



Department of Conservation
Te Papa Atawhai

DOCDM-2837762

22 July 2016

Chief Executive Officer
The West Coast Regional Council
P O Box 66
GREYMOUTH 7840

Attention: Lillie Sadlier

Dear Lillie,

Further Submission on the Proposed West Coast Regional Coastal Plan 2016

Please find enclosed the further submission by the Minister of Conservation in respect of Proposed West Coast Regional Coastal Plan 2016.

Please contact Ken Murray in the first instance if you wish to discuss any of the matters raised in this further submission – 03 3713759 / kmurray@doc.govt.nz.

Yours sincerely

Mark Reid Davies
Director Operations
Western South Island

**FURTHER SUBMISSION IN SUPPORT OR OPPOSITION TO, SUBMISSION ON PUBLICLY
NOTIFIED
PROPOSED WEST COAST REGIONAL COASTAL PLAN 2016**

Clause 8 of Schedule 1, Resource Management Act 1991

TO: **The West Coast Regional Council**

NAME: **Minister of Conservation**

1. This is a further submission in support of and in opposition to submissions on the following proposed regional coastal plan:
 - 1.1. Proposed West Coast Regional Coastal Plan 2016("pRCP")
2. I am a person representing a relevant aspect of the public interest for the following reason:
 - 2.1. I have delegated authority in relation to the Minister of Conservation's statutory responsibilities under the Resource Management Act 1991, including in relation to the New Zealand Coastal Policy Statement 2010.
3. I support or oppose the submissions of those persons and/ or organisations listed in the second column headed "Submitter Name" of Table 1 attached.
4. The particular parts of the submission I support or oppose are identified in the third column headed "Submission" of Table 1.
5. The reasons for my support or opposition are set out under the fifth column headed "Reasons" of Table 1.
6. In relation to those submissions I support I seek that that submission is allowed.
7. In relation to those submissions I oppose I seek that the part of the submission I oppose is disallowed.
8. I wish to be heard in support of my further submission.
9. If others make similar submissions I will consider presenting a joint case with them at the hearing.



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Mark Reid Davies
Director Operations
Western South Island

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

Date: 22 July 2016

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

Address for service of person making further submission:

RMA Shared Services
Department of Conservation
Private Bay 4715
Christchurch Mail Centre 8140

Contact person: Ken Murray
Telephone: 03 3713759
email: kmurray@doc.govt.nz

Table 1: Minister of Conservation Further Submission Points:

PLAN REFERENCE	SUBMITTER NAME	SUBMISSION	SUPPORT/ OPPOSE	REASONS
General Submissions on the pRCP	FFNZ	Decision Requested: GS 6 Page 2	Oppose	Uncertain scope of proposed permitted farming activities in the Coastal Marine Area (CMA) and the effects of the activities.
General Submissions on the pRCP	WDC	Decision Requested: GS 15 Pages 5-6	Support	Gives effect to New Zealand Coastal Policy Statement 2010 (NZCPS) Policies 24-27 on natural hazards.
General Submissions on the pRCP	WDC	Decision Requested: GS 16 Page 6	Support	Further changes to the pRCP may be required to give effect to NZCPS.
General Submissions on the pRCP	TRONT	Decision Requested: GS21 Pages 7-8	Support	Consistent with RMA Part 2 in particular ss5 and 6 and gives effect to NZCPS in particular Objective 3 and Policy 2.
General Submissions on the pRCP	TRONT	Decision Requested: GS 22 Pages 8-9	Support	Consistent with RMA Part 2 in particular ss5, 6(e) and gives effect to NZCPS in particular Objective 3 and Policy 2. Improving the clarity of rules will improve plan certainty.
Introduction	BCG, INTAF	Decision Requested: 1.1 Page 12	Oppose in part	Extension of the sea wall at Punakaiki potentially fails to give effect to NZCPS Policies 25 and 29.
Introduction	WDC	Decision requested: 1.7 Pages 13-14	Support	A coastal environment plan has the potential to manage a number of cross boundary issues between the pRCP and in particular district plans such as coastal hazard identification and management of adjacent land.
Poutini Ngāi Tahu	TRONT	Decisions requested: 2.2-2.4 Pages 16 -17	Support.	Gives effect to NZCPS in particular Objective 3 and Policy 2.
Poutini Ngāi Tahu	TRONT	Decision requested:2.5 Pages 17 -18	Support.	Gives effect to NZCPS in particular Policies 21(e) and 23 (2) and (3).
Poutini Ngāi Tahu	TRONT	Decision requested: 2.6 Page 17	Support.	Identifies the three runanga on the West Coast. Consistent with Ngāi Tahu (Pounamu Vesting) Act 1997. Gives effect to NZCPS in particular Objective 3 and

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Poutini Ngāi Tahu	TRONT	Decision requested: 2.7 Page 18	Support.	Policy 2. Consistent with RMA in particular Part 2 including s6(e), 7(a) and s8.
Poutini Ngāi Tahu	TRONT	Decision requested: 2.8 Pages 19	Support.	A new section on Maori that is consistent with the operative West Coast Land and Water Plan is supported. Consistent with RMA in particular Part 2 including s6(e).
Poutini Ngāi Tahu	TRONT	Decision requested: 2.10 Pages 19-20	Support.	Gives effect to NZCPS in particular Objective 3, Policies 2, 21(e) and 23 (2) and (3).
Poutini Ngāi Tahu	TRONT	Decision requested: 2.12 Page 20	Support.	Consistent with RMA in particular Part 2 including s6(e) and s8. Gives effect to NZCPS in particular Objective 3 and Policy 2.
Poutini Ngāi Tahu	TRONT	Decision requested: 2.13 Pages 20-21	Support.	Consistent with RMA in particular Part 2 including s6(e) and s8. Gives effect to NZCPS in particular Objective 3 and Policies 2, 21(e) and 23(2) and (3).
Natural and Human Use Values	FFNZ	Decision Requested: 3.36 Page 31	Oppose	Uncertain scope of farming activities in the CMA and the effects of the activities.
Natural and Human Use Values	TRONT	Decision Requested: 3.39 Page 32	Support	Mineral extraction in particular on the large scale has potential to have considerable effects on the natural values in particular habitat of fish including commercially caught fish and other marine biota and on Ngāi Tahu values.
Natural and Human Use Values	FFNZ	Decision Requested: 3.42 Page 33	Oppose	Uncertain scope of farming activities in the CMA and the effects of the activities.
Natural and Human Use Values	WESTP	Decision Requested: 3.54 Page 36	Oppose	There may be a functional need for some activities to locate in the CMA, but there may not be the need to occupy a site where the natural character or landscapes/natural features are outstanding or where there is significant indigenous biodiversity. Fails to give effect to NZCPS in particular Policies 11(a), 13 (1)(a) and 15(a).
Natural and Human Use Values	WESTP	Decision Requested: 3.77	Oppose	Fails to give effect to NZCPS in particular Policies 13 (2).

PLAN REFERENCE	SUBMITTER NAME	SUBMISSION	SUPPORT/ OPPOSE	REASONS
		Pages 42-43		
Public Access and Occupation of Space	FFNZ	Decision Requested: 4.5 Pages 45-46	Oppose	Contrary to RMA, in particular s6(d). Fails to give effect to NZCPS in particular Objective 4 and Policy 19.
Public Access and Occupation of Space	FFNZ	Decision Requested: 4.14 Page 47	Oppose	Contrary to RMA, in particular s6(d). Fails to give effect to NZCPS in particular Objective 4 and Policy 19.
Public Access and Occupation of Space	FFNZ	Decision Requested: 4.32 New Policy Page 50-51	Oppose	Contrary to RMA, in particular s6(d). Fails to give effect to NZCPS in particular Objective 4 and Policy 19.
Structures	RF&B	Decision Requested: 5.9 Page 53	Support	Integrated management is required in the coastal environment. Gives effect to NZCPS Policy 4.
Disturbance, Extraction/Removal, Deposition Reclamation	TRONT	Decision Requested: 6.8 Page 60	Support	Consistent with RMA in particular Part 2 and s69. Gives effect to NZCPS in particular Objectives 1,3, 5 and 6 and Policies 2, 7 and 11.
Disturbance, Extraction/Removal, Deposition Reclamation	TRONT	Decision Requested: 6.17 Page 62	Support	Consistent with RMA in particular Part 2 and s69. Gives effect to NZCPS in particular Objectives 1,3, 5 and 6 and Policies 2, 7 and 11.
Disturbance, Extraction/Removal, Deposition Reclamation	TRONT	Decision Requested: 6.23 Page 65	Support	Consistent with RMA in particular Part 2 including s5 and s6(c) and (e). Gives effect to NZCPS in particular Objectives 3, 5 and 6 and Policies 2, 3, 7 and 11.
Disturbance, Extraction/Removal, Deposition Reclamation	TRONT	Decision Requested: 6.29 Page 67	Support	Consistent with RMA in particular s30 (1)(d) and (2) Part 2 including s5 and s6(c) and (e). Gives effect to NZCPS in particular Objectives 3, 5 and 6 and Policies 2, 3, 7 and 11.
Vegetation Removal and Planting	TRONT	Decision Requested: 7.5 Pages 68-69	Support	Consistent with RMA in particular s30 (1)(d) and (2) Part 2 including s5 and s6(c) and (e) and s69. Gives effect to NZCPS in particular Objectives 1, 3, and 5 and Policies 2, 3, 7, 11 and Policy 25(a).
Discharges	TRONT	Decision Requested: 8.5 Page 73	Support	Presently mining activities in the CMA are small scale mining of beach deposits. There is the potential for large scale off shore mining to obtain gold or other minerals such as Ilmenite. The pRCP as written is inadequate to

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				manage large scale activities which involve significant discharges of water with contaminants over a long time period and manage its effects on the natural resources of the West Coast. Consistent with RMA in particular Part 2 including s5 and s6 (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7 and 11.
Discharges	TRONT	Decision Requested: 8.14 Pages 75-76	Support	The test of no more than minor effect of contaminants discharged to the CMA is consistent with RMA in particular Part 2 and s69 and will assist in maintaining the existing water quality in the West Coast CMA.
Discharges	NZS	Decision Requested: 8.19 Page 77	Oppose	National standards/guidelines should be used for zinc toxicity.
Discharges	TRONT	Decision Requested: 8.25 Pages 78-79	Support	A new policy which gives direction when considering large scale mining activities. Identifies the matters which there are presently no provisions in the pRCP such as consideration of effects on fishing grounds. Consistent with RMA in particular Part 2 including s5 and s6 (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7 and 11.
Discharges	TRONT	Decision Requested: 8.26 Pages 79	Support	Consistent with RMA in particular Part 2 including s5 and s6 (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7, 21 and 23.
Taking use damming and diversion	TRONT	Decision Requested: 9.8 Pages 82	Support	Proposed objective identifies the outcomes which should be achieved when considering these activities. Consistent with RMA in particular Part 2 including s5, 6(a), 6(c) and 6(e). Gives effect to NZCPS in particular Objectives 1, 2 and 3.
Taking use damming and diversion	TRONT	Decision Requested: 9.11 Pages 82-83	Support	Proposed policy implements the proposed TRONT objective and gives guidance that small takes damming and diversion should be allowed where adverse effects

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				on various matters are avoided. Consistent with RMA in particular Part 2 including s5, 6(a) (c) and (e) and s69. Gives effect to NZCPS in particular Objectives 1, 2 and 3 and Policies 2,5, 11,13,15.
New Permitted Activity Rule	ROGMIC	Decision Requested: 12.4 Pages 91-92	Oppose	Use of beach gravels has the potential to further exacerbate coastal erosion at that site, for example using beach gravels for infilling around rock rip rap.
Small scale removal of natural material	TRONT	Decision Requested: 12.55 Page 104	Support	Consistent with RMA in particular Part 2 including 6(e). Gives effect to NZCPS in particular Objective 3 and Policy 2.
Small scale removal of natural material	TRONT	Decision Requested: 12.95 Page 114	Support	Consistent with RMA in particular Part 2 including 6(a) and (e). Gives effect to NZCPS in particular Objective 3 and Policy 2.
Small scale removal of natural material	TRONT	Decision Requested: 12.99 Page 115	Support	Consistent with RMA in particular Part 2 including 6(e). Gives effect to NZCPS in particular Objective 3 and Policy 2.
Discharges	TRONT	Decision Requested: 12.118 Page 119	Support	Provides certainty for a permitted activity.
Discharges	TRONT	Decision Requested: 12.127 Page 121	Support	Provides certainty for a permitted activity.
Permanent diversion of coastal water	TRONT	Decision Requested: 12.162 Page 128	Support	The requirement for fish passage to not be impeded is consistent with RMA in particular Part 2 including s5, 6(c) and (e).
Damming and diversion of open coastal water	TRONT	Decision Requested: 12.167 Page 129	Support	Damming and diversion of open coastal water could have very significant adverse effects on natural coastal processes aquatic life and mahinga kai. A non complying test is appropriate to be consistent with RMA in particular Part 2 including s5, 6(c) and (e) and give effect to NZCPS.

PLAN REFERENCE	SUBMITTER NAME	SUBMISSION	SUPPORT/ OPPOSE	REASONS
New Rule Disturbance by offshore exploration and extraction of minerals	TRONT	Decision Requested: 12.187 Page 134	Support	Size scale and potential adverse effects of the activity require a non-complying activity rule. Consistent with RMA in particular Part 2 including s5 and ss6(a), (c) and (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7 and 11.
New Rule Reclamation	TRONT	Decision Requested: 12.188 Page 134	Support	Size scale and potential adverse effects of the activity require a non-complying activity rule. Consistent with RMA in particular Part 2 including s5 and ss6(a), (c) and (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policy 10.
New Rule Gravel extraction Makaawhio River bed Small scale removal of natural material	TRONT	Decision Requested: 12.189 Page 134-135	Support	Consistent with RMA in particular Part 2 including 6(e). Gives effect to NZCPS in particular Objective 3 and Policy 2.
New Rule Discharges during offshore exploration and extraction of minerals	TRONT	Decision Requested: 12.193 Page 136	Support	Size scale and potential adverse effects of the activity require a non-complying activity rule. Consistent with RMA in particular Part 2 including s5 and s6 (a) (c) and (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7 and 11.
Information requirements	TRONT	Decision Requested: 13.2 Page 138	Support	Consistent with RMA in particular Part 2 including s5 and s6 (a), (c) and (e). Gives effect to NZCPS in particular Objectives 1, 3, and 6 and Policies 2, 3, 6, 7, 11 and 14.
Specific information requirements	WDC	Decision Requested: 13.16 Page 141	Support	Failures of small scale land protection works highlights the importance of engineering design.
Glossary	WDC	Decision Requested: 16.10 Page 149	Support	The landward extent of the CMA needs to be an easily recognisable boundary in particular on the open coast where waves can create wide beaches.
Schedule 3C Coastal Hazard Areas	GDC	Decision Requested: S3C.2 Page 149	Oppose	Submission highlights coastal hazards in the South Beach to Cameron's coastal hazard area. The natural migration of the New River mouth in particular maintains the natural functioning of Paroa Wildlife Management Reserve.

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Schedule 9 Outlets Permitted to be opened under Rule 19	GDC	Decision Requested: S9.3 Page 172	Oppose	Each site requires examination, identification of where and when opening should be allowed requires further discussion. With regard to New River emergency outlet the opening location and regime maybe inconsistent with RMA in particular Part 2 and may fail to give effect to NZCPS in particular Policy 5.
NS 2	RF&B	Decision Requested: NS.2 Page 181	Support	Integrated management across the land sea interface is excellent resource management practice and gives effect to NZCPS Policy 4.