

**RESOURCE MANAGEMENT ACT 1991
FURTHER SUBMISSION ON PROPOSED WEST COAST REGIONAL COASTAL PLAN**

To: West Coast Regional Council
Submitted by email to: rcp@wrc.govt.nz.

From: Royal Forest and Bird Protection Society of New Zealand Incorporated of New Zealand (Forest & Bird)

Address for service:

Forest and Bird
PO Box 2516, Christchurch 8140
Attention: Natasha Sitarz

Email: n.sitarz@forestandbird.org.nz Phone: 03 940 5520

INTRODUCTION

1. Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally.
2. Forest and Bird could **not** gain an advantage in trade competition through this submission.
3. Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.
4. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna the tasks of Forest and Bird in more recent years has extended to protecting and maintaining the environment surrounding the flora and fauna. Forest & Bird has a long-term interest in activities on the West Coast because it is an area that has important indigenous plants and animals and rare ecosystems. Our members are involved in pest and weed eradication on a reserve near Reefton and are active in other conservation groups including the West Coast Penguin Trust.

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
Buller Conservation Group 1	General GS3	Support	For the reasons set out in the submission and further guidance provided on this matter through case law. The NZCPS must be given effect to. In the instance of directive policies, there is no scope for balance, following the Supreme Court decision in King Salmon.
NZ Steel 13	S10.3	Oppose	This submission is inconsistent with the NZCPS, which requires a precautionary approach to be adopted. This involves favouring caution where there may be significant adverse effects Zinc could have significant adverse effects and the inclusion of a zinc limit gives effect to the NZCPS. Forest & Bird agrees that more details of where the limits is to be applied may be appropriate
Federated Farmers of NZ 5	GS6	oppose	Not all farming activities are appropriate in the CMA. Such as where animals may disturb threatened species or exacerbate erosion. Permitting this does not give effect to the NZCPS.
	3.26	oppose	The amendments sought are inconsistent with RMA and NZCPS. Activities within the CMA can have adverse effects on natural and amenity values in adjacent areas.

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
	3.36	oppose	Policy 3.3.1 and amendments sought are inconsistent with the RMA. Farming does not generally occur in the CMA (which is below mean high water spring).
	3.42	oppose	The amendment sought are not consistent with the requirements of the RMA or provisions of the NZCPS.
	3.58	support	Support to the extent that further explanation of this policy would provide useful clarification. However it needs to be clear that this policy does not give any prioritisation in terms of these activities and environmental effects.
	3.66	Oppose	The amendment sought is inconsistent with the RMA. Effects which are less than significant are not excluded from s5 requirements to avoid, remedy or mitigate adverse effects.
	4.5	oppose	The amendment sought confuses the objective and is inconsistent with Policy 18 and 19 of the NZCPS access policy.
	4.10	Oppose	Avoid, remedy and mitigation of adverse effects of vehicle access in the CMA is consistent with RMA and NZCPS.

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
	4.14	oppose	Amendments sought to Policy 4.3.1 are inconsistent with the RMA and policy 19 of the NZCPS
	4.32	oppose	New policy sought is inconsistent with the RMA and NZCPS and beyond the scope of the RMA and does not align with council functions under the RMA.
DOC	1.3, 3.10, 3.16, 3.21, 3.25, 3.29, 3.32, 3.35, 3.41, 3.46, 3.47, 3.52, 3.57, 3.65, 3.73, 3.78, 3.81, 4.2, 4.4, 4.9, 4.13, 4.20, 4.23, 4.26, 4.29, 5.2, 5.3, 5.7, 5.12, 5.15, 5.17, 5.20, 5.25, 5.32, 6.2, 6.4, 6.10, 6.13, 6.15, 6.20, 6.25, 6.27, 7.2, 7.4, 7.7, 7.15, 8.6, 8.7, 8.10, 8.11, 8.17, 8.21, 8.24, 8.28, 8.32, 9.2, 9.4, 9.10, 10.2, 10.5, 10.11, 11.1, 12.8, 12.12, 12.17, 12.19, 12.21, 12.22, 12.24, 12.27, 12.31, 12.32, 12.35, 12.40,	Support	Support for the reasons set out the original submission, (except where this is not inconsistent with Forest and Bird's submission) and as the decisions requested to gives effect to the RMA and NZCPS.

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
	12.42, 12.46, 12.48, 12.49, 12.61, 12.63, 12.69, 12.75, 12.78, 12.81, 12.83, 12.90, 12.96, 12.100, 12.104, 12.108, 12.110, 12.113, 12.116, 12.119, 12.121, 12.124, 12.131, 12.136, 12.141, 12.144, 12.150, 12.153, 12.159, 12.163, 12.165, 12.168, 12.172, 12.176, 12.180, 12.183, 12.190, 12.191, 13.3, 13.11, 13.14, 14.3, 15.1, 16.4, 16.5, 16.14, 16.15, S1.3, S2.1, S3.2, S3A.1, S3B.1, S3C.1, S3D.1, S3E.1, S3F.2, S3G.1, S4.1, S5.2, S6.2, S7.1, S8.1, S9.2, S10.2, NS.1		

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
West Coast Penguin Trust 24	GS24 GS25	Support	For the reasons set out in the original submission, activities in the CMA can have significant effects on birds and marine mammals whose habitat is within and adjacent to the CMA. The relief sought will give effect to the NZCPS.
Westpower Limited 26	GS27, 3.13, 3.40, 3.45, 3.54, 3.70, 3.77, 5.6, 5.11, 5.24, 5.29, 6.9, 6.18, 6.24, 7.14, 9.9, 9.12, 12.39, 12.73, 12.128, 12.157, 12.175, 16.11, 16.12	Support/ oppose	<p>Support to the extent that the plan provides for regionally significant infrastructure.</p> <p>The amendments sought to Policy 3.2.3 are inconsistent with Policy 11 of the NZCP in terms of how “natural values” are part of indigenous biological diversity and should not be allowed.</p> <p>Oppose amendments sought to objective and policy wording, such as 5.2.1 and 6.2.1 as the term “enable” is inconsistent with achieving to the RMA and NZCPS. The current wording provides for consideration of avoidance, mitigation of adverse effects consistent achieving with RMA and NZCPS.</p> <p>Accept the intent of amendments sought to Rule 10, however the amendments sought to clause (a) are uncertain in terms of effects for other activities. Consider that the addition of new clause (L) is sufficient to address</p>

Person or organisation making original submission	Original submission reference	Support or oppose	Reasons
			<p>submitters concerns and provide certainty in terms of how clause (a) as notified is interpreted in terms of existing network utility infrastructure.</p> <p>Oppose the amendments sought to “regional significant infrastructure” as this creates uncertainty with the current wording of the definition. Reference to “Westpower” specifically is inappropriate. Does not achieve the RMA. Creates inconsistency with the proposed RPS.</p> <p>Oppose the new definition of “infrastructure” as “all associated works and activities” is uncertain and it is not clear that the plan as written provides for avoidance, remediation and mitigation of these effects with the use of this term.</p>
