and the effects of the discharge on those values;</i> <i>(c) The financial implications, and the effects on the environment, of the proposed method of discharge when compared with other methods;</i> <i>(d) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;</i> <i>(e) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site;</i> <i>(g <u>f</u>) An appropriate standard of water quality for the receiving waters;</i> <i>(h <u>g</u>) The best practicable option for the treatment and disposal of human</i>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
			<p><i>sewage wastewater, including the use of land disposal or wetland treatment; and</i></p> <p>2) Give effect to The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7.</p> <p>And retain the explanation as notified.</p>
Page 25	Policy 8.3.3	<p>Support in part.</p> <p>Whilst it is acknowledged that some of the faecal contamination found in coastal water is from land sources discharged to freshwater, discharges of contaminants direct to coastal water should have to meet a faecal coliform standard for shellfish gathering at those sites.</p>	<p>Retain as notified with the following deleted from the explanation.</p> <p>The Schedule 10 standards do not include the commonly used measure of median faecal coliform concentration in water, as this is not a practical measure of shellfish health in the West Coast coastal marine area. There is often a raised background level of pathogens in suspended sediment in coastal water, due to rainfall, river flows, and turbulent coastal currents.</p>
Page 24	proposed New Policy	<p>A new policy is required to reduce the risk of introduction of harmful aquatic organisms. Harmful aquatic organisms can adversely affect marine ecosystems and the aquaculture industry.</p>	<p><u>Add a Policy 8.3.5</u></p> <p><u>“To maintain and protect biodiversity, the intrinsic values of ecosystems and natural character by reducing the risk of introducing harmful aquatic organisms</u></p> <p><u>Explanation</u></p> <p><u>The risk of introducing harmful aquatic organisms, whether new to New Zealand or new to the region, should be minimised. Introducing such organisms can result in a number of adverse effects, including changes to ecosystem structures and worst case scenario, could result in local extinctions or extinctions of species. The aquaculture industry may also be adversely affected. The most common mechanisms of introducing harmful aquatic organisms are ballast water discharges and fouling of vessels hulls and niche areas. Ballast water discharges from vessels arriving to New Zealand from overseas are regulated by an Import Health Standard under the Biosecurity Act 1993 and implemented by the Ministry for Primary Industries. Ballast water discharges from domestic vessels are regulated by the Resource Management (Marine Pollution) Regulations. In-water cleaning of vessel biofouling, however, should be managed in this plan.”</u></p>
Page 26	8.4 Other methods	<p>Support.</p> <p>The efficiency of onsite sewage schemes can be severely limited by site suitability issues, their cost, and maintenance requirements. Centralised schemes properly managed will give better water quality outcomes.</p>	<p>Retain as notified.</p>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
Page 26	8.4 Other methods	Include a new method to raise public awareness in particular the boating community and other marine industries to reduce the risk of introducing or spreading harmful aquatic organisms.	Add new method: <i>8.4.2</i> <u>Raise awareness among users of the coastal marine area, particularly the boating community, of the importance of maintaining clean hulls and niches areas of vessels and other coastal structures such as moorings, piles or marine farming structures to reduce the risk of introducing or spreading harmful aquatic organisms.</u>
9. TAKING, USE, DAMMING OR DIVERSION			
Page 27	9.1 Introduction 9.2 Objective 9.2.1 9.3 Policy 9.3.1	Support. These provisions are an appropriate response to the management of taking, use, damming or diversion of water and is consistent with the RMA in particular Part 2 and s14.	Retain as notified.
10. NOISE			
Page 28	10.1 Introduction 10.2 Objective 10.2.1	Support. The introduction identifies the actual and potential sources of generated noise in the West Coast CMA. The reference to the Department of Conservation's "Code of Conduct for minimising disturbance to Marine Mammals from Seismic Survey" is supported. It is used to manage the effects of seismic surveying on marine mammals beyond 12 nautical miles offshore.	Retain as notified.
Page 28	10.3 Policy 10.3.1	Support in part. The policy is generally supported as it manages adverse effects on amenity, other uses of the CMA and adjacent land uses. Noise can also adversely affect marine mammals. However, the Policy fails to consider the adverse effects of unnatural noise in areas where there is an absence of unnatural noise. These are experiential attributes and wild and scenic characteristics of natural character as outlined in NZCPS Policy 13. Such an approach would be consistent with the RMA in particular s6(a).	Amend as follows: <i>10.3 Policy</i> <i>10.3.1 When determining whether noise levels from an activity requiring resource consent within the coastal marine area are reasonable or unreasonable, particular regard will be had to:</i> <i>(a) The scale of adverse effects on:</i> <i>i) Outstanding natural character in particular the lack of unnatural noise;</i> <i>i) marine mammals and amenity values,</i> <i>ii) other uses of the coastal marine area,</i> <i>iii) adjacent land uses;</i> <i>(b) The duration and nature of noise produced;</i> <i>(c) The duration and nature of background noise;</i> <i>(d) The New Zealand Standards NZS 6801 (2008) "Acoustics - Measurement of</i>

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			<p><i>Environmental Sound”, NZS 6802 (2008) “Acoustics – Environmental Noise”, NZS 6803 (1999) Acoustics – Construction Noise”, and NZS 6807 (1994) “Noise Management and Land Use Planning for Helicopter Landing Areas”.</i></p> <p>Retain Explanation as notified.</p>
11. INTRODUCTION TO THE RULES			
Page 29-32	11.1 Content, Rationale, and Guide to Use 11.2 Status of activities 11.3 Other Legislation 11.4 Notification of Resource Consents Summary of Rules	Support. These sections are consistent with the RMA. The other legislation section appropriately recognises other authorisations may be required under other legislation. The summary of rules makes the plan user friendly.	Retain as notified.
12. RULES			
Page 33	Advice notes for Rules	Support. These provisions are consistent with the RMA and other legislation.	Retain as notified.
Page 34	Rule 1	Support in part. Military Exercises should be undertaken by the New Zealand Defence Force.	Amend as follows. <i>Any event which restricts or excludes public access within the foreshore, including military exercises by the New Zealand Defence Force, is a permitted activity provided that all of the following conditions are met:</i>
Pages 34-36	Rules 2- 6 Occupation Activities Some Permitted Structures	Support. The rules reflect the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA.	Retain as notified.
Page 36	Rule 7 Culverts, fords and bridges in riverbeds	Support in part. The standard conditions for culverts could restrict fish passage. The West Coast CMA is a significant habitat of indigenous fauna in particular whitebait species. Their ability to migrate inland could be compromised by poor culvert placement.	Amend as follows: Rule 7 Culverts, fords, and bridges in riverbeds <i>The erection or placement, and maintenance of a culvert, ford or bridge, in, on, under, or over the bed of a river, and associated disturbance, in the coastal marine area, is a permitted activity provided that all of the following</i>

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			<p><i>conditions are met:</i> <i>(a) For a culvert, the riverbed at the point of crossing does not exceed 5 metres in width and the base of the culvert is installed and maintained flush with the bed level or embedded up to 20% of the diameter of the culvert below bed level;</i> <i>(b) Any culvert is designed to pass the river's fullest flow without constricting flow, and is constructed with sufficient bank armouring to prevent scour or erosion of abutting river banks;</i> And retain the other conditions and explanation as notified.</p>
Pages 36-39	Rules 8-14 Structures	<p>Support. The rules reflect the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the RMA. Rule 14 implements the Whitebait Fishing (West Coast) Regulations 1994 and stops the proliferation of whitebait stands to rivers where they do not exist and where such stands are inappropriate. This approach is consistent with the RMA in particular Part 2 and gives effect to NZCPS in particular Policy 7.</p>	Retain as notified.
Page 40	Rules 15 - 17 Disturbance Activities	<p>Support in part. The rules reflect the West Coast situation. The activity statuses and conditions are generally appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA. The principle of managing activities close to the "toe of dune embankments" is strongly supported. This strong support is because the toes of dunes are very susceptible to erosion by wave action. West Coast beaches also have gravel and mixed sand gravel beach ridges, which are often steep and susceptible to wave action and wave overtopping too. The upper part of the foreshore can also be a significant habitat of indigenous fauna including lizards.</p>	<p>Amend of follows. <i>"toe of dune embankments or gravel/sand beach ridges"</i></p>
Page 41-42	Rules 18-19 Disturbance activities	<p>Support. The rules reflect the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.</p>	Retain as notified.
Page 42-43	Rule 20	Support in part.	Amend as follows:

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	Channel clearance in Otumahana Estuary and Granite Creek	<p>It is appropriate to have a permitted activity to disturb the bed and remove sand from Granite Creek bed from the upstream CMA boundary to 300 metres below the Granite Creek highway bridge to reduce flood risk to farmland and Karamea Road. This permitted activity will allow the development of a sand trap. The proposed permitted activity constructing a channel into Blackwater Creek channel within Otumahana Estuary is contrary to the RMA in particular Part 2 and fails to give effect to NZCPS in particular Policies 11,13, 15.</p> <p>The proposed permitted activity fails to recognise the active natural processes of;</p> <ul style="list-style-type: none"> • Sand deposition in Granite Creek and its delta; and • Transport of sand from the open ocean coast into Otumahana Estuary creating a spit. <p>The proposed activity fails to consider these natural processes and manage them in a way that is sustainable for future generations. In particular, the proposed channelisation of water flow from Granite Creek into the Blackwater Creek channel has the potential to constrain flow and stop the natural flow dispersal of floodwater across the Granite Creek birdsfoot delta. Secondly, deposited sediment has the potential to further constrain flow in the Blackwater Creek channel. Thirdly there is a lack of information on changes in the level of the land in Kongahu Swamp since completion of the Kongahu Swamp Drainage Scheme in relation to mean sea level as a result of peat compaction.</p>	<p><i>Rule 20 Channel clearance in Otumahana Estuary and Granite Creek</i> <i>Disturbance and removal of sand to clear the Blackwater and Granite Creek channels in the Otumahana Estuary, and the Granite Creek bed in the coastal marine area, to avoid flooding of adjacent land is a permitted activity provided that all of the following conditions are met:</i></p> <p><i>(a) Channel clearance shall only be undertaken in the sections of channel marked in red in Schedule 11;</i></p> <p><i>(b) Only those sections of Blackwater and Granite Creeks that are contributing to the flooding of surrounding farmland shall be excavated at any one time;</i></p> <p><i>(c) The operator shall notify the Council and the Manager of the Department of Conservation’s Northern West Coast District Office at least 48 hours prior to undertaking any disturbance;</i></p> <p><i>(d) Existing access routes shall be used where practicable, in particular the existing bund that runs along the main channel in the Estuary;</i></p> <p><i>(e) All machinery must be cleaned before entering the coastal marine area to minimise the entry of petroleum products, and pest plants and weeds;</i></p> <p><i>(f) The new channel width shall not exceed the channel width prior to undertaking the channel clearance;</i></p> <p><i>(g) Channel clearance shall not be undertaken during the following periods: i) The whitebait fishing season (1 September – 14 November inclusive); or</i></p> <p><i>ii) The whitebait spawning season (1 March – 30 April inclusive);</i></p> <p><i>(h) The excavator used to undertake the channel clearance shall not exceed a 20 tonne capacity and shall operate from the existing channel bank where possible or from the bare sandy edges along the western edge of the Estuary;</i></p> <p><i>(i) Excavated material from the channels in the Estuary shall be placed on one side of the channel only, and spoil shall not be visible above water levels at</i></p>

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			<p><i>high tide;</i></p> <p><i>(j) The operator shall take photos of the Estuary channels and Granite Creek bed that are cleared both immediately before and immediately after the clearance operation, and provide a copy to the Council. In addition, the operator shall provide the Council with GPS coordinates of both the upstream and downstream extents of the disturbance.</i></p> <p style="text-align: center;"><i>Explanation</i></p> <p><i>Clearance of the Blackwater and Granite Creek channels in the Otumahana Estuary, and the bed of Granite Creek within the coastal marine area upstream of the main road, is necessary to reduce the incidence avoid of floodwaters from Granite Creek ing entering adjacent land and flooding the Karamea Road. The Kongahu Drainage Scheme relies on this channel to be cleared, to function effectively. The channel has been cleared for many years under resource consent, with minimal adverse effects on estuarine values. The activity is therefore now permitted provided the conditions are complied with.</i></p> <p>And amend Schedule 11 as above.</p>
Page 43-44	Rules 21-23 Disturbance activities	Support. The rules reflect the West Coast situation. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.	Retain as notified.
Page 44	Rule 24 Gravel Extraction	Support in part. The proposed rule does not take into account the potential adverse effect for gravel extraction in river beds to reduce supply of gravel to the open coast and exacerbate coastal erosion. Schedule 3C of the plan identifies coastal hazard areas including areas where coastal erosion is a significant hazard. Reference to Policy 6.3.5 is also required. The values identified in Schedule 3 have not been adequately protected from potential adverse effects of gravel extraction. Gravel extraction from riverbeds in the CMA could have more than minor adverse effects on values and users of the river bed and on use and development on the adjacent open coast. The river bed may also be managed by the Department of Conservation or private individuals.	Amend as follows; <i>The extraction of gravel from the dry part of a riverbed in the coastal marine area is a restricted discretionary activity subject to the following conditions;</i>

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			<p>(d) Any adverse or beneficial environmental effects; (e) Any potential effects on existing river users or existing structures; (f) Any potential effects on statutory acknowledgement areas or pounamu resources; (g) The duration of the resource consent; (h) The information and monitoring requirements; (i) Any bond; and (j) The review of conditions of the resource consent.</p> <p>An application for resource consent under this rule may not need to be served on persons who may be adversely affected by the activity, and does not need to be notified unless either the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.</p> <p>Policies 6.3.3, 6.3.4 and 6.3.5 have further detail on assessment matters. And retain the explanation as notified.</p>
Page 45	12.3.4 Discretionary activities	Support. Discretionary activity status is appropriate to enable a full assessment of all relevant matters including this plans policies.	Retain as notified.
Page 46-47	12.4 Vegetation Planting and Removal Rules 26-30	Support. These rules are consistent with RMA in particular Part 2 - s5 and 6(c), give effect to NZCPS in particular Policy 11 (2) and the Regional Pest Management Strategy.	Retain as notified.
Page 48	12.5 Discharges Rule 31	Support. The proposed permitted activity is consistent with RMA in particular s70. The requirement to ensure that stormwater does not render the receiving water unsuitable for contact recreation or shellfish gathering is strongly supported as it is consistent with the RMA in particular Part 2 including s6(e) and s8.	Retain as notified.
Page 48	12.5 Discharges Rule 32	Support in part. The discharge of dispersants for marine petroleum oil spill reponse is appropriate as a permitted activity as the adverse effects of oil on in particular indigenous bird life can be very serious. A major oil spill requiring a Teir 3 response by Maritime New Zealand is a possibility. Such a response should be permitted activity too.	Amend as follows; The discharge of dispersants to control a marine oil spill in the coastal marine area is a permitted activity provided that all of the following conditions are met: (a) The dispersant discharged is approved for use in controlling oil spills by Maritime New Zealand; (b) The dispersant is used in accordance with the manufacturers instructions, any relevant regulations, and the West Coast Regional Council's Tier 2 Marine Oil Spill Contingency Plan or the Maritime New Zealand Tier 3 Marine Oil Spill

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			<u>Response Plan.</u>
Page 48	12.5 Discharges Rule 33	Support in part. The discharge of herbicides to water to control emergent aquatic plants such as pest plants should be a permitted activity subject to the conditions to ensure the reduction of risk to non-target species. Herbicides are registered for spray over all waters, rather than for just coastal water. The recommendations of the herbicide manufacturer could change at any time.	Amend as follows; <i>The discharge of herbicide to water in the coastal marine area incidental to its application to emergent aquatic plants is a permitted activity provided that all of the following conditions are met:</i> <i>(a) The herbicide and any additive are authorised for use in or over New Zealand coastal waters, and it is applied in accordance with that authorisation and any directions issued by the herbicide manufacturer;</i> <i>(b) All reasonable measures are taken to minimise the quantity of incidental discharge into coastal water, and onto non-target species;</i> <i>(c) The discharger immediately notifies the Regional Council in the event of any accidental non-compliance of the above conditions.</i>
Page 48-49	12.5 Discharges Rules 34 and 35	Support. The activities have minor adverse effects and therefore a permitted activity with conditions is an appropriate RMA response.	Retain as notified.
Page 49	12.5 Discharges Rule 36	Oppose. The proposed rule fails to adequately protect the significant marine environment of the West Coast from the introduction of organisms not found in West Coast waters. These organisms can have significant adverse effects on the West Coast marine ecosystems and on industries such as aquaculture.	Amend Rule 36 to read. <u>The following in-water cleaning of vessel hull and niche areas activities are permitted :</u> (i) <u>Discharge of hull biofouling organisms resulting from in-water cleaning of a vessel with micro-fouling and goose barnacles - provided performance standards 1,2, 5 and 7 are complied with;</u> (ii) <u>Discharge of hull biofouling organisms resulting from the in-water small scale manual removal (up to 5% of the hull surface area, including niche areas) of bio-fouling organisms- provided performance standards 2, 3, 4, 5 and 7 are complied with;</u> (iii) <u>Discharge of hull biofouling organisms resulting from in-water cleaning of a vessel with macro-fouling from within the West Coast region- provided performance standards 2, 5 and 7 are complied with;</u> (iv) <u>Discharge of hull bio-fouling organisms resulting from in-water cleaning of a vessel with macro-fouling where the fouling vessel is:</u> a. <u>of international origin; or</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
			<p>b. <u>of domestic origin</u></p> <p><u>AND either has not had a biosecurity risk assessment, or a biosecurity risk assessment determines the risk to be more than low – provided performance standards 2, 3, 4, 5 and 7 are complied with;</u></p> <p>(v) <u>Discharges associated with in-water treatment methods that kill render biofouling organisms non-viable - provided performance standards 2, 6 and 7 are complied with;</u></p> <p><u>New Rule X The discharge of any contaminant resulting from in-water cleaning, the application of anti-fouling, or painting of the hull of vessels, including discharge of hull bio-fouling organisms, within 500m of boundary of or in the following areas is a prohibited activity:</u></p> <ul style="list-style-type: none"> • <u>Any marine reserve;</u> • <u>Inshore Mooring Area in Jackson Bay (Schedule 7).</u> <p><u>Performance standards for Rule 36</u></p> <ol style="list-style-type: none"> 1. <u>Gentle non-abrasive cleaning techniques must be used.</u> 2. <u>The cleaning method will not compromise the existing anti-fouling coating system</u> 3. <u>In-water cleaning technologies should capture debris to a minimum of 50 micrometers in diameter.</u> 4. <u>Any debris is collected and appropriately disposed of in a landfill.</u> 5. <u>If unusual or suspected harmful aquatic organisms (or species designated as pests in the relevant pest management plan prepared under the Biosecurity Act) are found, the vessel owner or operator must take the following steps:</u> <ol style="list-style-type: none"> a. <u>all cleaning must cease;</u> b. <u>the Council and MPI must be immediately notified; and</u> c. <u>cleaning may not recommence until notified by Council to do so.</u> <p><u>Note: Council may contact the Ministry for Primary Industries for advice on the nature of the species and the appropriate measures to be taken.</u></p> 6. <u>The discharge or escape of hull bio-fouling organisms or debris onto the</u>

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			<p><u>foreshore, seabed or into the water must be collected as far as practicable and removed from the CMA</u></p> <p>7. <u>The anti-fouling coating on the hull and niche areas to be cleaned shall not have exceeded its planned service life as specified by the manufacturer.</u></p>
Page 50	12.5 Rules 37, 38 New Rule	Support in part. The proposed rule allows the discharge of raw sewage and the similar type of effluent untreated agriculture effluent to the CMA. Such an approach with regard to raw sewage is contrary to NZCPS in particular Policy 23(2). Untreated agriculture effluent has similar properties and will have very significant effects on water quality.	Amend Rule 37 to read: <i>The discharge of collected stormwater, or land drainage water, into the coastal marine area that does not meet the permitted Rule 31, or breach Rule 39 is a controlled activity.</i> And retain those matters Council has control over and the explanation as notified. And include a new rule 39: <u>The discharge of raw sewage or untreated agriculture effluent either by itself or in combination with collected stormwater or land drainage water is a prohibited activity.</u> And amend Rule 38 to read: <i>Unless permitted by Rules 31-36, or controlled by Rule 37, or prohibited by Rule 39, any discharge into or onto the coastal marine area is a discretionary activity.</i>
Pages 51- 52	12.6 Takes, use, damming or diversion Rules 39-44	Support. The rules reflect the West Coast situations. The activity statuses and conditions are appropriate resource management practice as the conditions will manage adverse effects and are consistent with the purpose of the RMA.	Retain as notified.
Page 53	12.7 Noise Rule 45	Support in part. Using the notional boundary of any dwelling as the site for measuring any noise will result in no noise standard for significant parts of the West Coast. There may be other users such as recreational users or campers which could be adversely affected by noise.	Amend as follows: <i>The emission of noise from within the coastal marine area is a permitted activity provided that:</i> <i>The activity is designed and conducted so that the following sound levels are not exceeded at any point within the notional boundary of any dwelling <u>or the boundary of the neighbouring land:</u></i> <i>(a) Monday to Friday during the hours of 7.00 am to 6.00 pm shall not exceed 55 dBA L_{eq} ;</i> <i>(b) Saturday during the hours of 8.00 am and 6.00 pm shall not exceed 55 dBA L_{eq} ;</i> <i>(c) Outside of these hours or on Sundays and public holidays sound levels shall not exceed 45 dBA L_{eq} .</i>

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Page 53	12.7 Noise Rules 46-47	Support. The Department of Conservation's code is used to minimising disturbance to marine mammals from seismic survey operations in the EEZ zone. Its use in the CMA is also appropriate. A discretionary activity is appropriate if the conditions of Rule 45 cannot be met.	Retain as notified
	New rule	A new rule is required to manage vessels that have sunk or grounded in the CMA. This rule gives Council the discretion to allow vessels to be left with all material that is hazardous or has a biosecurity risk being removed or require the removal of the ship wreck.	Include a new rule: <u>Occupation of the coastal marine area by sunken, grounded or abandoned ships</u> <u>Except where a ship has accidentally sunk and its location is unknown, the occupation of the coastal marine area by a ship that has sunk, or grounded or abandoned is a discretionary activity.</u>
13. INFORMATION REQUIREMENTS			
Page 54 -55	13.1 Introduction 13.2 General Information required Notes	Support in part. The information required to be supplied by the applicant is appropriate for resource management purposes. However two matters require further amendment. These are: 1) Land status. The land is most likely held under Marine and Coastal Area Act. However under NZCPS Policy 5 identifies lands in the CMA that are held or managed under other Acts including Marine Reserves Act 1971 and National Parks Act 1980. This information may identify that the proposed activity is prohibited under other legislation. For example mining in National Parks. 2) The heirachy in 12 is incorrect.	Retain as notified with the following amendments; <i>3...<u>legal description and land status</u></i> <i>12. A description of the measures to be undertaken to avoid, remedy or mitigate any adverse effect on the environment, and the extent to which offsetting <u>or compensation or mitigation</u>, if any, is proposed by the applicant.</i>
Page 55-58	13.3 Specific Information Requirements	Support. The information required to be supplied by the applicant is appropriate for resource management purposes and consistent with the RMA in particular Schedule 4.	Retain as notified.
14. FINANCIAL CONTRIBUTIONS			
Page 59-62	14.1-14.6 Financial Contributions	Support. This section is appropriate to manage the those adverse effects that cannot be avoided remedied or mitigated. Bonds may also be required to manage adverse effects. For example abandonment of structures.	Retain as notified.
15. MONITORING AND REVIEW			

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Page 63	15.1-15.3 Monitoring and Review	Support. Monitoring and review is required to manage the natural and physical resources and will assist in future coastal plan reviews.	Retain as notified.
16. GLOSSARY			
Pages 64-68	Glossary	Support in part. The Glossary is essential to assist in the Plan's interpretation. It is therefore supported with the following amendments; <ul style="list-style-type: none"> Coastal environment should make reference to NZCPS Policy 1. Regionally significant infrastructure should include Power station generating more than 10MW. A 1MW station is small and for local small scale use. And include the following definitions; <ul style="list-style-type: none"> Raw sewage Untreated agricultural effluent. 	Retain as notified with the following amendments and new definitions. Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character (<u>See also Policy 1 NZCPS</u>). Raw sewage is sewage that has not undergone any chemical or biological changes prior to disposal. Raw sewage may have undergone some solids separation in a storage facility such as a pond or sump. Regionally significant infrastructure means: <i>i. facilities for the generation of more than 10 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;</i> (include ii-ix as notified). Untreated agricultural effluent is agricultural effluent that has not undergone any chemical or biological changes prior to disposal. Untreated effluent may have undergone some solids separation in a storage facility such as a pond or sump.
SCHEDULES			
Page 69-102	Schedule 1 Coastal Marine Area Boundaries Across Rivers	Support. The boundaries reflect the agreement between the Minister of Conservation and Local Authorities.	Retain as notified.
Pages 103-104	Schedule 2 Ecological Criteria for Significant Wetlands	Support in part. These criteria are consistent with the RMA in particular s5, 6(a) and 6(c). Footnote 2 does not take into account the importance of foraging habitat (i.e. feeding habitat) for the species survival. For example regular foraging areas for a significant portion of the total population of birds when nesting and when dispersed from the breeding area. Such areas do not include wet pasture which will be outside the CMA.	Retain as notified with the following amendment; ² <i>For mobile species such as kotuku, this requires some assessment of the importance of the site for the species. i.e. the intention is not to include areas where a small portion of the total population of birds infrequently forage.</i>
Page 105	Schedule 3 Significant Natural and Human Use	Support in part. Sentences are required to integrate Schedule 3G into the Plan.	Amend as follows. <i>Schedule 3 identifies the significant natural and human use values of the West Coast's coastal marine area. The identification of natural and human use</i>

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	Values in the CMA	It is agreed in parts of the CMA very little information is available.	<i>values in Schedules 3A, 3B, 3C, 3D, 3E, and 3F enables these values to be given appropriate protection in managing activities (see Policies 3.3.5, 3.3.6 and 3.3.7). <u>The location of these areas is mapped in Schedule 3G. It is noted that the areas of outstanding natural character, outstanding landscapes, outstanding natural features and coastal protection areas open coast boundaries are shown on the maps. These areas may also include lagoons and river mouths as identified by their descriptions.</u> The scheduled values reflect information available to date, and for some parts of the coastal marine area there is little information available.</i> Retain as notified.
Page 106	Schedule 3A Culturally Significant Areas	Support. The Schedules identify a range of values important to iwi.	Retain as notified.
Page 107	Schedule 3B Coastal Development Areas	Support. These areas have either existing development, or there are current consents which allow significant development.	Retain as notified.
Pages 108-111	Schedule 3C Coastal Hazard Areas	Support. This schedule clearly identifies areas where development is adversely affected by in particular erosion of the land by the sea. The risk to development is appropriately assessed.	Retain as notified.
Pages 112-113	Schedule 3D Outstanding Natural Features and Landscapes	Support. This schedule gives effect to NZCPS Policy 15 in particular 15(d).	Retain as notified.
Pages 114-116	Schedule 3E Outstanding Natural Character	Support. This schedule gives effect to NZCPS Policy 13 in particular 13(1)(d).	Retain as notified.
Page 117	Schedule 3F Coastal Recreation Areas	Support in part. Some of the coastal recreation areas include parts of marine reserves where fishing is a prohibited activity.	Retain as notified with the following amendments; CRA.1 Heaphy Track Walking; Fishing <u>outside of Kahurangi Marine Reserve</u> CRA19 Ship Creek Walking; Fishing <u>outside of Tauparikākā Marine Reserve</u>
	New Schedule 3G	The operative West Coast Regional Coastal Plan has Coastal Protection Areas and identified a number of habitats for marine mammals and birds where uninterrupted access across the foreshore is required. These schedules have been omitted. A new	Include new schedule as outlined in Appendix 1.

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		schedule is proposed which identifies areas to give effect to NZCPS in particular Policy 11(a)(iii), (iv), (v) and (vi). These areas include marine reserves and land managed as part of Westland National Park. A second schedule identifies indigenous biodiversity and their habitats where unimpeded access is required in particular across the foreshore. This provision assists in maintaining indigenous biodiversity (s30(1)(ga) RMA).	
Page 118-155	Coastal Management Area Maps	Support in Part. These maps identify a range of values found on the West Coast. As identified in the submission above coastal protection areas are missing.	Retain the maps as notified and amend to include the new coastal protection areas as outlined in Appendix 1.
Page 156	Schedule 4 Statutory Acknowledgements	Support. Consistent with Ngai Tahu Claims Settlement Act 1998.	Retain as notified.
Pages 155-162	Schedules 5 -6 Whitebait	Support. Consistent with RMA in particular Parts 2- s6(a) and (c), gives effect to NZCPS 2010 in particular Policy 11(b)(ii), and the Whitebait Fishing (West Coast) Regulations 1994.	Retain as notified.
Pages 163 -164	Schedule 7 Inshore Mooring Area Jackson Bay	Support. Identification of a mooring area simplifies plan administration.	Retain as notified.
Pages 165 - 166	Schedule 8 Pounamu Accidental Discovery Protocol	Support. Consistent with Pounamu Resource Management Plan Te Rununga o Ngai Tahu 2002	Retain as notified.
Pages 167-168	Schedule 9 Outlets permitted to be opened under Rule 19	Support. Opening of river mouths in a way which allows natural processes to operate is supported.	Retain as notified.
Pages 168-169	Schedule 10 Shellfish Gathering Areas and Standards	Support in part. The identification of shellfish gathering areas is supported as it is consistent with RMA in particular Part 2 including s6(e). However a microbial standard should be included to enable shellfish to be taken for human consumption. The MfE guidelines for microbiological water quality are a possible standard. Within the Westland National Park, waters in the CMA in Three	Amend as follows; <i>Schedule 10 Water quality standards for shellfish gathering areas and natural state waters</i> Shellfish Gathering Area Retain existing water quality standard and include a new standard. <u>The median faecal coliform content of samples taken over a shellfish-gathering season shall not exceed a Most Probable Number (MPN) of</u>

PC REF	PLAN PROVISION	POSITION AND REASON	RELIEF SOUGHT
		<p>Mile and Five Mile Lagoon should be natural state reflecting s4 National Parks Act 1980.</p>	<p><u>14/100 mL, and not more than 10% of samples should exceed an MPN of 43/100 mL (using a five-tube decimal dilution test).</u> <u>These guidelines should be applied in conjunction with a sanitary survey.</u> <u>There may be situations where bacteriological levels suggest that waters are safe, but a sanitary survey may indicate that there is an unacceptable level of risk.</u> New Standard - Natural State <u>Waters within the coastal marine area within National Parks shall be maintained in their natural state.</u></p>

APPENDIX 1

NEW SCHEDULE 3G COASTAL PROTECTION AREAS

The Coastal Protection Areas includes those areas below the line of mean high water spring that are considered to be of regional, national or international importance in terms of their ecological features. Values found adjacent to the coastal marine area that could be adversely affected by activities are also identified. For example dune or shingle beach ridge communities. If there are also outstanding landscapes or natural features or high or outstanding natural character values or scenic values in these areas these are also identified.

Most estuarine areas along the West Coast's coast have been included in the Coastal Protection Area because they are particularly valuable in terms of their biological productivity, diversity and significance of indigenous fauna and indigenous vegetation particularly wetlands. These estuaries are a significant habitat of indigenous fauna, in particular the whitebait species (an iconic West Coast recreational fishery recognised nationally) and feeding areas for diverse range of waders and water fowl. Iconic species such as kotuku white heron disperse from their nesting area adjacent to Waitangiroto River to feed on the fauna of other West Coast estuaries. Significant commercial fishing species on the West Coast include sand flounders that as juveniles migrate into estuaries until they are two years old. They then migrate offshore to spawn, before returning.

In undertaking coastal management within or adjacent to any Coastal Protection Area, priority will be given to avoiding adverse effects on values associated with the area.

The criteria that were used to select the Coastal Protection Areas are:

New Zealand Coastal Policy Statement 2010 objectives and policies in particular:

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policy 11 Indigenous biological diversity

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - v. habitats, including areas and routes, important to migratory species; and
 - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Areas Values within the coastal marine area

CPA.1 Kahurangi Marine Reserve

Marine Reserve: Between Wekakura Point and Crayfish Point and out to five kilometres offshore. It excludes the Heaphy river bed that is in the coastal marine area.

It is a representative example of northern West Coast marine ecosystems which generally adjoins Kahurangi National Park. It contains eight habitat types which are representative examples of intertidal sands, boulder and bed rock habitats, extensive shallow subtidal sand habitats and rock reef habitats and deepwater sand and mud habitats. On the sand habitats are tuatua.

tauki /Hakiari (surf clams) and kuhakuha /purimu (including a West Coast endemic *Macra murshsoni* and Waikaka/pupu (Mudsnail). Reefs have bull kelp and agar seaweed (*Pterocladia lucida*) and are a significant habitat of a diverse reef fish fauna including northern coastal reef fish. Hector dolphins are found in the near shore zone.

Plants found on the fore dunes and strandline immediately adjacent to the coast marine area include sand tussocks *Poa billardierei* (declining), pingao *Ficinia spiralis* (declining), sand coprosma *Coprosma acerosa* (declining) and New Zealand spinach *Tetragonia tetragonoides* (declining). Coastal cress *Lepidium flexicaule* (nationally vulnerable) and native sow thistle *Sonchus kirkii* (declining) are found on cliffs including their base. Toe slopes plants include *Carex littoralis* (declining) and poroporo *Solanum aviculare var aviculare* (declining). It is part of an area of outstanding natural character and an outstanding natural feature and landscape that includes the adjacent Kahurangi National Park.

CPA 2 Oparara Estuary

Oparara Estuary is a tidal river mouth with open lagoon which has important estuarine wetland ecosystem with high natural ecosystem values. Tidal flats, channels, saltmarsh and naturally rare coastal turfs on the margins provide a diversity of habitats for estuarine flora and invertebrates.

There is habitat for indigenous fish (in particular whitebait species such as inanga, banded kokopu and koaro), including spawning, feeding and migration.

Oparara is an important habitat for wetland and coastal birds on the West Coast. High numbers of waterfowl and waders use the estuary as a feeding habitat. Roosting and nesting of water fowl and indigenous waders occurs in the area adjacent to the coastal marine area. In summer migratory waders such as godwits and turnstone are present.

CPA 3 Karamea/Otumahana Estuary

Karamea / Otumahana Estuary is a large dynamic estuary that is a tidal river mouth with open lagoon. Until at least 2007 Karamea Otumahana Estuary was notable as a composite system which had two mouths – a large double estuary enclosed by sand spits and barrier island(s). Subsequently longshore drift of sand to the North has closed the Otumahana Estuary mouth. The new mouth is highly mobile and reflects the surf and the Karamea River battle for dominance. Within this nationally important estuary are wetland ecosystems sequences from salt marsh to freshwater wetlands. Several of the wetlands are protected under the Conservation Act 1987. These wetlands have a diverse flora including *Carex litorosa* – (declining). Channels, tidal flats, and salt marsh provide a diversity of habitats for estuarine flora and invertebrates including cockles and pipis. It is the southernmost limit for bubble shell (a snail) and the glasswort (a salt marsh plant). It is a significant habitat for indigenous fish (e.g. inanga, koaro giant kokopu and shortjaw kokopu (nationally vulnerable)), especially for spawning, feeding and migration. Estuary is a significant habitat for wetland and coastal birds. It has high diversity (forty species) and high numbers of waterfowl and waders. White herons (nationally critical) use this estuary for feeding after breeding. Roosting and nesting occurs in the area adjacent to the coastal marine area. High natural character values.

CPA 4 Little Wanganui Head and River

Little Wanganui Head and River is an important unrestricted tidal river mouth with a wetland ecosystem with high natural ecosystem values. Tidal flats, channels and saltmarsh provide a diversity of habitats for estuarine and coastal flora including eel grass beds and invertebrates. Habitat for indigenous fish (e.g. inanga, giant kokopu, banded kokopu), including spawning, feeding and migration. Habitat for wetland and coastal birds, including variable oystercatchers (at risk).

Roosting and nesting occurs in the area adjacent to the coastal marine area. Limestone shore platform is a fossil site of regional significance. Extensive mussel beds are also present. The headland and mouth are part of an outstanding natural landscape.

CPA 5 Orowaiti Lagoon

Orowaiti Lagoon is a tidal lagoon with elongate planform often called an estuary. It is an important estuarine wetland ecosystem with high natural ecosystem values. Channels with pipi beds, tidal flats with cockle and eel grass beds and beds of *Macra tristis* (southern limit), saltmarsh and herbfields provide a diversity of habitats for estuarine flora and invertebrates. Flora includes *Sonchus kirkii* (declining – damp banks), *Myriophyllum robustum* (declining – wetlands), *Lepidium flexicaule* (nationally endangered – coastal turf). Significant habitat for indigenous fish (eg inanga, Shortjaw kokopu (nationally vulnerable), banded kokopu), including spawning, feeding and migration. Important habitats for wetland and coastal birds. High numbers of

waterfowl and waders feed within the estuary. Roosting and nesting occurs in the area adjacent to the coastal marine area. Lagoon has natural character and scenic values. Part of the estuary is a scenic reserve.

New CPA Cape Foulwind and offshore islands

The rocky shores and reefs around Cape Foulwind and Tauranga Bay and offshore at Black and Gibson's Reefs, Three Steeples and Wall Island are good examples of northern West Coast rocky coastal habitats, being significantly influenced by wave exposure and sedimentation (typically turbid waters and sand scour). This creates a distinctive environment for species that are adapted to such dynamic conditions – filter-feeding invertebrates (e.g. mussels and bryozoans), robust seaweeds (e.g. bull kelp, coralline algae) and grazing molluscs (e.g. limpets, paua). Greater biological diversity is found on offshore reefs where there is less sand scour and a greater depth range. The coastal reef fish population of moderate diversity (27 species) and seaweeds communities are typical of the northern West Coast. Both mainland species of bull kelp are abundant in the Cape Foulwind area.

A significant population of Hector's dolphins is found in this area.

Breeding, roosting and foraging area for coastal birds:(including southern white fronted terns (at risk), spotted shags (not threatened), sooty shearwaters (at risk), little blue penguins (at risk) which require unimpeded access to and across foreshore, fairy prion (at risk).

Area is breeding site for New Zealand fur seal. On shore there are two recreational reserves with walkways to facilitate viewing of these marine mammals.

CPA 6 Okari Lagoon

Okari Lagoon is an important tidal lagoon with elongate planform that has a wetland ecosystem with high natural ecosystem values. Tidal flats, channels and saltmarsh habitats provide a diversity of habitats for estuarine flora and invertebrates. Extensive cockle, pipi and other shellfish beds are present. Habitat for indigenous fish (eg inanga, Shortjaw kokopu (nationally vulnerable), banded kokopu), including spawning, feeding and migration. A significant habitat for wetland and coastal birds including high numbers of waterfowl and waders. Significant numbers of variable oystercatcher (at risk) and banded dotterel (nationally vulnerable) are found primarily feeding at Okari. Roosting and nesting occurs in the area adjacent to the coastal marine area. High natural character and scenic values. The western part of the estuary and its spit is land managed by the Department including Okari Spit Scenic Reserve, Okari Lagoon marginal strip and Conservation Area. Okari Lagoon is a Ngai Tahu Statutory Acknowledgement Area.

CPA 7 Seal Island to Perpendicular Point to Dolomite Point and Punakaiki Marine Reserve and recreational fishing areas

The coastline from Seal Island to Perpendicular Point is a NZ fur seal haul out. Unimpeded access to and across the foreshore is required.

Breeding and roosting area for coastal birds (including little blue penguins (at risk) which require unimpeded access across foreshore, white fronted terns (at risk), spotted shags (not threatened, largest colony in NZ), sooty shearwaters (at risk), fairy prions (at risk), banded dotterels (nationally vulnerable) which feed on foreshore and nest above Mean High Water Spring.

Up to one nautical mile offshore this area is used as a foraging area for seabirds including white fronted tern (at risk) and fairy prions (at risk).

The Punakaiki Marine Reserve and the adjacent recreational fishing areas around the Punakaiki Area are dominated by the outstanding natural feature and landscape of Dolomite Point and its Putai Blowhole, part of Paparoa National Park. A walkway enables visitors to view this blowhole. The natural parts of the coastal environment also have outstanding natural character. The marine reserve extends approximately two nautical offshore. It is a representative area of the northern West Coast with six habitat types of a wide open coast rocky and gravel shores with offshore bull kelp forests habitat. Sand habitats contain surf clams and worms. Fisheries present include gurnard and dogfish.

Westland petrels (at risk) fly over the marine reserve to access their nesting area primarily in the Te Ara Taiko Nature Reserve and Paparoa National Park (including the Westland Petrel Specially Protected Area).

CPA 8 Greigs to Nine Mile Bluff

Important rocky shore ecosystem with high nature ecosystem values. Habitat for coastal flora and invertebrates (including shellfish) and wildlife. Shore platform is a geological site of regional significance. Outstanding natural feature and landscape and has high to outstanding natural character values.

CPA 9 New River / Kaimata Saltwater River Lagoon Paroa

This intermittent opening beach stream mouth with a riverine ribbon lagoon is of regional significance. It has a wetlands protected in part as the Paroa Wildlife Management Reserve. It is a significant habitat of water fowl. Marsh birds are also present

It is a habitat for indigenous fish (eg inanga, koaro, banded kokopu and shortjaw kokopu (nationally vulnerable)), especially for spawning, feeding and migration. Longfin and shortfin eels, lamprey and common smelt, torrentfish and blue gill bullies are also present. It has high natural character.

CPA 10 Mahinapua Creek / Tūwharewhare

The most seaward portion of Mahināpua Creek/Tūwharewhare is within the coastal marine area. This tidal creek flows from Lake Mahinapua (a statutory acknowledgement area). It is a habitat for indigenous fish (e.g. inanga, banded kokopu), including spawning, feeding and migration. It is closed to whitebait fishing.

It is a good example of an estuarine stream mouth, part of a larger composite tidal system: the Hokitika River mouth. It has high natural values and its margins remain largely in indigenous vegetation. Its marginal vegetation and adjoining swampland are ecologically important. The creek provides excellent habitat for waterfowl.

CPA 11 Totara Lagoon

Totara Lagoon is beach stream mouth and composite system including river mouth with a long riverine tidal ribbon lagoon. The lagoon is an important wetland ecosystem with high natural ecosystem values. Parts of the wetlands are included in Totara Lagoon Wildlife Management Reserve. Tidal channels, flats and marginal vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. It is a habitat for indigenous fish (eg inanga, banded kokopu and koaro), including spawning, feeding and migration. It is a habitat for eels.

Water fowl, waders and marsh birds feed in the lagoon. Roosting and nesting occurs in the area adjacent to the coastal marine area.

It has high natural character values.

CPA 12 Saltwater Lagoon

Saltwater Lagoon is one of the very rare New Zealand lagoon system where the opening and closing is entirely natural. When closed, it is a freshwater lagoon enclosed by a barrier beach. When open it becomes an estuarine tidal lagoon. A wetland ecosystem with high natural ecosystem values including *Deschampsia cespitosa* (at risk). Tidal flats, channels, open water, salt marsh and rocky shore habitats provide a diversity of habitats for estuarine and coastal flora and invertebrates. Habitat for indigenous fish, (e.g. inanga), including for spawning, feeding and migration. Habitat for wetland and coastal birds, including a high number of water fowl and waders, especially for feeding.

Roosting and nesting occurs in the area adjacent to the coastal marine area. Outstanding landscape and natural character values. It is a scenic reserve and is part of Te Wāhipounamu South West New Zealand World Heritage Area.

It is also an educational site for South Westland Area School and lodge.

CPA 11 Okarito Lagoon

Okarito Lagoon is one of the largest intact natural coastal lagoons in New Zealand. Its mouth intermittently closes. It has a wetland ecosystem with nationally and internationally important natural ecosystem values. Tidal flats, channels, open water, saltmarsh grading into freshwater wetlands habitats provide a diversity of habitats for estuarine and coastal flora and invertebrates. Large shellfish beds of cockles and pipis. *Deschampsia cespitosa* (at risk) is present. Wetland habitat for indigenous fish (e.g. inanga), including for spawning, feeding and migration. A feeding habitat for eels. A feeding habitat for wetland and coastal birds, including high numbers of water fowl and waders. Roosting and nesting occurs in the area adjacent to

the coastal marine area. Important feeding area for kotuku (nationally critical) that nest in a nearby colony. Margins are part of Te Wāhipounamu South West New Zealand World Heritage Area.

Outstanding landscape and outstanding natural character values.

It is recognised as an important source of kaimoana for iwi such as eels - Ōkārito Mātaitai Reserve.

CPA 12 Waiau Glacier Coast Marine Reserve, Three Mile Lagoon, Five Mile Lagoon

The Waiau Glacier Coast Marine Reserve extends the protection of a natural landscape from mountains to sea, including glaciers, forests, lakes, rivers and now the marine environment. Covering 46 km² from Kohuamarua Bluff to the Omoeroa Bluff, this reserve includes natural examples of five habitat types and is a good example of the central West Coast marine ecosystems. It is one of the largest marine reserves in mainland New Zealand.

The marine reserve includes some classic features carved into the landscape by past and present glaciers, including bouldery moraine headlands, the silty and flood-prone Waiho River, gravelly beaches and muddy seabeds offshore to depths of about 25 m. Moraine bluffs of glacial origin and the gravel-bed river mouth of the Waiho River also feature
The marine reserve adjoins natural coastlines and catchments primarily within Westland Tai Poutini National Park, Te Wāhipounamu South West New Zealand World Heritage Area. Within Westland National Park and part of the coastal marine area is Three Mile and Five Mile Lagoons.

Three Mile Lagoon is an important estuarine wetland ecosystem with high nature ecosystem values. Tidal flats, channels, open water and saltmarsh provide a diversity of habitats for estuarine flora and invertebrates. Habitat for indigenous fish (eg inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl and birds, including high numbers of waterfowl and waders, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.
Further South is Five Mile Lagoon and important ribbon lagoon wetland ecosystem with high nature ecosystem values. Tidal flats, channels and marginal vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. Habitat for indigenous fish (eg inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl, waders and marsh birds, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.

The area has outstanding landscape and outstanding natural character values.

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CPA13 Tauparikākā Marine Reserve and within 1 nautical mile of the Reserve

The Tauparikākā Marine Reserve is the smallest marine reserve in New Zealand at just 17 hectares. It includes the tidal river mouth and lagoon and beach foreshore at Ship Creek. The site includes natural examples of three habitat types and it is a good example of the southern West Coast coastal ecosystems. From Tauperikaka Point to near the southern lookout on the Ship Creek Dune Lake walk, the Tauparikākā Marine Reserve adjoins natural coastlines and catchments within Te Wāhipounamu South West New Zealand World Heritage Area and the Tauparikākā Mātaitai Reserve.

The reserve is typical of southern sandy beaches, and includes the stream mouth of Ship Creek and shore habitats reaching out to depths of about 5 m. It lies within a narrow inner shelf zone, inshore of deeply incised submarine canyons.

Tutumairekurai/Hector's dolphins are commonly seen surfing the waves in the reserve, just metres off the shore. Seabirds such as fairy prions muttonbirds feed in this area.

Outstanding natural landscape and outstanding natural character values.

CPA 14 Open Bay Islands

Important rocky Island shore ecosystem with high nature ecosystem values. Habitat for coastal and marine flora, invertebrates, fish and wildlife (including NZ fur seals)

Breeding and roosting area for coastal birds (including Fiordland crested penguins (nationally endangered), little blue penguins (at risk) which both species require unimpeded access to and across the foreshore, spotted shags (not threatened), sooty shearwaters (at risk), fairy prions (at risk) and variable oyster catchers). One of two islands for Open Bay Islands skink and only island for Open Bay Islands gecko.

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CPA 13 Cascade River Mouth

An important tidal river mouth with lagoon wetland ecosystem with high natural ecosystem values. Tidal flats, channels and marginal indigenous vegetation provide a diversity of habitats for coastal wetland flora and invertebrates. Habitat for indigenous fish (e.g. inanga), including spawning, feeding and migration. Habitat for wetland and coastal birds, including high numbers of waterfowl, waders and marsh birds, especially for feeding. Roosting and nesting occurs in the area adjacent to the coastal marine area.

Outstanding natural landscape and has outstanding natural character values. It is the only substantial river mouth dune system and longest spit in southernmost Westland and northernmost Fiordland. One of the few beaches in this largely unmodified region that is not interspersed with rocky reefs.

The river mouth is part of the Cascade Conservation Area and part of the expansive Te Wāhipounamu South West New Zealand World Heritage Area.

CPA 15 Hautai Marine Reserve

The Hautai Marine Reserve showcases the wilderness and beauty of the southern parts of the West Coast. The reserve covers about 8.5 km² from near Longridge Point south to the Hackett River and includes boulder and sandy marine habitats out to more than 30 m depth. Beyond this lies a zone of deeply incised submarine canyons. The area is home to wildlife such as kekeno/New Zealand fur seals and tawaki/Fiordland crested penguins.

The Hautai Marine Reserve is a good example of the southern West Coast marine ecosystems, and adjoins natural coastlines and catchments that are part of the expansive Te Wāhipounamu South West New Zealand World Heritage Area. The reserve extends the protection of natural environments to places beyond the waves.

SCHEDULE 3: CROSS BOUNDARY AREAS

3.1 Marine Mammal, Bird and Reptile 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 in the coastal environment and to recognise the importance of unimpeded access to these sites across the near shore coastal waters and foreshore for these species when they are present. In undertaking activities within or adjacent to any Marine Mammal and Bird Site, priority will be given to avoiding, adverse effects of activities on indigenous tax that are listed as threatened or at risk or avoiding, remedying or mitigating adverse effects on values associated with the area.

For example penguins such as Fiordland crested penguins (nationally endangered) are very susceptible to activities which cause disturbance which can stop birds accessing nests or result in birds abandoning nests. Activities in the adjacent coastal waters or on the foreshore can adversely affect this species habitats and their breeding success.

When considering activities in these areas it is strongly recommended that the Department of Conservation is consulted with and any permissions under other Acts applied for.

MMB 1 Toropuhi to Wekakura Point

A large NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore to breeding and haul out site is required.

MMB 2 Kongahu Point

NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore to breeding and haul out site required.

MMB 3 Granity shoreline

Undescribed taxa of Speckled skink (nationally critical), but is genetically distinct and different. Genetics being investigated at the moment. Habitat includes upper foreshore.

MMB 4 North End of Nine Mile Beach(Buller)

Little Blue Penguin (at risk) nesting site. Unimpeded access to and across foreshore required.

MMB 5 Charleston

Little Blue Penguin (at risk) nesting site. Unimpeded access to and across foreshore required.

MMB 6 South of Deep Creek

NZ Fur Seal rookery (breeding and haul out site). Unimpeded access to and across foreshore required.

MMB 7 Cobden Beach

Good site for Speckled skink (at risk). Habitat includes upper foreshore.

MMB 8 Point Elizabeth, including Shag Rock and Big Rock

NZ Fur Seal rookery (breeding and haul out site). Access across foreshore.

MMB 9 Chesterfield shoreline

Undescribed taxa of Speckled skink, but is genetically distinct and different. Paper to be completed shortly. Threat status is "Taxonomically distinct: Critically endangered"

MMB 10 Wanganui Bluff

NZ Fur Seal haul out site. Unimpeded access to and across foreshore to haul out site is required.

MMB 11 Abut Head

NZ Fur Seal winter haul out site. Unimpeded access to and across foreshore required.

MMB 12 Okarito Bluffs

NZ Fur Seal haul out site. Unimpeded access to and across foreshore required.

MMB 13 Galway Point to Gillespies Point

NZ Fur Seal winter haul out site. Unimpeded access to and across foreshore required.

MMB 14 Heretaniwha Point

Breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore is required.

MMB 15 Buttress Point

Nesting site for Fiordland crested penguins (nationally endangered). Access to and across foreshore required..

MMB 16 Hanata Island

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 17 Tititira Head

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 18 Awataikato Point

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore to the nesting sites is required.

MMB 19 Abbey Rocks

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore required.

MMB 21 Otumotu Point

Breeding, roosting and moulting area for Fiordland crested penguins. Unimpeded access to and across foreshore required.

MMB 22 Murphy Beach Breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access to and across foreshore required.

MMB 23 Arnott Point

NZ fur seal haul out site. Unimpeded access to and across foreshore required.

MMB 24 Seal Point

Nesting site for Fiordland crested penguins. Unimpeded access to and across foreshore required.

MMB 25 Jackson Head

A major breeding, roosting and moulting area for Fiordland crested penguins (nationally endangered). Unimpeded access across foreshore and adjacent coastal water required.

MMB 26 Stafford Bay to Cascade Point

Nesting site for Fiordland crested penguins (nationally endangered). Also, there is a large NZ fur seal rookery at Cascade Point. Unimpeded access to and across the foreshore required.

MMB 27 Halfway Bluff

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across the foreshore required.

MMB 28 Cascade Bay to Gorge River

Nesting site for Fiordland crested penguins (nationally endangered). Unimpeded access to and across the foreshore required.

MMB 29 Browne Island

NZ fur seal haul out site. Unimpeded access to and across the foreshore required.

MMB 30 Gorge River to Awarua Point

Nesting site for Fiordland crested penguins (nationally endangered).

