

Further Submission on West Coast Proposed Regional Coastal Plan 2016

Clauses 8 and 8A of First Schedule, Resource Management Act 1991

To: West Coast Regional Council
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A detailed further submission is attached.

The New Zealand Defence Force (NZDF) represents a relevant aspect of the public interest¹, and also has an interest in the West Coast Proposed Regional Coastal Plan (Coastal Plan) that is greater than the general public. NZDF's primary interest in the Proposed Coastal Plan relates to the biofouling provisions and to temporary military training activities (TMTA). NZDF has made a submission on the Coastal Plan and this further submission provides further comment on the matters which have been raised.

NZDF **does** wish to be heard in support of its further submission.

If others make a similar further submission, NZDF will consider presenting a joint case with them at the hearing.

A copy of this further submission has been sent to each person who made the original submission.



Person authorised to sign
on behalf of New Zealand Defence Force

Date 22/7/16

¹ Set out in section 5 of the Defence Act 1990

Original Submitter's Name and Address	Number	Support or Oppose	Section Reference and Summary of Submission	Reason	Decision Sought
<p>Department of Conservation RMA Shared Services Private Bag 4715 Christchurch Mail Centre 8140 Attention: Ken Murray</p>	4.20	Support in part	<p>Policy 4.3.2: Submitter requests '<i>military exercises</i>' be changed to '<i>defence purposes in accordance with the Defence Act 1990</i>'.</p>	<p>NZDF understands through informal discussions with the Department, that this submission point was included in the Department's submission in order to cover the breadth of activities undertaken by NZDF under the Defence Act.</p> <p>NZDF considers it appropriate to include a definition of military exercises in the Coastal Plan, as requested in NZDF's original submission, with wording as follows: '<i>any training activity undertaken by the New Zealand Defence Force for defence purposes (as described by Section 5 of the Defence Act 1990)</i>'.</p> <p>While NZDF has no objection to the wording suggested by the submitter, NZDF requests that both defence purposes and military exercises are included in this policy, by amending the submitter's wording to state: "<i>defence purposes (including military exercises) in accordance with the Defence Act 1990</i>".</p> <p>NZDF considers this amended wording to Policy 4.3.2 appropriately covers the breadth of activities undertaken.</p>	<p>Amend relief sought to state "<i>defence purposes (including military exercises) in accordance with the Defence Act 1990</i>".</p>
<p>Department of Conservation RMA Shared Services Private Bag 4715 Christchurch Mail Centre 8140 Attention: Ken Murray</p>	12.12	Support	<p>Rule 1 Occupation Insert wording 'by the New Zealand Defence Force' into this rule.</p>	<p>Further to the above, NZDF has informally discussed this submission point with the Department, who raised no specific concerns.</p> <p>The definition requested by NZDF for insertion in the Coastal Plan does clarify that military exercises are undertaken by NZDF, though also providing this information within the rule itself is considered to improve readability of the Coastal Plan by include this information within the rule text itself.</p> <p>In its submission, NZDF requested that a new definition be inserted for 'military exercises', being '<i>any training activity</i></p>	<p>Accept relief sought and add 'by the New Zealand Defence Force' to the wording of the rule.</p>

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				<i>undertaken by the New Zealand Defence Force for defence purposes (as described by Section 5 of the Defence Act 1990)</i> .	
Community and Public Health P O Box 443 Greymouth 7840 Attention: Claire Robertson	10.3	Support in part	Rule 45 Noise Submitter requests various changes to wording	<p>NZDF's submission generally supported Rule 45 as notified (with an amendment sought for helicopter landing areas) as the rule is considered appropriate to manage the potential adverse effects from noise generated in the coastal marine area.</p> <p>However, NZDF also sees merit in referring to the appropriate acoustic standards in the Coastal Plan. NZDF is undertaking a nationwide approach to request consistent provisions for noise relating to its activities in Plans, including references to these standards.</p> <p>NZDF requests that noise from military exercises is measured and assessed in accordance with the relevant acoustic standard, and therefore NZDF supports the inclusion of the statement "In this rule sound shall be measured and assessed in accordance with NZS 6801:2008 Acoustics Measurement of environmental sound and NZS 6802:2008 Acoustics Environmental noise" in the rule, as it provides clarity for users of the plan.</p>	Insert sentence as requested in clause 'C' of the relief sought by the submitter.
Westpower Limited C/- West Planning Ltd 6 Dowling Road Greymouth 7805 Attention: Martin Kennedy	12.175	Support in part	Rule 45 Noise Submitter requests various amendments to the noise rule including provision for helicopter landing areas.	NZDF's submission requested an amendment to the rule as notified, in relation to the management of helicopter landing areas in the Plan. NZDF supports reference to the appropriate acoustic standards in the Plan. NZDF is undertaking a nationwide approach to request consistent provisions for noise in Plans, including references to the appropriate acoustic standards.	Amend rule to add provision for helicopter landing areas through NZS 6807:1994.

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				Therefore, NZDF supports the submission point in so far as it requests the appropriate provisions to manage noise from helicopter landing areas in the Plan.	
Frida Inta PO Box 463 Westport 7866 & Buller Conservation Group PO Box 463 Westport 7866 Attention: Frida Inta	12.129	Oppose	Rule 35 Discharge of water to the coastal marine area Submitter requests changes to wording of rule around nature of discharge.	The rule as notified appropriately provides for the discharge of water to the coastal marine area, where the potential adverse effects are managed. The terminology used in the Rule 35, such as 'conspicuous' and 'reasonable mixing' are considered appropriate and are recognised RMA terms. No amendments to the wording of this rule are considered necessary.	Reject submitter's relief sought. Retain rule as notified.
Frida Inta PO Box 463 Westport 7866 & Buller Conservation Group PO Box 463 Westport 7866 Attention: Frida Inta	12.134	Oppose	Rule 36 Discharges from hull cleaning and anti-fouling Submitter requests changes to wording of rule around nature of discharge.	The rule as notified appropriately provides for this important activity, where the potential adverse effects are managed. The submitter states that 'reasonable' needs quantifying, however the interpretation of this term is dependent on the specific nature of the discharge and its location, therefore the appropriate assessment of 'reasonable' can vary. For example, quantifying 'reasonable' as a radius, could be difficult to assess and comply with if the discharge was to a narrow stream.	Reject submitter's relief sought. Retain rule as notified.

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<p>Department of Conservation RMA Shared Services Private Bag 4715 Christchurch Mail Centre 8140 Attention: Ken Murray</p>	12.136	Oppose in part.	<p>Rule 36 Discharges from hull cleaning and anti-fouling</p> <p>Submitter requests comprehensive changes to rule including a new set of performance standards, and a new rule for activities in certain areas.</p>	<p>NZDF's submission supported Rule 36 as notified, as it appropriately provides for an activity that is critical to NZDF's ongoing operations, while managing the potential effects through appropriate conditions.</p> <p>While NZDF retains its support for the rule as notified, it notes that the performance standards requested by the submitter to sit under this rule are generally consistent with best practice techniques for hull cleaning and biofouling activities. However, the submitter's proposed wording has the potential to be confusing for Plan users, and NZDF considers wording could be consolidated to improve readability, including incorporating the performance standards into the rule body itself. As an example NZDF would like to refer Council to a similar rule in the proposed Natural Resources Plan for Wellington, attached as Appendix A for ease of reference.</p> <p>NZDF notes that these activities may also be subject to requirements under other legislation, including the Biosecurity Act.</p>	Amend rule to reflect best practice and to improve readability
<p>Westpower Limited C/- West Planning Ltd 6 Dowling Road Greymouth 7805 Attention: Martin Kennedy</p>	16.12	Support	<p>Definition of infrastructure</p> <p>Submitter requests addition of a definition of infrastructure.</p>	<p>Both 'regionally significant infrastructure' and 'infrastructure' are used through the plan and only regionally significant infrastructure is defined. NZDF's original submission requested defence facilities be included in the definition of regionally significant infrastructure.</p> <p>For clarity NZDF requests that an appropriate definition for infrastructure be added to the Plan, with wording generally as suggested by the submitter.</p>	Add definition of infrastructure as requested by submitter.

Appendix A

Example wording of biofouling rule from proposed Natural Resources Plan for Wellington:

In-water biofoul cleaning – permitted activity The discharge of contaminants and biological material into coastal water from in-water cleaning of biofouling from a vessel, moveable structure or navigation aid, three years after the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the coastal marine area, is a permitted activity provided the following conditions are met:

(a) the anti-foul coating on the vessel, moveable structure or navigation aid shall not have exceeded its planned service life as specified by the manufacturer, and

(b) the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations, and

(c) the cleaning of microfouling and goose barnacles of international origin shall be removed using a gentle, non-abrasive cleaning technique, and

(d) the cleaning or treatment method shall capture any biological material released into the water column greater than 50µm in diameter, with any captured cleaning debris disposed on land, and

(e) any captured cleaning debris is appropriately disposed of, and

(f) if suspected harmful or unusual aquatic species are found, the vessel owner or operator shall take the following steps:

(i) any cleaning activities shall cease immediately, and

(ii) the Wellington Regional Council Harbourmaster shall be notified within five working days, and

(iii) the cleaning may not recommence until notified by the Wellington Regional Council to do so.