



# Federated Farmers of New Zealand

## Submission to the West Coast Regional Council on the Proposed West Coast Regional Coastal Plan

21 March 2016



**SUBMISSION TO WEST COAST REGIONAL COUNCIL ON PROPOSED WEST COAST  
REGIONAL COASTAL PLAN**

Form 5

Submission on publicly notified proposal for policy statement or plan  
*Clause 6 of First Schedule, Resource Management Act 1991*

To: West Coast Regional Council

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This is a submission on the following proposed plan change – Proposed West Coast Regional Coastal Plan.

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to and the decisions we seek from Council are as detailed on the following pages.

Federated Farmers wishes to be heard in support of this submission.

## **SUBMISSION ON THE PROPOSED WEST COAST REGIONAL COASTAL PLAN**

### **1 INTRODUCTION**

- 1.1 Federated Farmers welcomes the opportunity to submit to the West Coast Regional Council on its Proposed West Coast Regional Coastal Plan.
- 1.2 Coastal issues are of importance to Federated Farmers. A number of our members farm properties that extend right down to the coastal marine area, with some areas of the coastal marine area in private ownership. Our members utilise the coastal marine area to move vehicles, machinery and stock, as necessary, from one part of their farm to another.
- 1.3 Federated Farmers supports the aspirations of the Council in developing a Plan that has the wellbeing of West Coast people and communities at its heart, to facilitate development and the long term economic success of the isolated West Coast communities.
- 1.4 In general, a planning framework should acknowledge that there is a responsibility on landowners to manage any significant adverse effects of their activities on the environment, while at the same time not seeking to burden the region with unnecessary compliance and allowing necessary activities that contribute to our wellbeing to continue.
- 1.5 We seek some amendments but overall we consider that the Proposed Coastal Plan takes a practical and pragmatic approach to the management of the coastal marine area. We believe that in general the plan achieves an appropriate balance between avoiding adverse effects and enabling the growth and development of the region, meanwhile honouring the objectives of the New Zealand Coastal Policy Statement 2010.
- 1.6 We are broadly supportive of the approach taken in the Plan, and where we have not made a specific submission, seek to retain the provisions as notified.
- 1.7 The following section provides comments on specific areas of Federated Farmers interest.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
<b>THE PROPOSED PLAN</b>			
Overview of the Plan	Support in part	<p>Federated Farmers is broadly supportive of the planning approach taken within the proposed plan.</p> <p>The plan is of interest to Federated Farmers due to the number of farms and rural land that occupy the coast line. Moveable boundaries from erosion and adverse weather events may mean that farm property titles extend into the coastal marine area.</p> <p>Farmers need to the ability to be able to continue to carry out normal activities that may involve the coastal marine area, including but not limited to the droving of stock, and vehicle access and machinery access along the coastal marine area.</p>	That normal farming activities that occur in the coastal marine area, where this is adjacent to farms or where the farm boundary extends down into the CMA, are permitted.
<b>PART THREE: NATURAL AND HUMAN USE VALUES</b>			
3.1 Introduction	Support in part	Federated Farmers supports the plan recognising the values, uses, and natural processes of the West Coast's coastal marine area alongside the need for continued use, development, and protection within the region.	Adopt the introduction as notified.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
Objective 3.2.1 and its explanation	Support	Federated Farmers supports the recognition of growth and development as fundamental to the continued sustainability of rural communities. We support the enabling framework that the Proposed West Coast Regional Coastal Plan provides.	Adopt both the objective and the explanation to the objective as notified.
Objective 3.2.2 and its explanation	Support	Federated Farmers supports the positive recognition of both new and existing development as fuelling the growth which is fundamental to the sustainability of both the region's rural and urban communities. We support the recognition of the need to provide for ongoing employment opportunities in the region, and the acknowledgement of the sustainable use of natural resources to the economic development of the region.	Adopt both the objective and explanation to the objective as notified.
Policy 3.2.3	Support in part	<p>Federated Farmers has concerns with the reference to the need to protection of amenity values both within and adjacent to the coastal marine area. However, we support Council focussing on inappropriate activities.</p> <p>We are concerned that, by the inclusion of the term "and adjacent to" this policy seeks to manage areas beyond the coastal marine area. The Coastal Plan should only manage activities</p>	<p>That the policy is amended as follows (or similar):</p> <p><i>Where appropriate, to <del>protect</del> <u>protect sustainably manage</u> the <del>natural and amenity</del> <u>character</u> values within and adjacent to the coastal marine area from inappropriate use and development. in the coastal marine area, <del>including natural character, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes.</del></i></p>

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		within the coastal marine area, not seek to manage activities that are controlled by other plans, such as the Land and Water Plan.	
Policy 3.3.1	Support in part	We support the proposed policy but consider that farming activities are also critically important to the social, economic and cultural wellbeing of the West Coast region, and should as such be specifically recognised.	<p>That the policy is amended as follows:</p> <p><i>“Recognise the positive effects of the use and development of the coastal marine area. The provision of infrastructure, the potential for renewable marine energy, <u>farming activities</u> and mineral extraction, are critically important to the social, economic and cultural wellbeing of people and communities.”</i></p> <p>And also specifically provide for farming activities within the explanation to the policy.</p>
Policy 3.3.2	Support in part	We support the enabling of activities within the coastal marine area, where there is the need for people and communities to provide for their safety and wellbeing. The clearing of drains outlets and channels is an important mechanism for reducing erosion problems and preventing the inundation of farmland. We support the enabling framework that the Plan provides for these preventative activities, where less than minor effects will occur, to continue with little regulatory and financial burden on the community.	That the explanatory text is amended to provide for farming activities including stock movement.

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Policy 3.3.4	Support	<p>Federated Farmers believes that where activities will incur only minimal adverse effects, these should be allowed without requiring the resource user to go to the time, expense and inconvenience of applying for resource consent. This policy positively reduces unnecessary consenting fees and time, reducing the regulatory burden on landowners.</p>	Adopt the policy and explanation as notified.
Policy 3.3.5	Support	<p>Schedule 3D identifies Outstanding Natural Features and Landscapes. It provides a mechanism for recognising the existence of the values within and adjacent to the coastal marine area, where a proposed activity requiring consent may have adverse effects on the landscape values. Schedule 3E identifies Outstanding Natural Character areas. Similarly, it also provides a mechanism for identifying key attributes.</p> <p>Where farm land is a feature of these ONF/Ls and ONCs, this needs to be recognised and provided for when considering future decisions around the management of activities in these areas and we strongly support this inclusion. Where a landscape identified is part of a working farm environment, it needs to be</p>	Adopt the policy as proposed.

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		<p>recognised that these areas are dynamic in nature.</p> <p>It is unclear whether landowners have been actively involved in the Brown NZ Ltd study to map these areas. Federated Farmers is a strong advocate for the engagement of landowners where private land has been mapped.</p> <p>We support Council acknowledging that the case law has indicated 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.</p>	
Policy 3.3.6	Support in part	Under this policy, Federated Farmers would hope that legitimate farming activities would be considered an existing lawful use. By this interpretation, the policy will seek to avoid adverse effects on lawfully established farming activities. However, it would be beneficial if this could be clarified.	That clarification is provided to Federated Farmers as to the intent of this policy.
Policy 3.3.7	Oppose in part	The policy fails to recognise that adverse effects of activities may be only minor and may of such a nature as to be acceptable, given the benefits	Amend the policy as follows (or similar):  3.3.7 In the management of any activity in the coastal marine area:



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		<p>the activities involved provide.</p> <p>As proposed, the potential restrictions could be disproportionate entirely to the actual effect of the activity.</p> <p>Council either needs to reference ‘significant’ adverse effects or provide acknowledgement that avoid, remedy or mitigation will not always be appropriate or necessary.</p>	<p>1) <i>Where appropriate or necessary, avoid, remedy, or mitigate adverse effects on:</i></p> <p>(a) <i>Water quality;</i></p> <p>(b) <i>Indigenous biodiversity, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6;</i></p> <p>(c) <i>Intrinsic values of ecosystems;</i></p> <p>(d) <i>Recreational values in any Coastal Recreation Area identified in Schedule 3F;</i></p> <p>(e) <i>Human health;</i></p> <p>(f) <i>Infrastructure;</i></p> <p>2) <i>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></p>
Policy 3.3.8	Support in part	<p>Federated Farmers supports the need to take into account the extent of adjacent modified environments, the existence of working landscapes and the extent to which the proposed change could be absorbed within the surrounding landscape. This is an appropriate acknowledgement that in considering effects, there is a need for practical, pragmatic and workable factors to be included in considerations.</p>	<p>Adopt the policy as notified.</p>

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Policy 3.3.9 Explanation	Support in part	We have concerns with the proposal for Poutini Ngāi Tahu to be provided with information on all resource consent applications. The RMA provides a clear regime relating to the appropriateness of when consents need to be notified beyond the applicant. We do not consider that Poutini Ngāi Tahu are resourced, or needed to be involved to the degree proposed.	Amend the explanation to the policy as follows (or similar): <i>Explanation</i> <u>Where it is considered appropriate, Poutini Ngāi Tahu will be provided with information on all resource consent applications. They will be advised in their capacity as an affected party with regard to some applications, and may be notified of publicly advertised applications.</u>
<b>4. PUBLIC ACCESS AND OCCUPATION OF SPACE</b>			
4.1 Introduction	Support in part	Public access is an important issue for Federated Farmers. There are significant costs associated with the maintenance of public access. It is inappropriate to facilitate access to the entire region's coastal marine area, as it is inappropriate to facilitate or enhance access where security, health safety and private property rights may be undermined. Access should be determined based on demand in which the public have identified a desire to have access. It must be noted, there is also no legal requirement for public access to areas of value on privately owned land and access must be negotiated with the landowner without the presumption of a right to public access.	Adopt the introduction as notified.  That in the chapter landowner access is clearly separated from public access.

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Objective 4.2.1	Support in part	<p>Federated Farmers understands that enjoyment of the coastal marine area is a past time and resource for the community. However, public access, including vehicle access should not place in conflict the interests of the landowners that manage the land adjacent to the coastal marine areas. Federated Farmers submits that this policy should recognise the need to minimise conflicts with other users of land in the coastal environment.</p> <p>While Federated Farmers is supportive of the principle of enhancing public access, we do not consider it appropriate in all instances to manage access to and along the coastal marine area in a manner that maximises public use. Managing access to the coastal marine area to achieve this objective may in some circumstances unduly restrict common farming practices.</p> <p>It is only appropriate to facilitate public access where there is an identified public need for it, and the circumstances appropriately allow for it. If members of the public have to walk across private property to get to the coast, it requires landowner permission. Landowners should not be impacted or controlled in their farming activities simply because they neighbour a</p>	<p>Amend Objective 4.2.1 to read:</p> <p><i>To maintain and as far as practical enhance <u>where a demand exists</u>, public access to and along the coastal marine area, while recognising <u>the needs of private property owners in that</u> some activities require the occupation of space.</i></p>

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		<p>coastal marine area. Federated Farmers is concerned that by referring to access to the coastal marine area, this objective concerns public access to private land beyond the coastal marine area. In this chapter landowner access needs to be clearly separated from public access.</p>	
Objective 4.2.2	Support in part	<p>Federated Farmers understands this is a new objective that will only capture the effects of vehicle access relating to consented activities, as opposed to the broad ranging effects of vehicle access the current plan is expected to manage, and is failing to provide management of.</p> <p>Famers may sometimes need to drive on the coastal marine area to access remote areas of their farm. The policies associated with this objective are related to public access, as opposed to landowner access. We are concerned that this objective will result in regulation that will limit farmer's access around their property and be impractical.</p>	That more information on the intent of this policy is provided to Federated Farmers.
Policy 4.3.1	Oppose	<p>Federated Farmers is concerned that there are a number of circumstances which rather than be seen as exceptional, are more regular activities which are not covered by this policy. There are</p>	<p>Amend Policy 4.3.1 to read:</p> <p><i>Public access along the coastal marine area will <del>only</del> be restricted where necessary:</i></p> <p><i>(a) For health and safety reasons in relation to a consented</i></p>

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		<p>many cases where public access may not be suitable. For example, management decisions to restrict access where lambing or calving is taking place may be appropriate, as well as for health and safety and security reasons.</p> <p>Landowners have the right to determine who has access over their property. The Coastal Plan needs to ensure that it does not override landowner's right to allow or refuse access to members of the public who may want to cross over private land to access the coastal marine area, or where the certificate of title extends into the coastal marine area.</p>	<p><i>activity;</i>  <i>(b) To ensure a level of security consistent with the purpose of a resource consent;</i>  <i>(c) In other exceptional circumstances sufficient to justify the restriction.</i></p> <p><u><i>(d) To maintain a level of security for lawfully established activities, uses and management of areas within or adjacent to the coastal marine areas.</i></u></p> <p><u><i>(e) Where the coastal marine area is in private ownership.</i></u></p>
Additional Policy to be added		<p>Federated Farmers notes that some other Coastal Plans have included policies and explanatory text to recognise that parts of the coastal marine area are in private ownership. We submit that an additional policy be included that recognises the rights of landowners, to support and recognise the rights of landowners. In order for this to be given weighting we believe that a specific policy should be included in this section of the Plan.</p>	<p>Include an additional policy, Policy 4.3.6 that reads:</p> <p><u><i>Rights of land owners to deny public access to privately owned land is maintained</i></u></p> <p>Explanatory text is included to read:</p> <p><u><i>It is recognised that some parts of the region's coastal marine area are in private ownership. As such, the owners of these areas have the right to deny public access. This plan does not restrict the rights of land owners to deny public access to privately owned land, nor does it restrict or impinge on obligations under other legislation.</i></u></p>

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<b>PART 6: DISTURBANCE, EXTRACTION/REMOVAL, DEPOSITION, RECLAMATION</b>			
Objective 6.2.1	Support	Federated Farmers supports the provision of permitted activity standards to manage the disturbance, gravel extraction and removal from riverbeds, where the effects of these are minor or they can be remedied, mitigated or offset. Many of these activities have positive effects for the community, both reducing the risk of coastal hazards from flooding, and in the economic benefit these activities provide for the community.	Adopt the objective as notified.
<b>RULES</b>			
Rule 7	Support	Federated Farmers supports the provision of erection, placement and maintenance of a bridge or culvert in the coastal marine area as a permitted activity.	Adopt the rule as notified.
Rule 15	Support	Federated Farmers supports the small scale removal of natural material, with the associated standards, as a permitted activity.	Adopt the rule as notified.
Rule 18	Support	Flooding and other adverse events can often bring with them debris that cause obstruction in the coastal marine area. Federated Farmers	Adopt the rule as notified.

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		supports the provision of debris clearance as a permitted activity.	
Rule 19	Support	<p>When the Plan Change was introduced in 2008 allows for the unblocking of river mouths as a permitted activity, Federated Farmers were very supportive. We continue to support the unblocking of river and creek mouths in the Coastal Marine Area as a permitted activity under certain conditions.</p> <p>In most instances blockages at river and creek mouths need to be cleared quickly in order to restore flow. If debris and/or build-up cannot be removed quickly then flooding, erosion and ponding can occur. This will further result in flooding and damage to property. In these circumstances applying for a resource consent is not practical.</p> <p>Permitted activity status eliminates the necessity to apply for resource consent in those circumstances and allow landowners to unblock river and creek mouths when necessary.</p>	Adopt the rule as notified.
Rule 24	Support	Federated Farmers supports the provision of gravel extraction in riverbeds as a restricted discretionary activity. We support the effort to align the Coastal Plan with the Land and Water	Adopt the rule as notified.

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		Plan, in maintaining consistency of standards. We support the change in this activity from a discretionary activity to a restricted discretionary activity.	
Rule 27	Support	Federated Farmers is supportive of the provision of vegetation clearance associated with a other permitted activities in the Plan, as a permitted activity.	Adopt the rule as notified.

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Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

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