

**PROPOSED
WEST COAST
REGIONAL COASTAL PLAN**

SUBMISSION FROM: Frida Inta.

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

I **am not** directly affected by an effect of the subject matter of the submission (although any remaining natural character of the coastline enhances my well-being)

I **do** wish to be heard in support of my submission; and if so, I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any Hearing (please note: my submission is essentially the same as Buller Conservation Group's, being compiled by myself, and I will speak on both simultaneously except where they may differ, due to input from members.)

Rather than receiving paper copies during this plan's progress I will prefer e-copies unless specially requested.

The amendments I seek are typed in red, with red strike-through to delete undesired clauses. I have the word, "Amendment" to start the less obvious amendments.

My comments are typed in red and generally have the word, "Comment" at the start, unless obvious. Some are marked, "Amendment and Comment", where it is a mix of both.

1. INTRODUCTION

1.1 purpose and scope of the plan

The West Coast Regional Council (the Council) has prepared this Plan to provide a framework to promote the integrated and sustainable management of the West Coast's coastal marine area.

Comment: The only proper reference to sea level rise in the whole of the proposed coastal plan is at 5.3.7, where it is confirmed as existing. Climate change, global warming, and sea-level rise should be addressed as a matter of importance in the Introduction to the plan. A discussion of sea-level rise should include what is underpinning sea-level rise

(Insert at end of 1.1)

Amendment: The coastal marine area is the first line of defence against the sea, particularly with respect to sea-level rise, a confirmed phenomenon. Sea-level rise is predominantly a result of global warming, where carbon dioxide (CO₂) and other greenhouse gas levels have been steadily rising over the last century, with CO₂ levels rising from below 300ppm in the 1950's to a record of 400ppm in February 2016, although that figure has not been adjusted for the extant El Nino Southern Oscillation event. Nevertheless, with an extensive record of temporal global temperature data, most recent years have broken temperature records, with February 2016 being globally the hottest on record.

I am seeing more extremes of weather, reflected, for instance, in flooding of not only our coastal settlements but further inland as well, along with the collateral damage; with reinstatement being a massive drain on regional resources.

New Zealand has made a strong commitment to reduce greenhouse gas emissions and this must be supported regionally. The West Coast Regional Council will do this by promoting and encouraging carbon-neutral, or even carbon-sequestering new developments in commerce {see 13.2.10(a)(ii)}.

It is imperative that coastal defences are robust now and in the future. One particular problem in relation to coastal stability along the west coast is gravel extraction. Gravel from the hills replenishes spits and beaches along the coastline but gravel extraction can deplete that resource and make coastal settlements vulnerable to inundation. Another problem is removal of coastal vegetation, particularly indigenous vegetation. Retaining, or reinstating coastal vegetation, especially indigenous, not only provides coastal stability but also contributes to carbon sequestration.

Our region has a classic case of loss in relation to sea-level rise at Punakaiki. The Punakaiki township is suffering the effects of sea-level rise quite dramatically, where the sea wall now needs to be extended to protect baches, tavern and camping ground.

2. POUTINI NGĀI TAHU VALUES

3. NATURAL AND HUMAN USE VALUES

3.1 Introduction

The first paragraph should be: Under section 6(a) of the Resource Management Act the preservation of the natural character of the coastal environment, including the coastal marine area, and the protection of it from inappropriate subdivision, use, and development, is a matter of national importance.

This Plan recognises the values, uses, and natural processes of the West Coast's coastal marine area and the need for continued use, development, and protection. However, in enabling continued use, development and protection, it is important that adverse effects on the existing natural ~~and human use~~ values ~~supported by~~ **of** the coastal marine area are avoided, remedied, or mitigated **and that appropriate human use values are supported**

Comment: Development in the CMA is a fait accompli, what is needed is stronger protection of the natural values, which are falling victim to ad hoc and cumulative development.

In addition to the natural and human use values identified in Schedule 3, the West Coast coastal marine area has other natural and human use values which are protected by the Plan, including **indigenous biodiversity**, historic heritage, public access, amenity values and existing lawful uses.

Amendment: The first objective should be the protection of natural values, not development of resources. 3.2.3 should be 3.2.1 (although the list of objectives and policies is probably not technically hierarchical, nevertheless it can be interpreted as such)

3.2 Objectives

3.2.3~~4~~ To enable the sustainable use and development of resources in the coastal marine area.

Explanation

This Objective recognises that traditionally people have made use of resources in the coastal marine area and the ability to continue to sustainably use and develop these resources is vitally important. ~~Extraction of mineral reserves, for example, contributes significantly to the regional economy, and~~ provided that environmental impacts can be avoided, remedied, or mitigated, ~~this is considered appropriate.~~

Extraction of mineral reserves, ~~for example~~ contributes significantly to the regional economy, and **it is important to ensure that any adverse environmental impacts in the CMA are avoided, remedied or mitigated.**

~~3.2.2 To ensure any new employment opportunities provided by new development projects in the coastal marine area are considered as a positive effect, particularly employment that benefits the long term sustainability of the Region's communities.~~

Comment: Objective 3.2.2: employment opportunities provided by new development cannot be a positive effect on the coastline; they cannot mitigate for or offset any adverse environmental effects on the coastline as the connection is too indirect.

There is nothing in the NZ Coastal Policy Statement to support objective 3.2.2 but rather the NZ-CPS promotes a cautionary stance, where NZ-CPS policy 3(1) says,

" Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse."

Policy 3(1) needs to be applied to the reference to mineral reserves, above, too.

Policy 6(b) says,

"consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;"

So it can be seen that development should not compromise other values of the CMA.

Policy 6(j) says,

"where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value."

3.3.1 Recognise the positive effects of the use and development of the coastal marine area. The provision of infrastructure and the potential for renewable marine energy, and mineral extraction, can be are critically important to the social and economic and cultural wellbeing of people and communities.

Comment: The development of the CMA is in general not supportive of people's cultural values, unless that cultural value is interpreted to be one of development of the CMA, in which case it applies to a small proportion of people on the coast. Cultural well-being would be more aligned to open spaces, public access to natural areas, fresh air, good ecosystem services and a resilient, natural biosphere. Mineral extraction in general is destructive, with many adverse effects. Positive effects of it run to the people involved but everyone plus the environment may also be adversely affected.

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:

3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) Spiritual and cultural values and uses of significance to Poutini Ngai Tahu, including those identified in Schedule 3A;

(b) Development activities in Coastal Development Areas, including those identified

in Schedule 3B;

(c) Significant historic heritage;

(d) Existing public access to and along the coastal marine area;

(e) Existing lawful uses;

Comment: The preamble for Schedule 3 admits that the lists of schedule 3 are not exhaustive so the rest of this plan needs to reflect that.

3.3.6 In the management of any activity in the coastal marine area, give priority to avoiding, in preference to remedying or mitigating:

1) Adverse effects on:

(a) Spiritual and cultural values and uses of significance to Poutini Ngai Tahu including those identified in Schedule 3A;

(b) Natural values in relation to development activities in Coastal Development Areas identified in Schedule 3B;

(f) the natural character of the coastline

2) Causing or exacerbating a natural coastal hazard in any Coastal Hazard Area, including those listed in Schedule 3C.

3.3.7 In the management of any activity in the coastal marine area:

1) ~~1) Avoid, remedy, or mitigate adverse effects on: give priority to avoiding, in preference to remedying or mitigating adverse effects on:~~

(a) Water quality;

(b) Indigenous biodiversity, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6;

(c) Intrinsic values of ecosystems;

(d) Recreational values in any Coastal Recreation Area, including those identified in Schedule 3F;

(e) Human health;

(f) Infrastructure;

Amendment: 3.3.7 should be deleted and 3.3.7.1(a) to (f) should be added to 3.3.6; policy 3.3.7.2 could then stand alone, or be listed as 3.3.6.3.

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:

(a) The degree of modification of the surrounding environment;

(b) Whether the landscape includes a **legally consented** working landscape;

(c) The degree to which the surrounding landscape can absorb the change resulting from the proposed activity.

Comment: There are many working landscapes along the coast but some have been created either prior to the RMA or have been created by stealth, in which case that working landscape is not legitimately consented and that coastline should be reinstated to its natural state. A prime example is the saga of the Fox River baches where titles were provided retrospectively. The coastline has many such unpublicized instances.

It is important to remember that there is an abundance of natural character along the West

Coast coastline

Comment: Urbanised areas, including coastal farms, have in many cases altered, drained and very significantly degraded the CMA.

4. PUBLIC ACCESS

Vehicle access in the coastal marine area associated with commercial activities can result in damage to habitats, flora, fauna and sand dune stability, from compaction and crushing. These effects can be assessed through the consent process.

Comment: It is not just via commercial activities that vehicles can compromise natural values within the CMA. There has been escalating use of vehicles in general in the CMA in recent years. The use of recreational vehicles in the CMA needs to be addressed in this plan: this chapter; that it is not is an aberration.

4.3.4 Where a reclamation restricts public access in the coastal marine area, Council will ~~consider whether it is necessary or practicable to~~ require an esplanade reserve/strip, or access strip under section 229 of the Act.

4.3.5 Motorised vehicle access to, and use in, the coastal marine area associated with a consented activity may be restricted to manage adverse effects on habitats, water quality, flora, fauna, kaimoana beds on the foreshore, including those shown in Schedule 10,

Comment: Policy 20 of the NZ-CPS : Vehicle access: provides a list of adverse effects that any vehicle needs to be controlled in relation to. In this plan there needs to be narrative on protection of coastal processes in relation to use of any motor vehicle on the shore, especially in relation to the nesting sites of dotterels, and little blue penguins, of which there are many sites on the coast, particularly for dotterels around estuaries. Dotterel nesting sites should be identified and vehicles banned from such sites (and dogs controlled also at those sites). Fairy terns congregate at some estuaries and these sites need protected, as do shellfish beds, also other areas of congregating birds, especially vulnerable species. Disturbance of the peace and quiet by recreational vehicles needs to be addressed. Other local councils in New Zealand have rules around such activities and it is time our regional council provided protection where necessary, from recreational vehicle impacts.

5. STRUCTURES

5.3.7; Sea-level rise is a confirmed phenomenon. Coastal hazard drivers (for example, sea level, tides, storms, waves) may damage a structure more if sea-level rise is not factored into the design and construction.

Comment: This is the only proper reference to sea level rise in the whole document. Climate change, global warming, and sea-level rise should be addressed as a matter of importance in the first chapter, the Introduction. A discussion of sea-level rise should include what is underpinning sea-level rise (see amendments to introductory chapter)

6. DISTURBANCE, EXTRACTION/REMOVAL, DEPOSITION, RECLAMATION

6.3.4 When processing a resource consent application to extract gravel from a river bed in the coastal marine area, consider:

- (a) The capacity of rivers to carry flood flows;
- (b) The sustainable yield of the river system;
- (c) Adverse effects on bed levels and channel location;
- (d) Adverse effects on riverbank stability and riverbank vegetation;
- (e) Adverse effects on Poutini Ngāi Tahu values;
- (f) Navigation safety;
- (g) Fish passage;
- (h) Potential spread of pest plants and invasive, aquatic micro-algae.

Comment: Estuaries are among the most productive places of all, when compared with other biological zones. These sheltered places provide habitat and feeding grounds for fish such as snapper, flatfish, kahawai and whitebait, also shellfish, crustaceans, mammals and other wildlife. Many are threatened species. There are indigenous and other beneficial plants that need protecting also, including eelgrass, rushes, turf, sedges such as pingao.

Migratory birds use estuaries to rest and find food during their journeys. A large variety of native birds depend on clean, functional estuaries. These include oystercatchers, herons, banded dotterels, pied stilts, shags. Worms, fish and shellfish in the tidal zone are important sources of food for them. The pied oystercatcher, for instance, eats an average of 368 cockles per day in winter, and 261 per day in summer. (<http://www.nrc.govt.nz/For-Schools/School-information-packs/Estuaries/>), (<http://www.doc.govt.nz/nature/habitats/estuaries/about-estuaries/>)

Land change generally produces elevated nutrient levels which have an adverse effect on receiving waters, including the CMA. Four major key stressors and pressures on the CMA are: sedimentation, high nutrient levels, chemical contamination and habitat loss. Extra sediment and nutrients make the water murky. This can be a problem for estuarine plants that need a lot of light, and for animals

that need to 'breathe' the water. Estuaries can maintain water quality in the sea by filtering out sediment and nutrients. Microorganisms break down organic matter and sediments bind pollutants. Extra nutrients create algal blooms, and increasing contamination will see good species become scarce and problem/ nuisance species increase. (<http://www.doc.govt.nz/nature/habitats/estuaries/about-estuaries/>)

Amendment: Such matters should be considered when consents to disturb the estuary are being applied for; the priority should be to avoid disturbance there. There needs to be narrative about the importance of estuaries, such as I have included here, probably in the introduction, or chapter 3. Contrarily, this plan emphasizes the importance of economic development.

6.3.6 For reclamations, and deposition of material other than rock for erosion protection works, consideration will be given to the reasons for undertaking the activity in the coastal marine area, and to any other available alternatives.

Explanation

This policy enables Council to consider the adverse effects of reclamations, and deposition involving disposal of materials such as cleanfill in the coastal marine area. These activities may change the form of the foreshore, or have effects in other locations depending on the size of area or quantity of material involved. Effects of occupation of space by reclamations and depositions is dealt with in Chapter 4.

Amendment: Effects of occupation of space by reclamations and depositions is only touched on in chapter 4, although rule 25 does say that reclamations usually have effects that are greater than minor, which should be stated in the preamble to this chapter.

7. VEGETATION REMOVAL AND PLANTING:

The Resource Management Act requires the preservation of the natural character of the coastal marine area as a matter of national importance. Policy 14 of the NZ-CPS recognises restoration of natural character as a valid activity that should be undertaken. Restoration or enhancement planting has been undertaken occasionally in the past. It is preferable to retain or replace **with**, where practicable, **indigenous** coastal vegetation for erosion **and habitat** protection., ~~and for habitat purposes~~. While this is mostly above the Mean High Water Spring mark, it can also occur within the coastal marine area, for example, around estuaries and lagoons.

7.2 Objective

7.2.1 The priority is to avoid indigenous vegetation removal in the coastal marine area. If this cannot be avoided then it will be necessary to ~~To avoid, remedy~~ or mitigate adverse effects associated with ~~the planting or~~ removal of that vegetation. ~~in the coastal marine area~~. The planting of indigenous vegetation in the CMA, especially to replace invasive exotic vegetation, is encouraged; the planting of exotic vegetation in the CMA is discouraged. See 7.3.2

7.3 Policies

7.3.1 To ~~control~~**manage** vegetation removal in the coastal marine area in order to avoid, ~~rather than~~ remedy, or mitigate:

- 1) adverse effects, **including** on:
 - (a) **the natural character of the coastal marine area.**
 - (b) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;
 - (c) sites that meet the ecological criteria for significant wetlands in Schedule 2;
 - (d) the habitat of fauna;**
 - (e)** water quality;
 - (f)** whitebait spawning sites, including those listed in Schedule 6;
 - (g)** the integrity of property or structures;

8. DISCHARGES

8.3.3 Resource consent applications to discharge contaminants into coastal water with the potential to adversely affect **any** shellfish gathering site, **including those** listed in Schedule 10, must ensure that ~~the~~ water quality **remains high, including meeting the** standards in this Schedule ~~are met~~.

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.

Comment: There needs to be some constraints on faecal coliforms. For example, since the Westport sewage treatment was installed there has not been any health incidents with shellfish at Mussel Rocks, Nikau, yet previously there had been increasing periods of shellfish contamination.

9. TAKING, USE, DAMMING OR DIVERSION

9.1 Introduction

.....

The taking, use, damming or diversion of coastal water, from river mouths, estuaries, and lagoons, and the removal of any heat or energy from that water, requires a resource consent unless:

- the water, heat or energy is required for an individual's reasonable domestic needs, or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or
- the water is for fire-fighting purposes.

This needs to be incorporated in the permitted rules, being rule 39.

9.2.1

Takes and use of open coastal water by, for example, vessels or renewable wave energy generation, are allowed for under section 14(1) of the Act, and do not need to be provided for in this Plan.

Comment: Section 14(1) says, " No person may take, use, dam, or divert any open coastal water, or take or use any heat or energy from any open coastal water, in a manner that contravenes a national environmental standard or a regional rule unless the activity is expressly allowed by a resource consent."

If there is no regional rule for such activities then one needs to be created. There needs to be rules around taking energy from water in the CMA, also taking of water by vessels, although the use of water by ships, and subsequent discharge may be covered under chapter 8.

Amendment: Extracting energy from waves is fast becoming a reality and this plan needs constraints in relation to such. Extracting energy from waves would involve hardware and infrastructure that could have significant adverse effect on the natural character and biodiversity of the CMA .

10. NOISE

10.3 Policy:

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:

(a) The scale of adverse effects on:

i) amenity values,

ii) biodiversity values, particularly fauna within the CMA

iii) the natural character of the CMA

iv) other uses of the coastal marine area,

v) adjacent land uses;

(b) The duration and nature of noise produced;

(c) The duration and nature of background noise;

(d) The New Zealand Standards NZS 6801 (2008) “Acoustics - Measurement of 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”.

Comment: Marine fauna need quiet to be functional and to be able to communicate. There is generally an expectation by the public of peace and quiet in the CMA.

11. INTRODUCTION TO THE RULES

~~Those rules also expressly allow an application to be considered by the Council without service on persons who may be adversely affected if consent is granted and without the written approvals of such persons.~~

Comment: Not acceptable. People need to be able to carry on with their lives and routine without being adversely affected by development. This is a requirement of RMA, section 5, where people's social and cultural well-being and health must be provided for. Perhaps the WCRC is pre-empting proposed RMA reforms here.

12. RULES

Advice Notes for Rules

Amendment: Advice for each section should be at the beginning of the rule sections, not here.

Occupation Rules

~~Under Section 12(2)(a) of the Resource Management Act the rules for occupation in this Plan do not apply to activities on freehold land in the coastal marine area, or any other land not defined as the common marine and coastal area in the Coastal and Marine Area (Takutai Moana) Act.~~

Comment: s12(2) No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—
(a) occupy any part of the common marine and coastal area; or
(b) remove any sand, shingle, shell, or other natural material from that area.

Section 12 does not prohibit rules being made to include activities in the CMA on private land. The RMA is an effects-based legislative instrument and adverse effects of activities on the environment will occur equally to private as well as publicly owned CMA, and all adverse effects should be accounted for.

12.1 OCCUPATION OF SPACE IN THE COASTAL MARINE AREA

12.1.1 Permitted Occupation Activities

Amendment: It needs to be stated here that public access to and along the CMA is a permitted activity.

Permitted:

Rule 1

(b) The disturbance of the foreshore is confined within the perimeter of the area of occupation, and when completed the foreshore or seabed is smoothed flat ~~with no visible depressions greater than 0.5 metres in depth~~; and the area is left in a tidy state;

Comment: directives to re-contour are largely overlooked now, so if the re-contouring has a depth constraint then re-contouring will be overlooked more than previously. Rules and conditions to re-contour need to be adhered to, not made easier for those using the area.

Rule 4 Temporary whitebaiting shelters

(d) Disturbance of the foreshore is confined to within the perimeter of the hut, and after closing of the whitebait season the foreshore is smoothed over ~~to leave a depression no deeper than 0.5 metres~~;

Comment: Explanation as above. Also, temporary whitebait stands need to be fully complied with, there are stands that are still standing in the Mokihinui right now. Disturbance created for such huts is often much greater than allowed for in this rule.

Rule 6 Boardwalks

Amendment: Needs to be constraints on number per lineal length of coastline and include areas where they are not appropriate e.g. boardwalks allowed in residential areas, 1 per property, outside residential areas, 1 per specified length of coastline, excepting specified areas, where they are prohibited. This should also include private property.

Rule 7 Culverts, fords, and bridges in riverbeds

(m) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site, **including that** listed in Schedule 6, **especially** during the months of December to May ~~inclusive~~.

(n) The activity does not disturb any breeding, roosting or nesting sites of indigenous birds **and any other than common birds**.

Amendment: Should include private property as well. Also, inanga spawning habitat should not be disturbed under any circumstances.

Rule 10 Maintenance of existing structures

(c) The maintenance, alteration, replacement or reconstruction involves materials that are the same or similar in appearance to the existing materials, **or else enhance the CMA**;

Amendment: Should include private property as well.

12.2.2 controlled Structures:

Rule 12 Drop out repairs of the coastal State Highway

(b) Landscape and visual effects, including vegetation removal; **it will be expected that remedial planting will occur within an agreed timeframe, where indigenous vegetation has been removed, or to enhance the area.**

12.3.1 Permitted disturbance:

Rule 16 Removal of driftwood

(a) Driftwood is not taken from:

iii) estuaries and lagoons, **except where driftwood removal has been a common activity over time and there are no significant adverse effects created as a result of that removal**;

Amendment and Comment: I am aware that there are plentiful sources of driftwood at many lagoons and estuaries along the coastline, including Mokihiui, Ngakawau, Buller etc where driftwood removal is a common occurrence. It would be hard to police this clause. No doubt there are adverse effects but those effects have probably stabilized over time. This is a classic case of where the social and

cultural well-being and needs of people must be balanced against those of adverse effects on the environment.

iv) within 3 metres of the toe of dune embankments where these are below the Mean High Water Spring mark, **except where driftwood removal has been a common activity over time and there are no significant adverse effects created as a result of that removal;**

Amendment and Comment: This clause is also contrary to the expectations of the public. This clause would practically eliminate most sources of driftwood removal along the coastline. This clause is also ambiguous as it doesn't say if driftwood can be removed from any other part of the dune.

12.2.3: Controlled disturbance:

Rule 19 Clearing blocked river and creek mouths

(b) The disturbance is limited to the extent necessary to resume flow and remove the hazard; **the new channel width shall not exceed the channel width prior to undertaking the channel clearance;**

(e) The area from which the material is taken is smoothed over and the site is left tidy on completion of the work; **All machinery must be cleaned before entering the coastal marine area to minimise the entry of petroleum products, and pest plants and weeds;**

(i) Channel clearance shall not be undertaken during the following periods:

- i) The whitebait fishing season (1 September – 14 November inclusive); or**
- ii) The whitebait spawning season (1 March – 30 April inclusive);**

(j) The excavator used to undertake the channel clearance shall not exceed a 15 tonne capacity and shall operate from one existing channel bank where possible.

Comment: These extra rules are necessary to protect natural values of the area.

Rule 23 Disturbance and deposition associated with coastal State Highway drop out repair structures

(a) Effects on the foreshore and sediment; **effects on wildlife, including marine mammals and birds;**

(b) Landscape and visual effects, including vegetation removal; **it will be expected that remedial planting will occur within an agreed timeframe, where indigenous vegetation has been removed, or to enhance the area.**

(h) Effects on amenity values;

12.3.3 Restricted Discretionary Disturbance Activities

Rule 24 Gravel extraction in riverbeds

An application for resource consent under this rule 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.

Amendment and Comment: Ratepayers need to know what is going on in their area, even if such activities are not publicly notified. There should be a volume limit threshold for public notification. It is well-known that gravel extraction affects downstream values, including changes in flow dynamics and shifting, even loss, of beaches. The many consents for gravel extraction on west coast rivers don't appear to take much notice of these adverse effects, as more and more west coast rivers are getting adversely impacted through gravel loss.

Policies 6.3.3 and 6.3.4 have further detail on assessment matters.

amendment and Comment: There needs to be strong constraints on greater than minor disturbance to estuaries as they are very productive and sensitive places for both biota and ecosystem services. Such disturbance should be discouraged. Should be discretionary rather than restricted discretionary, due to the sensitivity of the environment.

12.4 VEGETATION PLANTING AND REMOVAL

Vegetation Planting and Clearance

Rule 27 Permitted vegetation disturbance

(a) There is no disturbance to inanga (whitebait) and other native fish spawning habitat, **especially** during the months of December to May ~~inclusive~~, except after a sudden event.....

Comment: Disturbance to any fish spawning habitat should be avoided at all times, as disturbance can degrade the site. A sudden event could apply to almost anything in this plan, why this rule in particular?

(c) ~~The area of vegetation disturbed is kept to a minimum;~~ **Disturbance of indigenous vegetation and habitat should be avoided (needs quantification e.g. if greater than so many square metres there needs to be application for consent).**

Rule 28 Exotic vegetation removal

(a) There is no disturbance to vegetation at any inanga (whitebait) spawning site, **including those** identified in Schedule 6;

12.4.2 Discretionary Planting and Vegetation Removal

12.4.3 Prohibited Planting

Comment: This is a good rule. Hopefully an extension of this rule to other regional plans will see an end to dumping of pest plants.

12.5 DISCHARGES

12.5.1 Permitted Discharges

Rule 34 Incidental discharge of contaminants from maintenance of structures

(b) ~~Beyond a mixing zone of 200 metres~~ The discharge does not give rise to the following effects

~~i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;~~

ii) Any conspicuous change in the colour or visual clarity;

iii) Any emission of objectionable odour;

iv) Any significant adverse effects on aquatic life.

iv) Beyond a mixing zone of 50 metres the discharge does not give rise to the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

Amendment and Comment: Avoidance needs to occur in the first instance, such as collection, a surrounding buffer net, or similar, otherwise the adverse effects need to be controlled via resource consent.

Rule 35 Discharge of water to the coastal marine area

(a) The discharge contains no contaminants beyond trace concentrations, or hazardous substances;

"trace". needs quantification e.g. below water quality guidelines for the area.

(c) The discharge does not give rise to any ~~conspicuous~~ change in the colour or visual clarity;

(d) The discharge does not change the natural temperature of the receiving waters, after reasonable mixing, ~~by more than 3 degrees Celsius;~~

Amendment and Comment: 3 degrees is a lot in relation to natural temperature of the CMA waters. This clause provides no time constraints; a 3 degree change over a short time period will have less adverse effect than over a longer time period. "Reasonable mixing" is too open, there needs to be more constraint. After reasonable mixing (50 metre radius?, 10 metre radius?) there should be no change in temperature.

Amendment: Rule 35 should be rule 31 as rule 35 covers the activity most likely to happen incidentally in relation to discharges

Rule 36 Discharges from hull cleaning and anti-fouling

(b) Any discharge will not, ~~after reasonable mixing,~~ give rise to any or all of the following effects:

- i) The production of any conspicuous oil or grease films, scums or foams, or floatable suspended materials **after reasonable mixing** .
- ii) Any conspicuous change in the colour or visual clarity of water in the coastal marine area;
- iii) Any ~~significant~~ adverse effects on aquatic life;

Amendment: "Reasonable" needs to be quantified.

Amendment and Comment: Shouldn't hull clearing and anti-fouling take place on dry land? If not then it needs to be controlled.

- **anti-fouling should be done on land except in special, controlled circumstances e.g. ships larger than a specified size/ weight,**
- **anti-fouling products should be used that are safe for the aquatic environment, and**
- **anti-fouling waste should be collected in a responsible manner, especially not left to blow away.**

12.5.2 Controlled Discharges

Rule 37 Discharge of stormwater and land drainage water not meeting permitted
Rule 31

An application for resource consent under this rule does not need to be notified **but and** does **not** need to be served on persons who may be adversely affected by the activity **including if ~~unless either~~** the applicant requests public notification or the Council considers that because of special circumstances the application should be publicly notified.

Amendment and Comment: People that may be adversely affected should be provided with an ability to object, where the council could set rules for objection.

12.6 TAKES, USE, DAMMING, DIVERSION

12.6.1 Permitted Water Takes, Uses, Damming or Diversion

Rule 39 Using coastal water

Amendment: RMA s14(d) says, " in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment"

This subsection needs to be incorporated in rule 39, otherwise rule 39 is too liberal.

Explanation

The use of coastal water (other than open coastal water) requires a consent unless this

Plan allows for that use (section 14 of the Act). The use of coastal water in river mouths, estuaries or lagoons, in which the water is not taken or diverted, is unlikely to result in any adverse effects on the coastal marine area. This Rule reduces unnecessary regulation, as it enables the use of coastal water in river mouths, estuaries and lagoons without needing a coastal permit, except for aquaculture which cannot be a permitted activity under the Act.

If any adverse effects are found to be, or expected to be, more than minor the activity will not be permitted.

Comment: This caveat covers any uses not already considered in this plan that may have more than minor adverse effects which need to be constrained in some way.

Rule 40 Temporary taking or diversion of coastal water

(g) There are no adverse effects on coastal marine area biodiversity.

Rule 41 Permanent diversion of coastal water

(c) There are no adverse effects on coastal marine area biodiversity.

12.7 NOISE

12.7.1 Permitted Noise Activities

Rule 45 Noise

Amendment and Comment: There is an expectation that the CMA will be a peaceful area as far as human noise is concerned and there needs to be rules to ensure that this is the case. Having restrictions for noise only at the borders of private properties is not good enough. There is also the consideration of noise around fauna of the CMA, including fish, aquatic mammals, penguins and other birds in the CMA; they also have a right to peace and quiet. They need quiet to communicate, to be alert to dangers and to hunt food.

Also, the way the noise is measured needs to be clarified. What exactly is dBA L_{eq} ? the cut-off of 55dba is equivalent to loud conversation. Unless L relates to time then there needs to be a cap on how long such noise can continue. With no limit on "loud conversation" from the CMA it could get very irritating very quickly. A "quiet" conversation, at about 20 dba, would be much more appropriate, with time limits.

Amendment:

Rule 48 Light

There needs to be a rule to ensure that the night sky within the CMA is protected from light pollution. It is important to try and keep the night sky dark. This means ensuring that light only radiates downward, and that a suitable cap is situated on top of any bright (lux to be determined) light to prevent leakage of light to the night sky.

Comment: Not enough protection of the dark night sky is given consideration in local authority plans. A dark night sky is so important for us to see the stars and constellations; too many people are ignorant of the night sky and the best way to

find out about it is to look, but if there is little to see then it is another of our birthrights which has been robbed. A dark night sky is also important for fauna that inhabit the CMA to navigate and carry out other facets of their lives.

13. INFORMATION REQUIREMENTS

13.1 Introduction

13.2 General Information Required

10 An assessment of any actual or potential effects that the activity may have on the environment (**including on air quality**), and the ways in which any adverse effects may be avoided, remedied, or mitigated. This assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule of the RMA. **Minimalizing such effects will likely lead to the application being declined.** In particular, the assessment of environmental effects shall include coverage of:

Comment: It is common knowledge that many consent applications trivialize adverse effects on the environment e.g. saying there are no bird nesting sites when in fact there are (possibly haven't investigated in bird nesting season), in order to get the application through smoothly.

(a) Any positive social and economic effects, including **any affirmed** job opportunities ~~likely to be created by~~ of a proposed new development, whether employment generated is short or long term; ~~and any contribution to the Region's economy;~~

But preferably:

10(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

Comment: The RMA's Schedule 4 lists about 14 items to be assessed in assessment of environmental effects. The closest item listed in that schedule to this plan's 13.2.10a) is:

Schedule 4

(7) (1) An assessment of the activity's effects on the environment must address the following matters:

(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

Positive social effect could be more cohesion of the community in any way. Often a resource consent can be divisive within a community due to adverse effects such as destruction of wetlands which have downstream effects on communities. Often such consents are not publicly notified, nor even notified to the downstream

community affected. The downstream community (downstream meaning more than just physically downstream, being communities that depend on ecosystem services and other contingencies which might suffer adverse effects as a result of the consented works) needs to be given more consideration during consent applications.

Amendment: the RMA's Schedule 4(7)(1)(a) needs to be included as this plan's 13.2.10 a), and include as a postscript that any positive economic benefits such as employment opportunities may be included.

Schedule 4's clauses 6(1) (a to h), (3) and 7(1) (a to f) need to be included. Note that clauses 6(1) and 7(1) MUST be included, and any other provisions of local plans may also be included.

Amendment: The RMA's section 7(i) the effects of climate change, need to be incorporated by saying,

13.2.10 (a) (ii) Any positive effects in relation to neutralizing or reducing greenhouse gas emissions.

13.3.2 Structures

4a) effects on amenity values and any habitat of fauna, particularly indigenous.

5 Only council-approved designs will be considered

5 b) Is not located in or near a Coastal Hazard Area in Schedule 3C, and an Outstanding Natural Landscape or Feature, **including those** in Schedule 3, and an area of outstanding natural character, **including those** in Schedule 3E;

6. A description of the activities, including lighting (if applicable), to be carried out in relation to the structure when it is complete.

Comment: It is important to try and keep the night sky within the CMA dark. This means ensuring that light only radiates downward, and that a suitable cap is situated on top to prevent leakage of light to the night sky.

11(e) A description of any materials likely to end up as waste and what will be done with that waste and how the environment will be protected from it.

13.3.3 Disturbance of the Foreshore and Seabed For reclamations:

7) effects on amenity values and any habitat of fauna, particularly indigenous.

For removal of natural material:

6a) effects on amenity values and any habitat of fauna, particularly indigenous

For disturbance including dredging, drilling, excavating, tunnelling, and disturbance of river beds, channels, banks, mouths, estuaries, lagoons, foreshore, and seabed:

5. Measures to address effects on the stability of beds, banks, and channels of rivers and streams, stream morphology, aquatic habitats, fish spawning areas, indigenous bird habitat, and riparian vegetation in the coastal marine area, **public amenity values, including access.**

10. ~~Addressing-assisting~~ **Controlling** the spread of pest plants.

Comment: The original wording sounds too much like the spread of weeds is desirable.

For deposition of material:

5) **effects on amenity values and any habitat of flora and fauna, particularly indigenous**

6) **ensure that no weeds are propagated through the activity.**

13.3.4 Vegetation Planting and Disturbance

5. Measures to address potential vegetation clearance effects ~~on~~ erosion, sedimentation, instability of river banks, beds, mouths, or channels, and effects on aquatic habitats, indigenous bird habitat, and fish spawning areas, **public amenity areas and public access.**

Comment: Too much of our public land has been cleared of original cover for pecuniary gain.

7. ~~Addressing-assisting~~ **Controlling** the spread of pest plants.

13.3.5 Discharges

5. An assessment of the current uses of the proposed area of discharge and the anticipated effect of the discharge on those uses, including effects on cultural **and natural values.**

6. Operational and management procedures, including ~~contingency provisions back-up plans~~, maintenance programmes, and for accidental discharges.

Comment: "contingency" is too vague. Are you meaning something like a back-up plan?

13.3.6 Taking, Use, Damming, Diversion

4. An assessment of the effects of the activity on **biodiversity values**, the movement of water, sediment, and adjacent land.

9) **effects on natural, cultural and amenity values.**

13.3.7 Noise

2. Measures to avoid, **(as a first priority)** remedy, or mitigate adverse effects of excessive noise, **including on biodiversity and public amenity values.**

Amendment: 13.3.8 Lighting

There needs to be information supplied on the adverse effects of any lighting on fauna and the night sky in and adjacent to the CMA in relation to the activity and how any adverse effects may be avoided.

14. FINANCIAL CONTRIBUTIONS

Amendment: As well as describing what a financial contribution is, it needs to be explained as to who (meaning person, company, authority) will spend that money, and who will do the work involved.

14.4 Matters to be Considered for Financial Contribution

3. The extent to which any positive effects **directly** offset any adverse effects;

Comment: A positive social or economic effect cannot offset any adverse environmental effect on biodiversity.

15. MONITORING AND REVIEW

15.2 Elements to be monitored

Comment: There needs to be an expansion of monitoring of contact recreation areas to include at least some north of Westport.

GLOSSARY

Riverbed "Bank" needs a definition or at least cross-reference to other regional plans that define it.

Highest level refers to the highest water level that can occur in a lake without the lake water exceeding its margin. **"Margin"** also needs to be defined.

Sand, shingle, stones, the upper stone size limit needs to be defined.

Wet bed, for the purposes of Rule 16 for driftwood removal, means that part of a riverbed in the coastal marine area which is covered by water **either permanently or intermittently/ diurnally by tidal processes.**

SCHEDULE 1: COASTAL MARINE AREA BOUNDARIES ACROSS RIVERS

Amendment: These boundaries were set some time ago. They need to be reviewed in light of rising sea levels and tides moving further up rivers now. Spotted jellyfish have been identified, stranded on the Mokihinui River about 2.5km up from the rivermouth, most probably due to rising sea levels; this needs to be taken seriously enough to provide protection to the new incursions of tides up rivers.

The CMA is very close to the sea for both Grey and Hokitika Rivers. It could be extended further upriver without compromising infrastructure or economic needs.

SCHEDULE 3:

Amendment and Comment: Schedule 3 is a valuable inventory of natural and human use values in the west coast CMA. I am pleased to read that those categories are not expected to be exclusive although this caveat ought to be reflected within the plan itself wherever schedule 3 is referred to. Policy 13 of the New Zealand Coastal Policy Statement 2010 requires councils to preserve the natural character of the coastal environment from inappropriate subdivision, use, and development and it would be useful to copy this policy to Schedule 3's preamble.

SCHEDULE 3F: COASTAL RECREATION AREAS

Amendment: The Mokihinui River mouth/ lagoon needs to be included, also Granity (especially in the vicinity of the rocks just offshore of the town area), Fairdown (lovely swimming beach due to gentle roller waves).

SCHEDULE 5:

Comment: The rules need to actually be adhered to, too many whitebait stands are left throughout the year along west coast rivers. Some of these stands are getting quite ostentatious as they get added to through the years. There should be greater financial penalties for breaches of these conditions.

SCHEDULE 6: INANGA (WHITEBAIT) SPAWNING SITES IN THE COASTAL MARINE AREA*

Amendment: It needs to be noted that if any spawning sites are discovered they need to be reported and then formally protected; and potential sites need to be protected also. Also, those sites need to be protected through the year, not just at spawning time.

SCHEDULE 9:

Comment: Some outlets are being opened in breach of regional plans and rules, where they are being classed as drains but have one or more natural inlets or have been so altered through the years that their natural profiles have been lost and can only have their roots traced through historic maps. Nevertheless such waterways are by definition natural and should be treated thus. One outstanding instance of an historic stream with natural inlets being treated as a drain whose outlet is manually kept open (and proliferating weeds in an otherwise natural area) is in the Mokihinui marine area

SCHEDULE 10:

Amendment: In general there should be no change from natural conditions at such sites, including those of temperature, faecal coliforms and trace element concentrations.

FURTHER:

There is not enough reference to, nor incorporation of, the NZ-CPS in this plan; in fact this proposed plan could be viewed as contrary to the NZ-CPS.

There is quite a lot of indigenous biodiversity remaining in the west coast's CMA, although much of it bordering rural and urban areas has been drained and reclaimed e.g. farm fences in the CMA, or weeds have overtaken. Consents for development are rarely turned down or altered to protect natural character, and illegal degradation can be ignored by our local councils. This trend has to be reversed. Nevertheless there are pockets that need to be protected in such areas e.g. the little islands just offshore of Granity; there are so many other little pockets that need protection also. Policy 14 of the NZ-CPS recognises restoration of natural character as a valid activity that should be undertaken. The WCRC should be promoting that the CMA be reinstated in its natural cover wherever possible. Any new development in the CMA should be a restricted activity.

Policy 16 of the NZ-CPS says that surf breaks of national significance should be recognised. Implementing this policy would immediately include Tauranga Bay at least. There should be mention of such surf breaks in this proposed plan, possibly in chapter 4. These could include regionally significant sites such as Cobden and Punakaiki, Carter's Beach etc.

Recent proposed regional plans have misinterpreted the RMA, relying too heavily on an August 2013 RMA Journal article, "A Call for Regional Leadership". It is only an article and has not been tested at court level. RMA Section 5 recommends promoting the sustainable management of natural and physical resources. "sustainable management", is then further qualified to ensure a balance is created between protecting natural character and enabling communities to prosper. The principles and policies of the NZ-CPS must also be adhered to. This Proposed Coastal Plan is written in favour of promoting the positive effects of use and development, which is unbalanced in terms of section 5 and the NZ-CPS. RMA, Section 3, as interpretation, does say that effects can be positive or adverse, but section 5, under Purpose and Principles, stresses the importance of addressing adverse effects. The WCRC should take a precautionary outlook with respect to choosing the interpretation of section 5 within an untested RMA journal article over a well-grounded, conservative interpretation of section 5.

Section 5 must also be read in conjunction with sections 6 and 7, where economic development is not listed as a matter of national importance but is listed as another matter under section 7, which says the efficient use of the environment is an expectation, with efficiency being the pivotal wording. This cannot interpret into economic development at any biodiverse cost. The RMA is an effects-based legislative instrument so that if business and employment opportunities want to be promoted in this plan they should be promoted via the adverse effects of missed opportunities. There should be more emphasis in this plan as to any applicable

section 6 matters.

The west coast has more natural environment than many other areas in NZ, but we should not seek the lowest common denominator with regards to that natural heritage but rather seek a national balance, and even a global balance, of that heritage, where the coast is a large contributor. Rewards are tourism and contributions to addressing climate change through carbon sequestration in our forests.

There are numerous cross references in this plan. It may be that the final version of this and other proposed regional plans will be different to what they are now, so cross references in this plan may then become redundant. It may have been wiser to concentrate on the submission process for one statutory document at a time to prevent immediate redundancy in other plans in the planning stage.

Cross references need to have a url that brings up the cross-reference, at least within the same document; it is timely that such occurs, as more and more people access such documents digitally now.

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