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**AGENDA AND SUPPORTING PAPERS  
FOR COUNCIL'S AUGUST MEETINGS**

**TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL  
388 MAIN SOUTH ROAD, GREYMOUTH**

**TUESDAY, 14 AUGUST 2018**

**The programme for the day is:**

**10.30 a.m:**

**Resource Management Committee Meeting**

**On completion of RMC Meeting:**

**Council Meeting**

# **RESOURCE MANAGEMENT COMMITTEE**

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## **THE WEST COAST REGIONAL COUNCIL**

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 14 August 2018**

N. CLEMENTSON  
CHAIRPERSON

M. MEEHAN  
Chief Executive Officer

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<b><u>AGENDA</u></b> <b><u>NUMBERS</u></b>	<b><u>PAGE</u></b> <b><u>NUMBERS</u></b>	<b><u>BUSINESS</u></b>
<b>1.</b>		<b>APOLOGIES</b>
<b>2.</b>	1 - 4	<b>MINUTES</b> 2.1 Confirmation of Minutes of Resource Management Committee Meeting – 10 July 2018
<b>3.</b>		<b>PRESENTATION</b>
<b>4.</b>		<b>CHAIRMAN'S REPORT</b>
<b>5.</b>		<b>REPORTS</b>
		<b>5.1 Planning and Operations Group</b>
	5 – 99	5.1.1 RPS Hearing Panel Recommendations
	100 – 130	5.1.2 Planning Report
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	144	5.1.4 Reefton Air Quality Summary
		<b>5.2 Consents and Compliance Group</b>
	145 – 146	5.2.1 Consents Monthly Report
	147 – 150	5.2.2 Compliance & Enforcement Monthly Report
		<b>6.0 GENERAL BUSINESS</b>

## 2.1

### THE WEST COAST REGIONAL COUNCIL

1

**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE  
HELD ON 10 JULY 2018, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,  
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

**PRESENT:**

N. Clementson (Chairman), A. Robb, T. Archer, P. Ewen, P. McDonnell, A. Birchfield, S. Challenger,  
J. Douglas, F. Tumahai

**IN ATTENDANCE:**

M. Meehan (Chief Executive Officer), R. Mallinson (Corporate Services Manager, left meeting at 10.43),  
R. Beal (Operations Manager), H. McKay (Consents & Compliance Manager), H. Mills (Planning Science  
& Innovation Manager), T. Jellyman (Minutes Clerk), The Media.

**1. APOLOGY**

There were no apologies.

**2. MINUTES**

**Moved** (Archer / McDonnell) *that the minutes of the previous Resource Management Committee meeting dated 12 June 2018, be confirmed as correct, with the amendment to the typographical error in the third line in matters arising.*

*Carried*

**Matters Arising**

Cr McDonnell drew attention to the last line of the first page, he asked if the two submitters were Buller residents? H. Mills confirmed they were residents.

Cr Archer drew attention to a typographical error in the third line of matters arising.

Cr Ewen stated that he would like further detail around the comments he made at last month's meeting regarding Elect Mining Ltd seeking getting alternative justice. Cr Ewen stated that Elect Mining Ltd did not cooperate with Council as they would not meet with staff. Cr Ewen stated that this sends the wrong message. He stated why anyone would be cooperative if they are going to get alternative justice anyway. He stated this was the point he was making, and requested that this be added to the minutes. Cr Ewen stated that this lack of cooperation compromises and undermines the very purpose of Council giving alternative justice.

Cr Ewen drew attention to the first line of the minutes in the general business section where he suggested that Plan Change 1 is withdrawn. He had previously stated that the scheduled wetlands on private land should be removed from the plan. Cr Ewen requested that J. Douglas's comment is added to the minutes, as she had stated that iwi supported this.

**Moved** (Archer / Challenger) *that the above amendments are made to the minutes.*

*Carried*

**3. There was no presentation.**

Matthew Ross, Programme Leader for Te Runanga o Ngai Tahu joined the meeting at 10.35 a.m. He was introduced to the meeting by F. Tumahai.

#### 4. CHAIRMAN'S REPORT

The Chairman spoke to his report and advised that he attended a meeting in Wellington with the Chief Executive, West Coast Mayors, Development West Coast Chief Executive and Chairperson, Hon Damien O'Connor, Hon Shane Jones and Hon Winston Peters. The Chairman stated that regional economic development was discussed. The Chairman said that Hon Winston Peters stated that the West Coast only has 14% of its land available and that makes the region a special case. The Chairman advised that other members of the West Coast contingent also met with Minister Sage.

The Chairman reported that further sampling has been done at Marrs Beach. He stated that the working group is making good progress.

The Chairman reported that he attended the site visit to the new Taramakau Bridge and stated that the new bridge is very impressive.

**Moved** (Clementson / Archer) *That the report is received.*

*Carried*

#### 5. REPORTS

##### 5.1 PLANNING AND OPERATIONS GROUP

##### 5.1.1 PLANNING REPORT

H. Mills spoke to this report. He advised that the Panel has completed its deliberations for the Regional Policy Statement hearing and their recommendations will be brought to the RMC August meeting for a decision. H. Mills advised that there will be further discussion on this at the workshop at the conclusion of today's meeting.

H. Mills advised that the Zero Carbon Bill is yet to be drafted. He outlined the three potential targets for 2050 which are in the discussion document.

H. Mills advised that Hon James Shaw (Climate Change Minister) visited Greymouth on 2 July and spoke to the proposed Bill at a public meeting. H. Mills advised that his key messages were that innovation will be the key to achieving the 2050 target, they are committed to a transition and it will be a planned with a gradual phase in. H. Mills stated that there is a move away from traditional energy and transport with a potential green investment fund created, the Bill will design and create certainty and it is hoped it will be a guiding pathway to the 2050 target. H. Mills stated that the public meeting was fairly contentious with lots of questions asked, matters such as the stewardship land review were discussed along with queries as to who would make up the Climate Change Commission, and that there should be a regionally based criteria to meet the target with a focus on the West Coast being the world leader in ethical mining. M. Meehan stated that he attended the meeting and there were questions asked about sustainable logging and if native forest can be used on the DoC estate as an offset as carbon credits. He stated that the answer was no because of the agreements in place internationally and forests pre 1990's do not count. Extensive discussion took place, H. Mills and M. Meehan answered questions relating to the public meeting. M. Meehan advised that Minister Shaw advised that they have done some economic analysis and advised that there will be a slow down in the economy with regions like the West Coast affected worse than other regions. Minister Shaw said that this needs to be part of the submissions going to government and that the government needs to look at this as part of any implementation, providing support for regions that are a lot more affected than others. H. Mills advised that staff will be preparing a strong submission on this matter. Cr Birchfield stated that the science needs to be looked at as this matter is very political.

H. Mills spoke to the rest of his report. Cr Archer stated that the current government may totally throw out or amend significantly the proposed water plans (Fresh Water NPS), he asked where does this leave councils. M. Meehan advised that if government make changes, and allow councils to make changes without going through Schedule 1, and implement changes straight into the plans then very little costs will be incurred. Cr Archer is concerned about the impact on Council's Long Term Plan and the direction the new government is taking. M. Meehan stated that there is always ongoing change with water and national direction. He stated there has been consistent change through the previous government from 2010 and consistent change through the Freshwater NPS. He stated this government will look though this and make changes as they see fit, he is unsure if they will be huge dramatic changes but they may affect other regions much more than the West Coast. M. Meehan stated that he feels the West Coast is well set up in view of water quality and should not be too badly affected.

H. Mills reported that the Marrs and Shingle Beach working group has identified swimming as its highest priority value for the beaches. He stated that new sampling sites have been identified along with voluntary sampling. New funding sources will be explored at the next meeting and a media release is expected shortly.

H. Mills reported that staff in partnership with Te Runanga o Ngai Tahu have now come up with a draft Terms of Reference for the NPS for Freshwater Management Grey Fresh Water Management Unit Group. He stated that the group will come up with values and issues with quality and quantity of water. H. Mills advised that the purpose is to make recommendations to the Resource Management Committee. He explained the timeline for the group and advised that he expects recommendations to be before the Resource Management Committee prior to December 2019.

M. Ross addressed the meeting. He stated that the partnership between Te Runanga o Ngai Tahu and Council staff has been very open with good dialogue. M. Ross spoke to the Grey FMU Group Terms of Reference and explained the process in detail to the meeting. F. Tumahai provided further information. H. Mills advised that the relationship MOU will go in tandem with the process. Cr Ewen asked M. Ross if fishing should be included in the values and interests list the group will consider. H. Mills agreed that fishing could be included. Cr McDonnell asked if an individual MOU was being sought. M. Meehan advised that the MOU could focus on how Council interacts in partnership across all RMA business as this has been a relationship that has evolved through different regional plans. F. Tumahai agreed and stated that this is already being done. M. Ross stated that having a high level relationship agreement is the first step, and is wider than just RMA responsibilities and also encompasses Local Government Act responsibilities and where there is responsibility to the Treaty of Waitangi, when decision of significance are made, and how Maori is involved in decision making and takes account of their relationship with their ancestral taonga. M. Ross advised that this provides a helpful touchstone should there be disagreements and how they can be worked through. H. Mills advised that work will begin on the draft MOU and this should be complete by August / September. It was agreed that a third recommendation would be added.

**Moved** (Robb / Challenger)

1. *That the report is received.*
2. *That the draft Terms of Reference for the Grey Fresh Water Management Until (FMU) Group are supported.*
3. *That staff work in partnership with Te Runanga o Ngai Tahu to draft a partnership MOU to then bring back to a future meeting.*

*Carried*

### 5.1.2 REEFTON AIR QUALITY SUMMARY

H. Mills spoke to this report and advised that there have been no exceedances of the air quality NES so far this winter. He advised that the changes to the NES are being updated and will go out for public consultation mid 2019.

**Moved** (Ewen / Challenger) *That the report is received.*

*Carried*

### 5.2.1 CONSENTS MONTHLY REPORT

H. McKay spoke to this report and advised that two site visits were carried out, four non-notified resources consents were granted and 11 change to and review of consents conditions were granted during the reporting period.

**Moved** (Archer / Robb) *That the July 2018 report of the Consents Group be received.*

*Carried*

**5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

H. McKay spoke to this report. She advised that 35 site visits were carried out during the reporting period, 11 complaints / incidents reported with 10 resulting in site visits.

H. McKay updated the meeting on the Hokitika Waste Water Treatment Plant. She advised that there has been close engagement with both Westland District Council (WDC) and residents. WDC have recently installed aerators into the treatment ponds and since installation WCRC has not received any further odour complaints. She advised that discharges on to the beach have been investigated by compliance staff. H. McKay stated that a report on the odour survey is expected from WDC. She advised that inquiries are ongoing and there has been no enforcement decision made at this stage. H. McKay advised that WCRC staff will continue to engage with residents and WDC.

Cr McDonnell asked if the only way of measuring odour in the air is by surveying people. H. McKay stated that staff are investigating as to whether there is any form of measuring device. M. Meehan advised that this in the opinion of the enforcement officer. He spoke of nose testing that was used years ago but has since been thrown out. Cr McDonnell asked how much investigation is being undertaken with the activities of Silver Fern Farms Ltd with regard to the odour complaints. H. McKay advised that the district council is the consent holder. M. Meehan clarified that the consent that this Council monitors is owned by WDC and they control what goes into the treatment ponds whether it is discharge from Silver Fern Farms, or any other user.

Cr Challenger stated that since the installation of aerators at the treatment ponds he has not noticed any odour. He confirmed that he has received a form which confirms that monitoring is underway.

Extensive discussion took place on the treatment ponds and the odour problem. F. Tumahai asked if there has been any progress with the possibility of long term solutions for the treatment ponds. H. McKay advised that discussions with WDC are ongoing and are not just about the odour problem. Cr Robb stated that WCRC compliance staff need to ensure that the current consents are monitored as they stand and when the consents come up for renewal there is then opportunity to review the conditions of the consent. H. McKay advised that the consents were renewed in 2016. M. Meehan advised that a review has been initiated for all district and regional consents to ensure that they are all in order.

Cr Archer stated that he is impressed with the level of detail in the section of the report relating to the treatment ponds as this is very helpful in giving councillors a good level of understanding.

Cr McDonnell drew attention to the bond amount from Buller Coal Ltd. H. McKay confirmed this is a typographical error and should read \$1.27M.

Cr Challenger drew attention to the complaint of page 17 regarding earthworks on a hazardous site. He stated that this is an old saw mill site and there is PCP dust in this area. He stated that it is important that council staff are aware of the risk involved when visiting this site.

**Moved** (Archer / Challenger) *That the July 2018 report of the Compliance Group be received.*

*Carried*

**GENERAL BUSINESS**

Cr Ewen raised the matter of Johnson Bros Ltd who are currently being prosecuted. He stated that he would have liked this to have been discussed at Council level given that this company has gone through the alternative justice process previously. Cr Ewen stated that the penalty received was twice what have been given to other parties who have gone through this process. Cr Ewen stated that previously the company made a community contribution and he feels it would be unwarranted for them to get hit again. Cr Ewen stated that this should have been a mitigating factor as last time it cost the company around \$40,000. M. Meehan stated that he would not be commenting on a matter that is currently going through a court process.

The meeting closed at 11.32 a.m.

.....  
Chairman

.....  
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 14 August 2018  
Prepared by: Lillie Sadler – Planning Team Leader  
Date: 2 August 2018  
**Subject: RPS Hearing Panel Recommendations**

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RPS Hearing Panel Recommendations

The Panel for the proposed Regional Policy Statement (pRPS) hearings that were held in May this year have made their Recommendations on submissions. The Recommendations consist of three documents:

- The Panel's Report explaining their reasons for their recommendations;
- Appendix A: a schedule with the Panel's recommendations on submissions (referring to the Decision Requested numbers);
- Appendix B: a version of the pRPS incorporating recommended changes.

The three Recommendations documents are attached to this report.

The Panel's Recommendations can now be accepted by the Council as their Decisions on submissions to the pRPS. The Recommendations meet the requirements of Section 10 in Schedule 1 of the Resource Management Act (RMA). Once the Council approves the Recommendations as their Decisions, they can be publically notified as required by Section 11 of Schedule 1 of the RMA. The period for lodging appeals on Council's Decisions is 30 working days from the date of notification.

If Council accepts the Recommendations, staff will aim to notify the Decisions by 17 August 2018. This timeframe is within the extended timeframe previously granted by the Council for the RPS Decisions to be released. The extension is up to 16 March 2019.

**RECOMMENDATIONS**

- 1. That the report is received.*
- 2. That the Council accepts the Hearing Panel's Recommendations on submissions to the proposed Regional Policy Statement as the Council's Decisions.*
- 3. That the Council approves publically notifying the Decisions on submissions to the proposed Regional Policy Statement by 17 August 2018.*

Hadley Mills  
**Planning, Science and Innovation Manager**



IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed West Coast Regional Policy Statement

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**REPORT AND RECOMMENDATIONS  
OF THE  
HEARING COMMISSIONERS**

**22 June 2018**

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Appendix A: Schedule of recommended decisions on submissions

Appendix B: pRPS Incorporating Recommended Amendments

## Section 1 Introduction

### ***Proposed West Coast Regional Policy Statement***

- [1] On 16 March 2015 the West Coast Regional Council ('the Council' or 'WCRC') notified the proposed West Coast Regional Policy Statement ('pRPS'). A total of 72 submissions were received. A Summary of Decisions Requested was notified on 6 November 2015 and 24 further submissions were received.
- [2] The pRPS establishes the high level resource management direction for the West Coast region. It identifies regionally significant resource management issues, and sets objectives, policies and methods for addressing those issues.

### ***Appointment of hearing commissioners***

- [3] The Council, acting under s34A of the RMA, appointed us the undersigned, as hearing commissioners to hear, consider and make recommendations to it on the submissions on the pRPS. The Council delegated to us all its functions, powers and duties to hear and consider the submissions, including requiring and receiving reports under s42A and exercising powers conferred by ss41B and 41C of the RMA.
- [4] For the avoidance of doubt, we affirm that throughout the performance of our duties we have been entirely independent and objective in considering and making recommendations on the submissions.

### ***Hearing of submissions***

- [5] We have received reports under s42A of the RMA on the pRPS and the submissions on it. We conducted public hearings on the submissions of the submitters who wished to be heard. Those hearings were conducted at Greymouth on 14, 15 and 21 May 2018. On 13 June 2018 we reconvened at the Council offices in Greymouth for the authors of the s42A report to publicly deliver their reply to the matters presented by the submitters, and to answer our questions on it. In total the public hearings occupied 4 days.
- [6] During the hearings, we asked questions of submitters to enhance our understanding of their requests, the grounds for them, and advice given in the s42A reports. We endeavoured to conduct the hearings with a minimum of formality to an extent that allowed for fairness to all submitters. An audio recording of the proceedings was made available on the Council's webpage.
- [7] Following the completion of the public hearings, we deliberated on the matters raised in the submissions and formulated our recommendations to the Council.

- [8] Many of the submissions on the pRPS requested amendments to it and gave reasons for requesting those amendments. In addition, the authors of the s42A reports made successive detailed recommendations regarding wording improvements to the pRPS's provisions, including in their reply report.
- [9] Although submitters questioned numerous aspects of the content of the pRPS, issue was not generally taken with its style and layout. We consider that the format of the pRPS is generally suitable for its purpose.
- [10] We are grateful for all the requests and suggestions by submitters and their witnesses and by the s42A report authors. We acknowledge that the requested and suggested amendments, including those we do not recommend, and the evidence relating to them, have substantially assisted us in our deliberations and in reaching the recommendations to the Council. The submissions and reports have all contributed to an effective and fair process for which Part 1 of Schedule 1 of the RMA provides.

### ***This report***

- [11] In the main body of this report we state in narrative form our findings about the law and superior instruments applicable to the process; about the character of Ngāi Tahu values and interests; and about issues raised by submitters. Further, we consider the extent to which the pRPS, amended as we recommend, would give effect to relevant directions of applicable higher order instruments. As directed by s32AA of the RMA, we also evaluate our recommended amendments to the pRPS.
- [12] The decisions we recommend on the points raised in the submissions are set out in detail in Appendix A to this report. In Appendix B we show the content of the pRPS incorporating our recommended amendments to it.
- [13] To avoid unnecessary duplication and repetition we affirm that, except to the extent that we expressly address matters in this report, we adopt the advice and reasoning in the s42A reports, and in the answers and replies given to us by its authors. Those reports and documents should be read as forming part of this report. We refer to this again in Section 14.

## Section 2 The Resource Management Act

### **Introduction**

[14] In this Section, we discuss provisions of the RMA that are relevant to the pRPS and our consideration of the submissions on it.

### **The purpose and principles of the RMA**

[15] First, we understand that we are to refer to the version of the RMA that was current at the time that the pRPS was notified in 2015, namely the RMA as it was prior to the commencement of the Resource Legislation Amendment Act 2017.

[16] In saying that we have however, as a matter of practical reality, had regard to the fact that the RMA now no longer establishes a mandate for Council to address the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances given the repeal of ss30(1)(c)(v) and 31(b)(ii). We have also had regard to the fact that the RMA now contains s6(h) relating to the management of significant risks from natural hazards.

[17] Part 2 of the RMA states its purpose and principles. The overall objective of the Act,<sup>1</sup> and the cornerstone of Part 2, is s5(1), which states the purpose of the Act is “to promote the sustainable management of natural and physical resources.” S5(2) describes the meaning of the term ‘sustainable management’:

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, and at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

[18] Section 5 contemplates environmental preservation and protection as an element of sustainable management of natural and physical resources;<sup>2</sup> and protecting the environment from adverse effects of use and development is an aspect (though not the only one) of sustainable management.<sup>3</sup> The other sections of Part 2 (ss6, 7 and 8) provide general principles elaborating on how s5 is to be applied.<sup>4</sup>

[19] Section 6 of the RMA identifies matters of national importance and directs us to recognise and provide for them. All of the matters listed in s6 are relevant to the pRPS. Section 7 directs that,

<sup>1</sup> *Environmental Defence Society v NZ King Salmon* [2014] NZSC 38 [151].

<sup>2</sup> *Environmental Defence Society v NZ King Salmon*, cited above, [146].

<sup>3</sup> *Environmental Defence Society v NZ King Salmon*, cited above, [148].

<sup>4</sup> *Environmental Defence Society v NZ King Salmon*, cited above, [8], [149].

in achieving the purpose of the Act, we are to have particular regard to eleven matters, many of which are relevant to the pRPS. Section 8, the final section in Part 2 of the Act, directs us to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). We understand that this does not extend to principles that are not consistent with the scheme of the RMA.

- [20] Important as Part 2 is, we understand that where specific, unqualified provisions are contained in a superior instrument<sup>5</sup> by which Part 2 is given effect (the lawfulness and the meaning of which are not in dispute, and which “cover the field”), we are not able to “refer back” to Part 2 to diminish the effect of the superior instrument.<sup>6</sup>

### ***Functions of regional councils***

- [21] Section 30 of the RMA lists Council’s functions that are relevant to our consideration of the pRPS, including the following:
- establishing and implementing objectives, policies and methods to achieve integrated management of the natural and physical resources of the region:<sup>7</sup>
  - preparing objectives and policies in relation to any actual or potential effects of the use, development or protection of land which are of regional significance:<sup>8</sup>
  - establishment, and implementation, of objectives, policies and methods for maintaining indigenous biological diversity:<sup>9</sup>
  - strategic integration of infrastructure with land use through objectives, policies and methods.<sup>10</sup>

### ***Contents of the pRPS***

- [22] Section 59 of the RMA states the purpose of a regional policy statement as being “to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.” Section 61(1) states that the Council is to prepare the pRPS in accordance with its functions under s30; the provisions of Part 2; its obligation to have particular regard to an evaluation report prepared in accordance with s32; national policy statements; a New Zealand coastal policy statement; a national planning standard;<sup>11</sup> and any regulation. Section 61(2) states that the Council is to have regard to any management plans and strategies<sup>12</sup> prepared under other Acts; any relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; any regulations relating to ensuring sustainability, or the

<sup>5</sup> Such as a national policy statement or water conservation order.

<sup>6</sup> *Environmental Defence Society v NZ King Salmon*, cited above, [80] and [88].

<sup>7</sup> RMA, s30(1)(a).

<sup>8</sup> RMA, s30(1)(b).

<sup>9</sup> RMA, s30(1)(ga).

<sup>10</sup> RMA, s30(1)(gb).

<sup>11</sup> There are currently no national planning standards.

<sup>12</sup> To the extent that their content has a bearing on the resource management issues of the region.

conservation, management, or sustainability of fisheries resources; the extent to which the pRPS needs to be consistent with the policy statements and plans of adjacent regional councils; and the extent to which the regional policy statement needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

- [23] With regard to the above matters no adjacent regional councils submitted on the pRPS so we have assumed there are no issues to address in that regard. No matters relating to fisheries regulations or the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 were brought to our attention and we ourselves are not aware of any.
- [24] Under s61(2A) the Council must take into account any relevant planning document recognised by an iwi authority.<sup>13</sup> We received helpful submissions and evidence from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Ngāi Tahu) in that regard. Under s61(3) the Council must not have regard to trade competition or the effects of trade competition. We record that we have not had regard to those matters.
- [25] Section 62 sets out the mandatory contents of the pRPS. It must state the significant resource management issues for the region; the resource management issues of significance to iwi authorities in the region; the objectives sought to be achieved by the pRPS; the policies for those issues and objectives and an explanation of those policies; the methods (excluding rules) used, or to be used, to implement the policies; the principal reasons for adopting the objectives, policies, and methods; the environmental results anticipated; the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions; the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land to avoid or mitigate natural hazards or any group of hazards and to maintain indigenous biological diversity; the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the pRPS; and any other information required for the purpose of the Council's functions, powers, and duties under this Act.
- [26] We are satisfied that the pRPS, inclusive of the amendments to it that we recommend, states all of the matters listed in s62(1).
- [27] Under s62(3) the pRPS must not be inconsistent with any water conservation order and must give effect to a national policy statement, a New Zealand coastal policy statement, or a national planning standard. We note there are currently no national planning standards.

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<sup>13</sup> Also to the extent that their content has a bearing on the resource management issues of the region.

[28] We have carefully considered the application of the above sections of the RMA when assessing the submissions on the pRPS.

### ***Procedure for preparing the pRPS***

[29] The procedure for preparing the pRPS is prescribed in Schedule 1 to the RMA. Clause 5(1) requires the Council to prepare an evaluation report in accordance with s32, and have particular regard to that report when deciding whether to proceed with the pRPS. Clause 10 gives directions on decisions on the provisions and matters raised in submissions,<sup>14</sup> with reasons for accepting or rejecting them.<sup>15</sup> Subclause 10(4) stipulates that Council's decision is to include a further evaluation in accordance with s32AA;<sup>16</sup> and it is to have particular regard to the further evaluation when making its decision.<sup>17</sup>

[30] The Council must give its decisions on the matters raised in the submissions, however subclause 10(3) provides that it is not required to address each submission individually. So, in Appendix A we have grouped some submissions on the pRPS where we reach a common recommendation for a common reason.

[31] Although not expressly stated in the Act, we understand that our consideration of submissions is to proceed on the basis that there is no presumption in favour of the notified provisions of the pRPS; nor is there any onus on submitters to show that the notified contents of the pRPS are inappropriate.<sup>18</sup> Rather, our duty is to consider the submissions and evidence, and make recommendations as to what the most appropriate and suitable provisions of the pRPS are. That is what we have done.

### ***Evaluation report***

[32] Section 32 of the RMA sets out the requirements for preparing and publishing evaluation reports. The Council has prepared a report under s32<sup>19</sup> and we have read that report. Under s32AA, a further evaluation is required for any recommended amendments to the pRPS since the original evaluation report was completed. We discuss that further in Section 14 of this report.

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<sup>14</sup> RMA, Sched 1, cl 10(1).

<sup>15</sup> RMA, Sched 1, cl 10(2).

<sup>16</sup> RMA, Sched 1, cl 10(2)(ab).

<sup>17</sup> RMA, Sched 1, cl 10(4)(aaa).

<sup>18</sup> *Wellington Club v Carson* [1972] NZLR 698 (SC); applied to the RMA in *Leith v Auckland City Council* [1995] NZRMA 400.

<sup>19</sup> West Coast Regional Policy Statement Section 32 Evaluation Report, March 2015.



### Section 3 Higher Order and other Relevant Instruments

#### *National policy statements and national regulations*

- [33] We understand that the following national policy statements and regulations are potentially relevant to consideration of the submissions on the pRPS:
- National Policy Statement on Urban Development Capacity 2016 [NPSUDC]
  - National Policy Statement for Freshwater Management 2014 (Updated in 2017) [NPSFM]
  - National Policy Statement for Renewable Electricity Generation 2011 [NPSREG]
  - New Zealand Coastal Policy Statement 2010 [NZCPS]
  - National Policy Statement on Electricity Transmission 2008 [NPSET]
  - Resource Management (National Environmental Standards for Air Quality) Regulations 2004
  - Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
  - Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (comes into effect on 1 May 2018)
- [34] We do not repeat the contents of those national documents here. We record that we have sought to give effect to the national policy statements and have had regard to the regulations, particularly where submitters addressed the contents of those documents. We refer to specific provisions of those documents in subsequent sections of this report where appropriate.

#### *Water conservation orders*

- [35] Two water conservation orders apply to waterbodies within the West Coast Region. They are the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001. We have ensured that our recommendations are not inconsistent with the contents of those Orders.

#### *Iwi authority-approved plans*

- [36] Ngāi Tahu advised that iwi management plans have yet to be completed for the rohe of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, but that each rūnanga had their own pounamu management plan. The pounamu management plans are not limited to addressing RMA issues and objectives, but principally address matters related to pounamu management which fall outside of the ambit of the RMA.

#### *Management plans under other Acts*

- [37] On the Council's duty to have regard to management plans under other Acts, we have had regard to the West Coast Sports Fish and Game Management Plan 2011 which applies in the West Coast Region. That plan establishes a framework which provides direction for Fish and Game to manage,

maintain and enhance the sports fish and game resource in the recreational interests of anglers and hunters. We have also had regard to the objectives and policies of the West Coast *Te Tai o Poutini* Conservation Management Strategy 2010 -2020 prepared under the Conservation Act 1987. That Strategy sets out how the Department proposes to manage the natural, historical and cultural heritage values and recreational opportunities within the West Coast *Tai Poutini* Conservancy. We note the objectives and policies of the WCCMS, where relevant and not relating to the management of conservation estate or to DOC advocacy actions, do not in our view provide substantial policy guidance over and above that contained in the NPSFM and NZCPS.

## Section 4 Ngāi Tahu

### ***Introduction***

[38] In this Section, we discuss matters relevant to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngai Tahu, (collectively referred to as Poutini Ngāi Tahu).

### ***RMA ss6(e), 7(a) and 8***

[39] As we briefly canvassed in Section 2 of this report, Part 2 of the RMA includes the following important directions in respect of Māori values and interests:

- S6(e) directs that all persons exercising functions and powers under the Act are to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- S7(a) directs that all persons exercising functions and powers under the RMA are to have particular regard to kaitiakitanga;
- S8 directs all persons exercising functions and powers under the RMA are to take into account the principles of the Treaty of Waitangi.

### ***Te Rūnanga o Ngāi Tahu Act (1996) and the Ngāi Tahu Claims Settlement Act (1998)***

[40] These two Acts recognise Ngāi Tahu Whanui as tangata whenua for the larger part of the South Island and the entire West Coast region. They are relevant when applying ss6(e), 7(a) and 8 of the RMA, and in giving effect to relevant sections in the NPSFM.

[41] The Ngāi Tahu (Pounamu) Vesting Act 1997 returned (in respect of the West Coast) ownership of pounamu to Te Rūnanga o Ngāi Tahu, for which Poutini Ngāi Tahu are kaitiaki.

[42] The Ngāi Tahu Claims Settlement Act 1998 provides for the following in the West Coast region:

- Statutory Acknowledgements over a number of lakes, rivers and wetlands, each of which includes a statement describing the Ngāi Tahu relationship and association with each waterbody and catchment;
- Fee simple title over the bed of Lake Mahinapua and management rights over two reserves (Waitaiki and Motutapu);
- Nohoanga (camp sites) in the West Coast region (fifteen), located adjacent to waterbodies and chosen for their proximity to traditional mahinga kai places and resources; and
- Taonga species schedule of bird, plant, fish and marine mammals.

[43] We recognise that the Statutory Acknowledgements, ownership or management of beds of lake or reserves, nohoanga (and the taonga species schedule) are statutory tools and do not reflect the full extent of the values and interests that Ngāi Tahu have for their ancestral land, water, sites and taonga species in the West Coast region. Rather they provide information on the cultural association with particular water bodies, resources and values.

#### *The pRPS*

[44] Chapter 3 of the pRPS addresses 'Resource Management Issues of Significance to Poutini Ngāi Tahu'. In response to the submission and further submission lodged by Ngāi Tahu, and following what we understand to be extensive pre-hearing meetings, the s42A report authors recommended significant amendments to Chapter 3.<sup>20</sup> We understand from the planning evidence of Ngāi Tahu<sup>21</sup> that they were generally satisfied with the recommended amendments, other than for matters relating to Chapters 1.2 and 1.3.2; Chapter 6 Policy 6; Chapter 8 Policies 1 and 3; Chapter 7 Objective 3; a requested new policy and the Methods; Chapter 8 Policies 1 and 3; and Chapter 9 Objective 2 and Policy 3.

[45] Ngāi Tahu elected not to attend the hearing, and instead requested that we put any questions of their planning witness in writing and that they be allowed to respond in writing. We agreed to that request. We have carefully considered the further amendments set out in the Ngāi Tahu planning evidence, together with the further advice on those amendments provided in the s42A reply report. We have recommended accepting some of the Ngāi Tahu requested further amendments and rejecting others. The detail of those recommendations is contained in Appendices A and B of this report.

<sup>20</sup> In the notified pRPS this was Chapter 2.

<sup>21</sup> Statement of Evidence of Sandra McIntyre on Behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu ("Ngāi Tahu"), 26 April 2018; Rebuttal Statement of Evidence of Sandra McIntyre on Behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu ("Ngāi Tahu"), 2 May 2018.

- [46] We consider that our recommendations recognise and provide for the relationship of Māori and their culture and traditions with certain resources and have particular regard to kaitiakitanga.

## Section 5 Council's Approach

- [47] The Section 32 Report noted that the operative RPS was adopted in 2000. It went on to say that the Council intentionally developed the pRPS with a focus not only on the natural environment, but also on economic, social and cultural community wellbeing. Chapters in the operative RPS that were no longer considered to represent regionally significant issues were not included in the pRPS<sup>22</sup> and policy provisions were reviewed to avoid duplication between the pRPS and lower order planning documents. The Report stated that due to the large extent of conservation land under existing protection,<sup>23</sup> regulatory protection on production land needed to be minimised and restricted to those circumstances where there was clear proof of significant values in need of protection. Council also took the opportunity to provide regional leadership for the West Coast and to be an advocate for the region.
- [48] The Section 32 Report also noted that the operative Regional Land and Water Plan 2014, Regional Air Quality Plan 2001, Regional Coastal Plan 2000 and the three operative district plans contained detailed provisions for managing the potential adverse effects of subdivision, use and development. That meant that the detailed guidance and direction contained in the operative RPS<sup>24</sup> was no longer necessary and was not reflective of the significant resource management issues facing the region.<sup>25</sup>
- [49] The net result of the Council's approach was a pRPS that had a greater focus on enabling resource use, development and employment than the previous RPS.
- [50] A number of submitters were concerned with the net result of the Council's approach outlined above. They felt that there was too much emphasis on enabling resource use, development and employment at the expense of ensuring adequate protection of indigenous biodiversity, natural landscapes, natural features and natural character. Some submitters considered that the pRPS did not give effect to Part 2 of the RMA or to national policy statements, particularly the NPSFM and NZCPS.
- [51] We acknowledge the Council's approach to the development of the pRPS and note it is the function of the elected councillors to determine the regionally significant issues for the West Coast

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<sup>22</sup> Section 32 Report, Chapter 3. The omitted issues were Heritage, Soils and Rivers, Solid and Hazardous Waste and Minerals. We note that in response to submissions the Section 42A Report recommended inserting additional provisions into the pRPS dealing with heritage. The evidence of Heritage New Zealand Pouhere Taonga was supportive of that approach.

<sup>23</sup> 84% of the Region is administered by the Department of Conservation.

<sup>24</sup> There are 30 objectives, 72 policies and 184 methods in the current RPS.

<sup>25</sup> Section 32 Report sections 2.1, 2.2.1 and 2.3.

and to set policy direction in response to those issues. In saying that we acknowledge the extensive consultation that the Council undertook to determine the issues and policy direction, as was summarised in the Section 32 Report,<sup>26</sup> and the pre-hearing meetings and workshops with submitters referred to in various places in the Section 42A Report.<sup>27</sup>

- [52] However, the statutory obligations set out in Section 2 of this report must also be met. That is a non-negotiable requirement of which we are acutely aware. Consequently, the approach we have taken to assessing the relief sought by submitters is to preserve the Council's approach to enabling resource use, development and employment; whilst ensuring that the pRPS also gives effect to Part 2 of the RMA and to relevant aspects of national policy statements, particularly the NPSFM, NZCPS and NPSREG.
- [53] In subsequent Sections of this report we only discuss substantive matters where we depart from the recommendations and reasons of the s42A reporting officers regarding the wording of pRPS Issues, Objectives, Policies and Methods;<sup>28</sup> or where we wish to specifically address key matters raised by submissions. We note that there are relatively few instances where that occurs, reflecting perhaps the extensive pre-hearing consultation undertaken by Council officers. In that regard we note that of the 72 original submitters, only 11 appeared at the hearing, another four agreed to respond to our questions in writing, two submitted brief statements of evidence in support of the s42A reporting officer's recommendations but did not attend the hearing. One submitter<sup>29</sup> sought leave (which we granted) to not attend the hearing in support of their submission, but to table legal submissions instead. In the event no legal submissions from that submitter were received.
- [54] The pRPS chapters that we now address are Chapters 4 Resilient and Sustainable Communities, 5 Use and Development of Resources, 6 Regionally Significant Infrastructure, 7 Biodiversity and Landscape Values, 8 Land and Water, 9 Coastal Environment and the Glossary. We had no substantial disagreement with the recommendations and reasons of the s42A reporting officers for the other chapters and nor do we wish to highlight any key matters raised by submissions with regard to them. Amendments we recommend over and above those recommended by the reporting officers are shown in **grey wash** in the amended pRPS document.
- [55] Importantly, we record that if the reasons stated in Sections 6 to 11 of this report differ in principle or substance from the section 42A authors' reasons that are cross-referred to in Appendix A, then the reasons in this report should be read as superseding and replacing the respective Appendix A cross-referenced reason.

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<sup>26</sup> Sections 2.2.2 and 2.2.5.

<sup>27</sup> Including 'Background' (page 1 paragraph 5) and 'Reasons' pages 578 and 579.

<sup>28</sup> Other minor matters are dealt with in Section 13 of this report or in the reasons we include in Appendix A.

<sup>29</sup> Environmental Defence Society (EDS).

## Section 6

### Resilient and Sustainable Communities

- [56] In response to submissions,<sup>30</sup> we recommend that Issue 1 is amended to refer to enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management. We consider that better reflects the purpose of the RMA, whilst preserving the Council's understandable desire (as we interpret it) to enable appropriate use and development and its accompanying economic growth and employment. In a similar vein, we recommend that Issue 3 is amended to state that the implementation of the RMA by local authorities can support economic growth (and its associated employment) whilst also avoiding, remedying or mitigating any associated adverse effects. That may be seen as stating the obvious, but we consider it better reflects the purpose of the RMA.<sup>31</sup>
- [57] Turning to the Objective 2, we agree with RF&B that the term "welcomes" is not appropriate language to use regarding a planning framework. Instead, we recommend that the Objective 2<sup>32</sup> is amended to refer to enabling appropriate existing and new<sup>33</sup> use and development (and its associated employment) whilst ensuring sustainable environmental outcomes are achieved. Again, we consider that better reflects the purpose of the RMA, whilst capturing Council's desire to promote economic growth and employment. Some submitters<sup>34</sup> queried the term "environmental outcomes". We consider that term is suitable, but recommend its meaning is enhanced by including a reference to the pRPS's Anticipated Environmental Results.
- [58] Proportionate to the scale and significance of the Issues and Objective 2 of Chapter 4 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose of the Act and for giving effect to the higher order instruments.

## Section 7

### Use and Development of Resources

- [59] Policy 2 was of interest to a number of submitters. We understand it to have two purposes. The intent of Policy 2(a) is to avoid, remedy or mitigate the occurrence of 'reverse sensitivity' effects where new activities are inappropriately located near existing activities. An example of that might be where a new residential subdivision is proposed near an established quarry or odour

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<sup>30</sup> Including EDS.

<sup>31</sup> As was sought by a number of submitters including MACBH.

<sup>32</sup> As a consequential amendment we recommend that Policy 1 also refers to "existing and new" economic activities.

<sup>33</sup> As was sought by submitters including Trustpower and West Power.

<sup>34</sup> Including INTAF and KMCT.

generating land use (such as a piggery or composting facility). That could lead to the new residents seeking to constrain the operation of existing land use. We therefore support the reporting officers' Reply recommendations to amend Policy 2(a) to clarify its intent.

- [60] Similarly, we agree that Policy 2(a)(v) should be retained, as was sought by a number of submitters.<sup>35</sup> Retaining that clause provides better integration with Chapter 6 of the pRPS and we note that the clause is qualified by a footnote referring to infrastructure and/or sites identified by designations, Asset Management Plans, or other plans or strategies adopted by the West Coast councils. We consider that provides a sufficient degree of certainty.
- [61] We understand that the intent of Policy 2(b) is to avoid new activities precluding the potential future development of significant mineral resources or the potential future establishment of regionally significant infrastructure. Those are both sensible aims and so we agree with the reporting officers' Reply recommendations to amend Policy 2(b), including the omission of the word "sterilisation" as we found the use of that word confusing.
- [62] Proportionate to the scale and significance of the matters addressed by Policy 2 of Chapter 5 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose of the Act, would better provide opportunities for economic growth and employment, and would give better effect to the higher order instruments including the NPSREG and NPSET.

## Section 8

### Regionally Significant Infrastructure

- [63] Policy 6<sup>36</sup> addresses residual adverse environmental effects that cannot be avoided, remedied or mitigated. In those situations the policy directs decision-makers to have regard to imposing 'offsets'. In our experience, the use of offsets is widely accepted as being reasonable in situations where mitigation options have been exhausted, but it better meets the purpose of the Act to enable a proposed use and development to proceed. The most common form of offset is a 'biodiversity offset'. Consequently, we recommend that Policy 6 is amended to explicitly refer to appropriate biodiversity offsets within the same catchment or habitat [in which the use or development occurs] and, if practicable, close to where the residual adverse effects occur.<sup>37</sup> We have also recommended referring to<sup>38</sup> the Government document "Good Practice Guidance on

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<sup>35</sup> Including Transpower, Trustpower, and West Power.

<sup>36</sup> Policy 5 as notified.

<sup>37</sup> As was suggested in the planning evidence of Ngāi Tahu.

<sup>38</sup> In Chapter 2 of the pRPS where 'offsets' are first mentioned.

Biodiversity Offsetting in New Zealand, August 2014” which we understand provides helpful guidance on the imposition of offsets.

- [64] As the imposition of an ‘offset’ is a discretionary matter for decision-makers exercising their functions under s104 of the Act, we recommend that the explanation of Policy 6 refers to the appropriateness of imposing offsets on a case by case basis having regard to relevant case law, national policy and good practice guidelines on offsets, and expert advice. Such clarification was sought by some submitters including EDS.
- [65] Regarding Policy 7, at the hearing Federated Farmers sought inclusion of an additional clause (c) relating to the ‘conflicts between RSI and existing resource use’. We acknowledge the issue raised and support the reporting officers’ Reply recommendation to insert a new clause (c) and to amend the chapeau of the policy to refer “to avoid as much as practicably possible” the listed matters.
- [66] On a more minor matter, we do not agree with the s42A authors that the explanation to Policy 5<sup>39</sup> should refer to “buffer corridors” as the policy itself does not refer to them.
- [67] Proportionate to the scale and significance of the matters addressed by Policy 6 of Chapter 6 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose of the Act, would better provide opportunities for economic growth and employment, and would give better effect to the higher order instruments.

## Section 9

### Biodiversity and Landscape Values

- [68] Chapter 7 of the pRPS attracted a large number of submissions. One theme, in our view, was that the chapter as notified did not give effect to the RMA and the superior instruments, insofar as significant indigenous vegetation and significant habitats of indigenous fauna were not afforded protection and outstanding natural character was not preserved. We agree that the notified provisions of Chapter 7 can be improved in that regard and we have recommended several amendments to the Issues, Objectives and Policies to ensure that the provisions appropriately recognise and provide for s6 of the RMA. Of note, given that 84% of the region comprises conservation estate<sup>40</sup> which is already protected, we recommend amending Issue 1 so that it

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<sup>39</sup> Policy 4 as notified.

<sup>40</sup> Where many of the Region’s ‘significant or ‘outstanding’ areas will reside. We note that DOC’s West Coast conservancy contains one quarter of NZ’s protected lands (WCCMS, section 2.1.1).



clearly identifies that where significant areas reside on private land the need to protect them can be of concern to the landowners.

- [69] We have deliberately maintained a focus on avoiding the adverse effects of ‘inappropriate’ use and development on the significant and outstanding areas. In that regard, we consider that, subject to some minor amendments, Policy 2<sup>41</sup> provides suitable guidance<sup>42</sup> to assist decision-makers with deciding, in the relatively unique context of the West Coast, whether a proposed use or development is ‘inappropriate’.
- [70] Further, in response to submissions,<sup>43</sup> we recommend that Policy 2(c) is amended to refer to any technical or operational constraints on the placement of the use or development. We consider that to be a sensible and realistic additional consideration.
- [71] We have not included provisions to deal with effects on indigenous vegetation or indigenous fauna that are not significant; or natural features, natural landscapes and natural character that are not outstanding; because their management is not a regionally significant issue in our view. We consider that the requirements of s5 of the Act to avoid, remedy or mitigate the adverse effects of activities on the environment provides sufficient guidance in those situations.
- [72] Another theme to emerge from the submissions was that the significant or outstanding areas should be identified in a regionally consistent manner using an agreed suite of criteria. We acknowledge that would be a desirable outcome consistent with the achievement of integrated management. Accordingly, we recommend amendments to Objectives 2 and 3, a new Policy 1A and an accompanying Explanation. Having said that, we do not consider that the pRPS should include an Appendix of criteria now as was sought by some submitters including DOC and RF&B. We find that inserting an Appendix of criteria now would be premature as the criteria should firstly be agreed amongst the relevant parties,<sup>44</sup> having regard to relevant regional and national guidelines<sup>45</sup> and the criteria that we understand are already included in the region’s district plans. We note such a more measured approach was supported by other submitters including Federated Farmers.<sup>46</sup>
- [73] The final theme that we wish to address is the fact that (particularly in light of the abundance of West Coast indigenous biodiversity, natural character, natural features and natural landscapes),

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<sup>41</sup> Policy 3 as notified.

<sup>42</sup> Subject to some minor grammatical improvements.

<sup>43</sup> Including West Power.

<sup>44</sup> Including DOC, the region’s councils and interested parties such as environmental NGOs.

<sup>45</sup> Including section 3.3.3.2 of the WCCMS and the document “Davis, M. Head, N.J., Myers, S.C. and Moore, S.H. 2016: Department of Conservation guidelines for assessing significant ecological values. *Science for Conservation* 327. 73 p Department of Conservation, Wellington”.

<sup>46</sup> Federated Farmers, Further Submission, page 34, comments on Objective 2 and confirmed in answers to our questions at the hearing.

‘appropriate’ use and development can potentially be enabled within significant areas,<sup>47</sup> provided of course that adverse effects are avoided, remedied or mitigated<sup>48</sup> as required by s5 of the Act. An example might be a sensitive tourism venture within an area of outstanding natural character; or the repair, maintenance or upgrading of existing regionally significant infrastructure. To explicitly acknowledge that theme we recommend a new Policy 3A and an accompanying Explanation.

- [74] Proportionate to the scale and significance of the matters addressed by the Issues, Objectives, Policies and Methods of Chapter 7 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act, would better provide opportunities for economic growth and employment, and would give better effect to the higher order instruments.

## Section 10

### Land and Water

- [75] There are few matters relating to Chapter 8 where we either depart from the recommendations of the s42A authors or that we wish to discuss further. However, we agree with WCF&G that to better give effect to Objectives A1 and B1 of the NPSFM, Objective 1 and Policy 1 of Chapter 8 should include a reference to aquatic ecosystems, as was recommended by the reporting officers in their Reply. We also agree that the management of water quantity is a relevant issue and, noting that water quantity is determined<sup>49</sup> by authorised abstractions, we support the reporting officers’ Reply recommendation that Policy 1 explicitly refers to “water abstractions”.
- [76] We accept, as was stated in evidence<sup>50</sup> and legal submissions<sup>51</sup> of WCF&G, that many of the West Coast’s rivers and lakes hold significant sports fishery values, and likewise, many of them can, and should be regarded as outstanding. So, having particular regard to s7(h) of the Act, we support the reporting officers’ recommended footnote to Objective 1 which states that aquatic ecosystems include the habitat of trout and salmon. However, we do not consider that a new objective is required for the habitat of trout and salmon<sup>52</sup> and we note that the planning evidence of Peter Wilson did not seek that by way of relief.<sup>53</sup> Nor do we consider that Policy 1 should include

<sup>47</sup> Either on conservation estate or private land.

<sup>48</sup> Or offset, noting an offset to be a form of mitigation.

<sup>49</sup> As far as is able to be addressed by the pRPS and the subordinate instruments.

<sup>50</sup> EIC Dean Kelly, Manager of the West Coast Fish and Game Council.

<sup>51</sup> Legal Submissions on behalf of West Coast Fish and Game Council, 9 May 2018, paragraph 14.

<sup>52</sup> The original submission of WCF&G sought a new Objective 4 for Chapter 7 of the pRPS (page 10 of 15).

<sup>53</sup> Peter Wilson was called by WCF&G as a planning witness and he summarised the further amendments to the pRPS (over and above those recommended by the s42A authors) at paragraphs 18 to 21 of his evidence.

a list of 'significant values',<sup>54</sup> as that would pre-empt Council's impending Freshwater Management Unit (FMU) process that is detailed in their recently adopted NPSFM Progressive Implementation Programme. Finally, addressing the issues raised by WCF&G, we support the reporting officers' Reply recommendation that Policy 1 should refer to "discharges of contaminants to water" as they can clearly impact the significant values of water bodies.

- [77] For completeness, we recommend amendments to the Explanation of Policy 1 that reflect the above matters.
- [78] Proportionate to the scale and significance of the matters addressed by Objective 1 and Policy 1 of Chapter 8 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act and for giving effect to the higher order instruments, in particular the NPSFM.

## Section 11

### Coastal Environment

- [79] A number of submitters, including DOC, considered that the objectives and policies of Chapter 9 did not give effect to the provisions of the NZCPS, particularly Policies 11, 13 and 15. We agree, and so we recommend the deletion of Policy 1 as notified and its replacement with wording that better gives effect to the NZCPS. Our recommended wording intentionally focuses on 'new' use and development in recognition of the fact that regionally significant infrastructure and other activities (including state highways, local roads, railway lines, power lines, commercial and residential activities) already exist within the coastal environment (and have done so for some time with what we understand to be generally little controversy) and their ongoing and unimpeded existence is vital to the West Coast economy.
- [80] While our recommended new Policy 1 might be seen as merely parroting the provisions of the NZCPS, we note that it contains an important 'West Coast' distinction, namely that whether or not a proposed subdivision, use or development is 'inappropriate' is to be determined having regard to the criteria listed in Policy 2 of Chapter 9 as well as the criteria listed in Policy 2 of Chapter 7. We find that those criteria collectively provide an important 'West Coast context' and acknowledge the abundance of significant and outstanding areas and features within the West Coast coastal environment and the demonstrable importance of enabling sustainable economic growth and employment if the social, economic and cultural wellbeing of the West Coast's people and communities is to be achieved.

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<sup>54</sup> As was sought in the EIC of Peter Wilson, paragraph 19.

[81] In that regard, we note that the High Court<sup>55</sup> has stated:

“While the requirement to avoid adverse effects on high value areas pursuant to Policies 13 and 15 in the NZCPS is not contextual, the factual question, whether any activity seeking to locate or operate in a high value area will have an adverse effect, may be contextual.”

[82] Proportionate to the scale and significance of the matters addressed by Policy 1 of Chapter 9 of the pRPS, for the purpose of s32AA(1)(d) of the RMA, we record that we have considered the options before us, being whether to make amendments to the provisions outlined above or not; and we have identified that those amendments are reasonably practicable; and have assessed that making them would better assist with achieving the purpose and principles of the Act, would better provide opportunities for economic growth and employment, and would give better effect to the higher order instruments, in particular the NZCPS.

## Section 12

### Glossary

[83] Some submissions sought that words or terms defined in the RMA be repeated in the pRPS. That serves no useful purpose and amounts to unnecessary duplication. It also risks the provisions in the pRPS having limited ‘shelf life’ should the definitions in the RMA be amended. We consider that a note should be inserted at the start of the Glossary that specifies that words or terms defined in the RMA have the same meaning when used in the pRPS. That obviates the need to include some of the notified Glossary terms and we recommend that they be omitted.

## Section 13

### Minor Amendments

[84] Under Clause 10(2)(b) of Part 1 of Schedule 1 to the RMA our recommendations may include matters relating to any consequential alterations necessary to the pRPS arising from the submissions. Under Clause 16(2) of Part 1 of Schedule 1 to the RMA our recommendations may include amendments to the pRPS to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

[85] Under those Schedule 1 provisions we have recommended numerous amendments to the pRPS including amongst other things:

- (i) correcting spelling;
- (ii) correcting grammar;
- (iii) correcting formatting;
- (iv) using macrons in Māori words;

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<sup>55</sup> *Royal Forest and Bird Protection Society v Bay of Plenty Regional Council* CIV-2017-470-00075 [2017] NZHC 3080 at [105]

- (v) correcting punctuation, including the use of commas, colons, semicolons, brackets and hyphens;
- (vi) using abbreviations for commonly used terms (such as using RSI for “regionally significant infrastructure”);
- (vii) modernising language, including for example by replacing “shall” with “must”; and
- (viii) ensuring the words “and” and “or” are used correctly in the provisions.

[86] In the version of the pRPS contained in Appendix B to this report we have shown these amendments using the conventional strikeout and underlining and have generally annotated them with a [MC] notation.

## Section 14

### Evaluation and Recommendations

- [87] As we have noted previously, in compliance with s32 and clause 5 of Schedule 1 of the RMA, the Council prepared and publicly notified a pRPS evaluation report dated March 2015 (‘the Section 32 Report’).<sup>56</sup> We have had particular regard to the Section 32 Report.<sup>57</sup> S32AA of the RMA requires a further evaluation of any changes made to the pRPS after the initial evaluation report is completed. The further evaluation can be the subject of a separate report, or it can be referred to in the decision-making record.<sup>58</sup> If it is referred to in the decision-making record, it should contain sufficient detail to demonstrate that a further evaluation has been duly undertaken.<sup>59</sup>
- [88] If our recommendations in this report are adopted by the Council, this report (including Appendices A and B) is intended to form part of the Council’s decision-making record. Therefore, in compliance with Schedule 1,<sup>60</sup> and electing the second option in s32AA(1)(d), we have included in this report a further evaluation of the amendments to the pRPS that we are recommending.
- [89] In the initial s42A report the authors included an evaluation under s32AA of the RMA of the amendments they recommended in response to submissions. Where we have adopted the author’s recommendations and reasons we also adopt their accompanying evaluation under s32AA.
- [90] Where we have departed from the s42A report author’s recommendations we have undertaken our own evaluation of the amendments we recommend. In doing so we have, to the extent practicable and applicable, applied the criteria contained in s32. We note that many of the submission points on the pRPS related to provisions that do not stand alone, but are part of an

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<sup>56</sup> West Coast Regional Policy Statement Section 32 Evaluation Report, March 2015.

<sup>57</sup> RMA, s66(1)(e).

<sup>58</sup> RMA, s 32AA(1)(d) and (2).

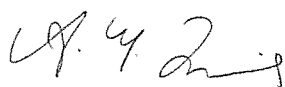
<sup>59</sup> RMA, s 32AA(1)(d)(ii).

<sup>60</sup> RMA, Schedule 1, cl 10(2)(ab).

integrated body of provisions that is intended to be understood, and to be implemented, as a coherent whole. To the extent that they do, we have also evaluated the whole by reference to the s32 criteria.

- [91] An assessment of the efficiency and effectiveness of amendments to the pRPS must involve identifying and assessing the benefits and costs of the anticipated effects of implementing them, including opportunities for economic growth and employment.<sup>61</sup> If practicable, the assessment should quantify those benefits and costs,<sup>62</sup> and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject-matter.<sup>63</sup> We note that, without expert evidence, it would be generally problematic for us to attempt to quantify benefits and costs of amendments to the pRPS provisions in money's worth. Accordingly, we have made assessments that are more broad and conceptual, rather than analytical and calculated.
- [92] We have considered and deliberated on the pRPS; the submissions lodged on it; and the reports, evidence and submissions made and given at our public hearings. In reaching our recommendations we have sought to comply with all applicable provisions of the RMA. We have had particular regard to the further evaluation of the amendments to the pRPS we are recommending. The relevant matters we have considered and our reasons for them are summarised in the main body of this report and in Appendix A. We are satisfied that the amendments we recommend are the most appropriate for achieving the purpose of the RMA and for giving effect to the higher-order instruments, including in particular the NPSFM and the NZCPS.
- [93] **We therefore recommend the amendments to the Proposed West Coast Regional Policy Statement contained in Appendix B for the reasons set out in the main body of the report and in Appendix A.**

22 June 2018



Ali Timms (MNZM)



Andrew Robb

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<sup>61</sup> RMA, s 32(2)(a).

<sup>62</sup> RMA, s 32(2)(b).

<sup>63</sup> RMA, s 32(2)(c).



Edward Ellison (ONZM)



Terry Archer (MBE)



Robert van Voorthuysen (Chair)

**Appendix A**  
**Recommended Decisions on Submissions**



**APPENDIX A - RECOMMENDED DECISIONS ON SUBMISSIONS**

In addition to the 72 primary submissions raising the points listed in this Appendix, the West Coast Regional Council received 24 further submissions in support of, or in opposition to, a primary submission. To the extent that the points raised by further submissions are not identified directly in this Appendix, we recommend that they are accepted or rejected according to our recommendations for accepting or rejecting the corresponding primary submission points.

Decision Requested	Recommendation	Reason
GS 6, GS 8, GS 10, GS 11, GS 14, GS 15, GS 17, GS 18, GS 19, GS 21, GS 24, GS 28, GS 30, GS 31, GS 34, GS 40, GS 44, GS 46, GS 47, GS 54, DR 1.1, DR 1.2, DR 1.3, DR 1.9, DR 1.12, DR 1.13, DR 1.14, DR 1.17, DR 1.21, DR 1.22, DR 1.23, DR 1.27, DR 1.30, DR 1.31, DR 1.32, DR 1.37, DR 1.38, DR 1.40, DR 1.41, DR 1.49, DR 2.32, DR 3.6, DR 3.9, DR 3.11, DR 4.1, DR 4.2, DR 4.3, DR 4.4, DR 4.8, DR 4.9, DR 4.10, DR 4.12, DR 4.15, DR 4.16, DR 4.20, DR 4.21, DR 4.22, DR 4.23, DR 4.24, DR 4.25, DR 4.27, DR 4.35, DR 4.46, DR 4.51, DR 4.58, DR 4.71, DR 4.87, DR 4.99, DR 4.104, DR 4.107, DR 4.117, DR 4.127, DR 4.130, DR 4.137, DR 4.164, DR 4.180, DR 4.181, DR 5.2, DR 5.3, DR 5.4, DR 5.8, DR 5.9, DR 5.10, DR 5.12, DR 5.13, DR 5.14, DR 5.15, DR 5.18, DR 5.20, DR 5.21, DR 5.22, DR 5.26, DR 5.27, DR 5.28, DR 5.31, DR 5.36, DR 5.50, DR 5.59, DR 5.68, DR 5.106, DR 5.123, DR 6.2, DR 6.3, DR 6.6, DR 6.11, DR 6.48, DR 6.126, DR 7.1, DR 7.3, DR 7.5, DR 7.6, DR 7.13, DR 7.14, DR 7.15, DR 7.16, DR 7.17, DR 7.18, DR 7.19, DR 7.20, DR 7.21, DR 7.22, DR 7.28, DR 7.33, DR 7.39, DR 7.49, DR 7.57, DR 7.58, DR 7.68, DR 7.78, DR 7.94, DR 7.102, DR 7.105, DR 7.107, DR 7.112, DR 7.116, DR 7.120, DR 7.141, DR 7.148, DR 7.149, DR 7.150, DR 7.159, DR 8.1, DR 8.3, DR 8.4, DR 8.5, DR 8.6, DR 8.9, DR 8.11, DR 8.15, DR 8.18, DR 8.19, DR 8.21, DR 8.22, DR 8.24, DR 8.33, DR 8.56, DR 8.59, DR 8.62, DR 8.85, DR 8.125, DR 9.1, DR 9.2, DR 9.11, DR 9.13, DR 9.14, DR 9.15, DR 9.17, DR 9.20, DR 9.21, DR 9.23, DR 9.28, DR 9.70, DR 9.79, DR 9.91,	Reject	<p>These submissions did not provide precise details of any specific amendments to the pRPS provisions, as is required by RMA Schedule 1, subclause 6(3) and Form 5 prescribed in the Resource Management (Forms, Fees and Procedures) Regulations 2003.</p> <p>Some submissions were stated in such general terms that it was not evident whether a specific amendment to the pRPS was being asked for at all, or if it was, what form any such amendment should take.</p>

Decision Requested	Recommendation	Reason
DR 9.108, DR 9.112, DR 9.119, DR 10.1, DR 10.2, DR 10.3, DR 10.4, DR 10.6, DR 10.7, DR 10.8.		
GS 7, GS 22, GS 25, GS 27, GS 29, GS 32, GS 35, GS 36, GS 43, GS 45, DR 3.1, DR 3.2, DR 5.5, DR 5.37, DR 6.5, DR 8.8, DR 8.26, D5 8.45, DR 8.50, DR 8.55, DR 8.74, DR 8.83, DR 8.88, DR 9.12, DR 9.19, DR 9.46, DR 9.73, DR 10.20, DR 10.22, DR 10.23, DR 10.26, DR 10.27, DR 10.28, DR 11.2, DR 11.3, DR 11.5, DR 11.6, DR 11.8, DR 11.63, DR 11.74, DR 11.75, DR 12.2, DR 16.5, DR 16.6, DR 16.7.	Reject	These submissions sought that the pRPS be withdrawn, or that particular Chapters be redrafted in whole or in part in a relatively unspecified manner. In that latter category of submissions, no alternative or amended wording was provided for our consideration by the submitters. We consider that recommending the granting such general relief is outside the scope of our role which is to recommend amendments to the pRPS in response to submissions seeking clearly articulated amendments to specific provisions. In terms of procedural fairness, any substantial redrafting of the notified provisions not clearly signalled in the submissions should instead be undertaken by way of a Variation or Change to the notified pRPS.
GS 26, DR 5.6.	Reject	These submissions sought further dialogue or discussion. That is not our role.
DR 1.48, DR 3.8, DR 5.57, DR 5.76, DR 9.78.	Reject	These submissions sought the inclusion of wording directly from the RMA. There is no need to duplicate the wording of the Act in the pRPS.
DR 16.3, DR 17.1 to DR 17.14.	Reject	These submissions address the Council's Section 32 Evaluation Report. We have no scope to amend that Report as it is a standalone Council document and we are not responsible for its contents. See Sections 2 and 13 of our recommendation report for a discussion of the matters we are required to address under s32AA of the RMA.
DR 19.1 to 19.7.	Reject	These submissions addressed the contents of external documents over which we have no control. The submissions did not seek any specific amendments to the provisions of the pRPS.

Decision Requested	Recommendation	Reason
GS 1, GS 2, GS 3, GS 4, GS 5, GS 9, GS 16, GS 23, GS 33, GS 37, GS 38, GS 39, GS 41, GS 42, GS 48, GS 49, GS 50, GS 51, GS 52, GS 53, DR 1.4, DR 1.5, DR 1.7, DR 1.8, DR 1.10, DR 1.11, DR 1.16, DR 1.19, DR 1.20, DR 1.24, DR 1.26, DR 1.28, DR 1.29, DR 1.33, DR 1.34, DR 1.35, DR 1.36, DR 1.39, DR 1.43, DR 1.44, DR 1.47, DR 2.1, DR 2.3, DR 2.5, DR 2.6, DR 2.7, DR 2.8, DR 2.9, DR 2.10, DR 2.11, DR 2.12, DR 2.13, DR 2.14, DR 2.15, DR 2.16, DR 2.18, DR 2.19, DR 2.20, DR 2.21, DR 2.22, DR 2.23, DR 2.24, DR 2.25, DR 2.27, DR 2.28, DR 2.29, DR 2.30, DR 2.31, DR 3.3, DR 3.5, DR 4.5, DR 4.6, DR 4.7, DR 4.11, DR 4.14, DR 4.18, DR 4.19, DR 4.33, DR 4.34, DR 4.36, DR 4.37, DR 4.39, DR 4.40, DR 4.42, DR 4.43, DR 4.44, DR 4.45, DR 4.48, DR 4.49, DR 4.50, DR 4.52, DR 4.53, DR 4.54, DR 4.56, DR 4.57, DR 4.59, DR 4.60, DR 4.61, DR 4.62, DR 4.63, DR 4.65, DR 4.67, DR 4.68, DR 4.70, DR 4.73, DR 4.74, DR 4.75, DR 4.76, DR 4.77, DR 4.78, DR 4.80, DR 4.81, DR 4.82, DR 4.83, DR 4.85, DR 4.86, DR 4.88, DR 4.90, DR 4.92, DR 4.93, DR 4.94, DR 4.97, DR 4.100, DR 4.102, DR 4.103, DR 4.105, DR 4.108, DR 4.110, DR 4.111, DR 4.112, DR 4.115, DR 4.116, DR 4.119, DR 4.120, DR 4.122, DR 4.123, DR 4.126, DR 4.128, DR 4.131, DR 4.132, DR 4.134, DR 4.135, DR 4.136, DR 4.138, DR 4.140, DR 4.142, DR 4.143, DR 4.144, DR 4.145, DR 4.146, DR 4.147, DR 4.149, DR 4.151, DR 4.152, DR 4.154, DR 4.155, DR 4.156, DR 4.157, DR 4.158, DR 4.161, DR 4.166, DR 4.167, DR 4.168, DR 4.169, DR 4.170, DR 4.171, DR 4.172, DR 4.173, DR 4.174, DR 4.175, DR 5.1, DR 5.7, DR 5.16, DR 5.23, DR 5.24, DR 5.25, DR 5.38, DR 5.39, DR 5.41, DR 5.42, DR 5.43, DR 5.44, DR 5.45, DR 5.47, DR 5.53, DR 5.55, DR 5.56, DR 5.58, DR 5.60, DR 5.61, DR 5.62, DR 5.63, DR 5.64, DR 5.65, DR 5.67, DR 5.70, DR 5.72, DR 5.74, DR 5.75, DR 5.77, DR 5.78, DR 5.80, DR 5.81, DR 5.82, DR 5.83, DR 5.85, DR 5.88, DR 5.90, DR 5.91, DR 5.92, DR 5.93, DR 5.94, DR 5.95, DR 5.97, DR 5.98, DR 5.99, DR 5.102, DR 5.105, DR 6.7, DR 6.8, DR 6.13, DR 6.17, DR 6.18, DR 6.20, DR 6.21, DR 6.23, DR 6.24, DR 6.26,	Accept in part	<p>These submissions expressed general support for the pRPS, or for particular provisions within it, and did not seek any amendments to those provisions.</p> <p>The submissions are recommended to be accepted in part because we have sometimes recommended amendments to some of those provisions that were supported, either in response to other submissions or as a consequence of amendments recommended to other parts of the pRPS.</p>

Decision Requested	Recommendation	Reason
DR 6.27, DR 6.28, DR 6.29, DR 6.36, DR 6.38, DR 6.40, DR 6.41, DR 6.44, DR 6.49, DR 6.50, DR 6.51, DR 6.52, DR 6.54, DR 6.55, DR 6.56, DR 6.57, DR 6.58, DR 6.60, DR 6.62, DR 6.63, DR 6.66, DR 6.67, DR 6.68, DR 6.69, DR 6.70, DR 6.73, DR 6.74, DR 6.75, DR 6.76, DR 6.77, DR 6.78, DR 6.79, DR 6.82, DR 6.83, DR 6.84, DR 6.85, DR 6.87, DR 6.89, DR 6.90, DR 6.91, DR 6.92, DR 6.93, DR 6.94, DR 6.95, DR 6.104, DR 6.109, DR 6.116, DR 6.120, DR 6.122, DR 6.125, DR 6.128, DR 6.129, DR 6.132, DR 6.134, DR 7.34, DR 7.36, DR 7.40, DR 7.44, DR 7.47, DR 7.50, DR 7.52, DR 7.60, DR 7.62, DR 7.63, DR 7.65, DR 7.66, DR 7.69, DR 7.73, DR 7.74, DR 7.79, DR 7.80, DR 7.82, DR 7.85, DR 7.87, DR 7.88, DR 7.91, DR 7.92, DR 7.96, DR 7.100, DR 7.108, DR 7.109, DR 7.110, DR 7.111, DR 7.113, DR 7.115, DR 7.139, DR 7.144, DR 7.156, DR 7.158, DR 8.2, DR 8.10, DR 8.23, DR 8.30, DR 8.31, DR 8.32, DR 8.34, DR 8.35, DR 8.36, DR 8.37, DR 8.38, DR 8.39, DR 8.46, DR 8.47, DR 8.48, DR 8.52, DR 8.53, DR 8.57, DR 8.58, DR 8.60, DR 8.61, DR 8.63, DR 8.64, DR 8.65, DR 8.66, DR 8.67, DR 8.68, DR 8.69, DR 8.76, DR 8.77, DR 8.78, DR 8.81, DR 8.86, DR 8.87, DR 8.89, DR 8.91, DR 8.92, DR 8.93, DR 8.94, DR 8.95, DR 8.96, DR 8.109, DR 8.116, DR 8.119, DR 8.124, DR 9.3, DR 9.4, DR 9.5, DR 9.18, DR 9.34, DR 9.37, DR 9.38, DR 9.39, DR 9.40, DR 9.44, DR 9.45, DR 9.48, DR 9.50, DR 9.53, DR 9.55, DR 9.56, DR 9.57, DR 9.58, DR 9.59, DR 9.60, DR 9.67, DR 9.68, DR 9.72, DR 9.74, DR 9.75, DR 9.76, DR 9.77, DR 9.83, DR 9.84, DR 9.86, DR 9.87, DR 9.88, DR 9.89, DR 9.92, DR 9.93, DR 9.103, DR 9.104, DR 9.105, DR 9.106, DR 9.109, DR 9.110, DR 9.121, DR 9.122, DR 9.123, DR 10.11, DR 10.12, DR 10.14, DR 10.15, DR 10.17, DR 10.18, DR 10.19, DR 11.1, DR 11.7, DR 11.13, DR 11.14, DR 11.15, DR 11.16, DR 11.17, DR 11.18, DR 11.19, DR 11.22, DR 11.24, DR 11.25, DR 11.26, DR 11.29, DR 11.30, DR 11.31, DR 11.32, DR 11.34, DR 11.35, DR 11.38, DR 11.39, DR 11.40, DR 11.41, DR 11.42, DR 11.44, DR 11.45, DR 11.46, DR 11.48, DR 11.49, DR 11.53, DR 11.54, DR 11.55, DR 11.57,		

Decision Requested	Recommendation	Reason
DR 11.58, DR 11.59, DR 11.61, DR 11.62, DR 11.64, DR 11.65, DR 11.66, DR 12.1, DR 12.2, DR 13.3, DR 13.9, DR 13.11, DR 13.14.		
DR 4.64, DR 4.89, DR 9.8, DR 9.46, DR 13.19, DR 13.20, DR 15.1 to DR 15.36.	Accept in part	In response to these and other submissions it is recommended to add a new Objective, Policy and Method, together with other consequential amendments, to “Chapter 4 Resilient and Sustainable Communities” recognising the importance and role of heritage on the West Coast. We have had regard to all of the listed submissions, and to the helpful evidence of Heritage New Zealand Pouhere Taonga, when determining the appropriate wording for the recommended additional provisions. See also Section 11 of our recommendation report.
DR 2.2, DR 4.31, DR 4.101, DR 5.79, DR 6.1, DR 6.19, DR 6.39, DR 6.43, DR 6.59, DR 7.126, DR 7.127, DR 7.152, DR 8.7, DR 8.13, DR 8.27, DR 8.98, DR 9.113, DR 18.2.	Accept	For these submissions we adopt the Recommendations and associated Reasons set out in the “Section 42A Staff Recommending Report” or in the “Council’s Planning Officer’s Right of Reply Report”.
GS 20, DR 1.46, DR 2.17, DR 2.26, DR 3.7, DR 4.13, DR 4.17, DR 4.28, DR 4.30, DR 4.32, DR 4.41, DR 4.72, DR 4.139, DR 4.148, DR 4.150, DR 4.160, DR 4.179, DR 5.11, DR 5.19, DR 5.29, DR 5.33, DR 5.34, DR 5.46, DR 5.104, DR 5.108, DR 5.114, DR 5.115, DR 6.14, DR 6.15, DR 6.16, DR 6.22, DR 6.30, DR 6.32, DR 6.34, DR 6.42, DR 6.47, DR 6.53, DR 6.65, DR 6.72, DR 6.88, DR 6.96, DR 6.97, DR 6.100, DR 6.101, DR 6.102, DR 6.103, DR 6.105, DR 6.106, DR 6.107, DR 6.108, DR 6.115, DR 6.119, DR 6.123, DR 6.127, DR 6.130, DR 6.133, DR 7.2, DR 7.4, DR 7.23, DR 7.25, DR 7.26, DR 7.30, DR 7.35, DR 7.37, DR 7.38, DR 7.41, DR 7.42, DR 7.43, DR 7.54, DR 7.55, DR 7.56, DR 7.106, DR 7.121, DR 7.122, DR 7.128, DR 7.138, DR 7.143, DR 7.145, DR 7.147, DR 7.151, DR 8.14, DR 8.25, DR 8.29, DR 8.51, DR 8.70, DR 8.71, DR 8.73, DR 8.82, DR 8.99, DR 8.101, DR 8.102, DR 8.103, DR 8.106, DR 8.107, DR 8.110, DR 8.113, DR 8.115, DR 8.122, DR 9.9, DR 9.24, DR 9.25, DR 9.27, DR 9.30, DR 9.31, DR 9.32, DR 9.35, DR 9.36, DR 9.47, DR 9.51, DR 9.52, DR 9.81, DR 9.82, DR 9.90, DR 9.96, DR 9.97, DR 9.98, DR 9.99, DR 9.100, DR 9.101, DR 9.111, DR 9.114, DR 9.116, DR 9.120, DR 10.13,	Accept in part	References in the Reasons contained in those two reports to “Council” or “staff” should be read as “the Panel”, as may be appropriate in the context of each reason. References in the Reasons to “our Region” should be read as “the Region” and references to “our community” should be read as “the community”.

Decision Requested	Recommendation	Reason
DR 10.16, DR 10.24, DR 11.4, DR 11.9, DR 11.11, DR 11.21, DR 11.27, DR 11.33, DR 11.36, DR 11.37, DR 11.47, DR 11.50, DR 11.51, DR 11.52, DR 11.60, DR 11.67, DR 11.68, DR 11.70, DR 11.71, DR 11.73, DR 12.3, DR 13.2, DR 13.6, DR 13.8, DR 13.12, DR 13.13, DR 13.15, DR 18.1.		
DR 2.4, DR 3.4, DR 4.26, DR 4.29, DR 4.38, DR 4.55, DR 4.84, DR 4.113, DR 4.118, DR 4.125, DR 4.159, DR 4.163, DR 4.165, DR 4.178, DR 4.182, DR 5.35, DR 5.40, DR 5.48, DR 5.49, DR 5.51, DR 5.52, DR 5.54, DR 5.69, DR 5.71, DR 5.73, DR 5.96, DR 5.107, DR 5.109, DR 5.112, DR 5.116, DR 5.117, DR 5.118, DR 5.119, DR 5.120, DR 6.4, DR 6.9, DR 6.25, DR 6.31, DR 6.33, DR 6.37, DR 6.45, DR 6.46, DR 6.61, DR 6.64, DR 6.71, DR 6.81, DR 6.86, DR 6.98, DR 6.110, DR 6.114, DR 6.117, DR 6.118, DR 6.121, DR 6.124, DR 7.7, DR 7.103, DR 7.129, DR 7.135, DR 7.136, DR 7.137, DR 7.160, DR 8.12, DR 8.16, DR 8.17, DR 8.20, DR 8.40, DR 8.49, DR 8.54, DR 8.75, DR 8.90, DR 8.97, DR 8.100, DR 8.104, DR 8.105, DR 8.108, DR 8.111, DR 8.117, DR 8.118, DR 8.120, DR 8.121, DR 8.123, DR 9.16, DR 9.29, DR 9.42, DR 9.61, DR 9.62, DR 9.66, DR 9.69, DR 9.80, DR 9.85, DR 9.94, DR 9.95, DR 9.107, DR 9.117, DR 10.5, DR 10.9, DR 10.10, DR 10.21, DR 10.25, DR 10.29, DR 10.30, DR 11.12, DR 11.20, DR 11.28, DR 11.43, DR 11.56, DR 11.72, DR 11.76, DR 13.1, DR 13.3, DR 13.4, DR 13.5, DR 13.7, DR 13.10, DR 13.16, DR 16.1, DR 16.2, DR 16.4, DR 16.8, DR 16.9, DR 16.10, DR 16.11, DR 16.12, DR 16.13, DR 18.3.	Reject	
DR 1.6.	Accept in part	We acknowledge that biodiversity is important within the West Coast Region and have recommended amendments to better give effect to the higher order instruments.
DR 1.15.	Accept	We agree with the submitter that access to good education is an important factor for enabling resilient and sustainable communities.
DR 1.18.	Reject	The Guiding Principle referring to the ‘Economy and Environment’ is about finding a balance between the economy and the environment, recognising that they are intertwined and

Decision Requested	Recommendation	Reason
		each rely on the other. There are specific 'environmental' chapters and provisions within the pRPS which consider air, water, biodiversity and landscapes as well as the coastal environment.
DR 1.25.	Reject	The amendment sought does not add any further value to the Guiding Principle and covers matters that are already addressed in other chapters of the pRPS.
DR 1.42.	Reject	Striking out the paragraph would detract from the completeness of the pRPS. The term "reasonable" is capable of being understood on its common meaning.
DR 1.45.	Reject	The pRPS needs to be read as a whole. The concept of sustainable management is embodied throughout the pRPS objectives and policies.
DR 3.10.	Accept in part	Section 62(a) of the RMA dictates that a RPS must state the regionally significant issues for the region which will vary from region to region. Some minor amendments are recommended to the section "Other matters" to more clearly explain how s6 and s7 matters that are not considered to be significant resource management issues are dealt with in the pRPS.
DR 4.47.	Accept in part	In response to this and other submissions we recommend amendments to Issue 3. Also, as a result of DR 4.72, an amendment is recommended to Objective 2 with the addition of the term "sustainable" to ensure that the link between development and protection is more clearly established.
DR 4.66.	Accept in part	The term 'environmental outcomes' relates in part to the pRPS AERs. We recommend an amendment to make that clear.
DR 4.69.	Accept in part	We agree that the subjective term "welcomes" should be omitted.
DR 4.79.	Reject	We are not persuaded that the requested amendment would assist with understanding the Objective.

Decision Requested	Recommendation	Reason
DR 4.91, DR 4.95, DR 4.109, DR 4.121, DR 4.153, DR 4.176, DR 4.177, DR 4.183, DR 5.121, DR 5.122, DR 6.35, DR 6.111, DR 6.112, DR 6.113, DR 6.131, DR 7.31, DR 7.104, DR 7.157, DR 8.42, DR 8.43, DR 11.69.	Reject	Other provisions in the pRPS, including amendments we recommend in response to other submissions, already adequately address these matters.
DR 4.96.	Accept in part	We recommend that the word "prioritising" is replaced with the words "including" and "enabling" as the context requires.
DR 4.98.	Accept in part	We recommend that "existing and new" economic activities are referred to in Policy 1.
DR 4.106.	Accept in part	The support in part is acknowledged. We agree that subdivision, use and development must be undertaken in a way that implements the relevant national policy statements.
DR 4.114, DR 6.99, DR 7.146, DR 9.118.	Reject	These submissions are outside the scope of the pRPS.
DR 4.124, DR 4.129, DR 4.133.	Accept	We recommend the omission of Policy 3.
DR 4.141.	Reject	The transfer of functions is set out in s33 of the RMA which outlines the specific criteria on how and when they are to take place. We understand that a transfer of functions will not create private-public-partnerships.
DR 4.162.	Reject	We are not persuaded that the suggested amendment assists with explaining the policy provisions.
DR 5.17.	Reject	The amendments requested would unjustifiably weaken the pRPS and reduce its effectiveness in achieving the purpose of the Act.
DR 5.30.	Accept in part	We agree that the paragraphs referred to should be omitted. We also recommend the amendments that were set out by the s42A authors, which we understand were discussed in pre-hearing meetings.
DR 5.32.	Accept in part	We acknowledge that mining and dairying can have potential adverse effects. Consequently, we recommend the amendments that were set out by the s42A authors.
DR 5.66.	Reject	"Conservation" is primary a passive land use which does sit well within the context of Objective 2.
DR 5.84, DR 5.86, DR 5.87, DR 5.89, DR 5.101, DR 5.103.	Accept in part	See our narrative in Section 7 of this recommendation report.
DR 5.100.	Accept	We agree that clause (v) of Policy 2(a) should be retained.



Decision Requested	Recommendation	Reason
DR 5.110.	Accept in part	We agree that the text should be amended to address the concerns raised, and also to acknowledge that some activities can only locate in particular places due to functional needs.
DR 5.113.	Accept in part	In response to other submissions we recommend adding provisions to Chapter 4 for public access, including a new Policy Explanation.
DR 5.121.	Reject	We agree that the Principal Reasons should refer to “protection” as well as use.
DR 6.10.	Accept in part	We accept that RSI can have potential adverse effects on other land uses. Accordingly, we recommend the amendments to Chapters 5 and 6 that were set out by the s42A authors.
DR 6.12.	Reject	We are not persuaded that the requested amendment to the Background text is warranted.
DR 6.80.	Accept in part	We acknowledge that the imposition of offsets needs to be considered on a case by case basis, having regard to relevant case law, national policy and good practice guidelines on offsets, and expert advice. We recommend amendments to the text accordingly.
DR 7.27.	Reject	We are not persuaded that referring to the Forest Act 1949 is necessary. We understand that the provisions of the Forest Act to not preclude RMA requirements applying to forestry operations.
DR 7.48, DR 7.53.	Accept in part	We are not persuaded that deleting Issue 3 is appropriate. However, in response to other submissions we recommend that Issue 3 is amended to better reflect the requirements of Part 2 of the RMA and the superior instruments.
DR 7.8, DR 7.9, DR 7.10, DR 7.11, DR 7.24, DR 7.32, DR 7.45, DR 7.46, DR 7.51, DR 7.59, DR 7.61, DR 7.64, DR 7.67, DR 7.71, DR 7.76, DR 7.77, DR 7.81, DR 7.83, DR 7.86, DR 7.89, DR 7.90, DR 7.114, DR 7.117, DR 7.118, DR 7.123, DR 7.124, DR 7.125, DR 14.1.	Accept in part	See our narrative in Section 9 of this recommendation report.

Decision Requested	Recommendation	Reason
DR 7.29, DR 7.70, DR 7.72, DR 7.75, DR 7.93, DR 7.95, DR 7.97, DR 7.98, DR 7.99, DR 7.101, DR 7.132, DR 7.133, DR 7.134, DR 7.140, DR 7.142, DR 7.153, DR 7.154, DR 7.155.	Accept in part	In response to other submissions we are recommending the omission of the text referring to “encouraging the Crown to acquire ownership” of private land and the omission of Policy 2 and its explanation, and the associated Method and AER.
DR 7.119, DR 13.17, DR 13.18, DR 13.21.	Accept in part	Various provisions in the pRPS (including amendments we recommend) refer to ‘offsets’. The detailed additional policy sought is out of context with the rest of the document, as are definitions of ‘biodiversity offset’ and ‘no net loss’. However, where the term ‘offset’ is now recommended to be first included in Chapter 2 of the pRPS, we recommend a new footnote referring to the August 2014 guideline document.
DR 7.131.	Reject	The additional wording sought is more akin to a new policy than an explanation of Policy 1.
DR 7.84, DR 7.130, DR 8.28, DR 8.41, DR 8.44, DR 8.72, DR 8.79, DR 8.80, DR 8.84, DR 8.112.	Accept in part	See our narrative in Section 10 of this recommendation report.
DR 8.114.	Reject	We are not persuaded that the suggested amendment to Method 1 would assist with achieving the purpose of the Act.
DR 7.12, DR 9.6, DR 9.7, DR 9.9, DR 9.10, DR 9.22, DR 9.33, DR 9.43, DR 9.54, DR 9.63, DR 9.64, DR 9.65, DR 9.71, DR 9.102.	Accept in part	See our narrative in Section 11 of this recommendation report.
DR 9.26.	Reject	Deleting the paragraph referred to would inappropriately weaken the Background discussion.
DR 9.115.	Accept	We agree that it is appropriate to refer to hazards within the coastal environment and their inclusion in district plans and that doing so gives better effect to the NZCPS.
DR 10.31	Accept in part	In response to this submission we recommend referring to guidelines and standards.
DR 11.10.	Reject	We are not persuaded that deleting the words referred to would assist with clarifying the Background to the Issues.
DR 11.23.	Reject	The ‘qualification’ sought by the submitter inappropriately detracts from the clear aim of the Objective.

**Appendix B**  
**pRPS Incorporating Recommended Amendments**

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Proposed

# West Coast Regional Policy Statement

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(Added or moved text shown in italics and underlined, deleted text shown with strikethrough. Grey wash shading indicates amendments recommended by the Hearings Panel over and above amendments recommended by the reporting officers.)

Hearing Panel Recommendations Version  
22 June 2018

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Part A  
Introduction and background

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# 1. Introduction

## 1.1 Role of the Regional Policy Statement – Its Scope and Effect

The role of the Regional Policy Statement (RPS) is to promote the sustainable management of the natural and physical resources of the West Coast. It does this by:

- Providing an overview of the resource management issues of the region; and
- Identifying policies and methods to achieve integrated management of the West Coast's natural and physical resources.

The ~~Regional Policy Statement~~ RPS [MC] is the vehicle for identifying and dealing with the significant resource management issues on the West Coast. It takes account of all those issues relating to resources such as land, water, infrastructure, and the coastal environment that are of importance to the region, and puts in place policies and methods to achieve the integrated management of those resources.

The ~~Regional Policy Statement~~ RPS [MC] has an important role in setting the overall direction for the management of natural and physical resources and the environment of the West Coast. Although the ~~Regional Policy Statement~~ RPS [MC] does not contain rules to regulate activities, the West Coast Regional Council (WCRC) [MC] and the District Councils of the region are required to give effect to this document when preparing or changing regional or district plans (which may contain such rules). In addition, the ~~West Coast Regional Council~~ (WCRC) and the Territorial Authorities are required to "...have regard to" relevant objectives and policies in the ~~Regional Policy Statement~~ RPS [MC] when considering an application for a resource consent (section 104(1)) of the Resource Management Act (RMA) [MC].

The Regional Council must have a ~~Regional Policy Statement~~ RPS [MC] in place at all times – this will be the West Coast's second one. The ~~Resource Management Act~~ (RMA) [MC] prescribes what the ~~Regional Policy Statement~~ RPS [MC] must cover (section 62) and the responsibilities of regional and district councils (sections 30 and 31).

## 1.2 Regional Policy Statement Guiding Principles

The ~~West Coast Regional Council~~ (WCRC) [MC] has developed this ~~Regional Policy Statement~~ RPS [MC] using the following principles. They provide strategic direction on what is important to the communities of the West Coast.

### PEOPLE

People are at the heart of this Regional Policy Statement. All District and Regional Plans should have regard to people and communities and their need for a healthy environment, well managed infrastructure, employment, and business opportunities *and education* [DR 1.15] for their wellbeing and long-term economic success.

### ECONOMY AND ENVIRONMENT

The ~~Regional Policy Statement~~ RPS [MC] ~~is developed giving weight, and finding the balance, between~~ *seeks to give due consideration to* economic and environmental ~~considerations~~ *factors in resource management decision-making*. [GS 20] It recognises that a healthy West Coast economy needs a healthy environment. This ~~Regional Policy Statement~~ RPS [MC] is enabling, balancing improving the economy and using our resources wisely, with managing and investing in the environment to achieve our future aspirations for improvement throughout the West Coast.

### EFFECTIVENESS

The Regional Council believes that environmental regulation needs to be clear and simple with quick processes. It recognises that solutions must be affordable, fit for purpose and achieve the objectives. The policy instruments used should match the resource management issues and opportunities identified. In line with affordability this avoids unnecessary compliance costs.

**ADAPTIVE MANAGEMENT**

The management of the natural and physical resources of the West Coast is a complex task as the environment, resources and systems are dynamic. Understanding of these also changes over time. The management regime is therefore adaptive and able to respond to change as required in order to achieve sustainable resource management.

**AFFORDABILITY**

There may be circumstances where current resource management practices may have to change over time in order for these resources to be managed sustainably. Where these changes may impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental outcomes to be achieved. This is to take into account the need for change and the costs and effects of not acting, or not acting quickly.

## 1.3 Statutory and Planning Framework

### 1.3.1 POLICIES, PLANS AND OTHER INSTRUMENTS

The ~~Regional Policy Statement~~ RPS [MC] is the key document for identifying issues related to the development, use and protection of natural and physical resources on the West Coast and establishing a management framework for dealing with them. It is, however, only part of a broader policy and planning framework under the RMA. The RMA provides for a hierarchy of resource management policy statements and plans related to the three levels of government – central, regional and district.

At the national level, the main statutory instruments include:

**National environmental standards** – Regulations made by Order in Council on the recommendation of the Minister for the Environment, to prescribe technical standards relating to the use, development and protection of natural and physical resources. National standards override existing provisions in plans that require a lesser standard.

**National policy statements** – Issued on recommendation by the Minister for the Environment, they state policy on matters of national significance relevant to achieving the purpose of the RMA. Regional and district-level planning documents prepared under the RMA must give effect to these.

**New Zealand Coastal Policy Statement** – Prepared and issued by the Minister of Conservation, it states policies for achieving the purpose of the RMA in relation to the coastal environment of New Zealand. Regional and district-level planning documents prepared under the RMA must give effect to the ~~New Zealand Coastal Policy Statement~~ (NZCPS) [MC].

**Water conservation orders** – Issued on the recommendation of the Minister for the Environment and made by Order in Council to recognise and sustain outstanding amenity or intrinsic values associated with a waterbody that warrants protection. The ~~Regional Policy Statement~~ RPS [MC] must not be inconsistent with these.

At the regional or district level, the main statutory instruments include:

**Regional policy statements** – Prepared by regional councils to achieve the purpose of the RMA by providing an overview of the significant resource management issues for the region, and the policies and methods to achieve integrated management.

**Regional coastal plan** – Prepared by regional councils these are intended to assist the regional council, in conjunction with the Minister of Conservation, to manage the coastal marine area where each has specific functional responsibilities. The coastal marine area generally encompasses the foreshore, coastal water, and the air space above the water, between mean high water springs and the outer limits of the territorial sea. Regional coastal plans may contain rules to control activities and effects.

**Regional plans** – Prepared by regional councils to assist them in carrying out their functions under the RMA, they must give effect to the ~~Regional Policy Statement~~ RPS [MC]. Regional plans are optional and may contain rules to control activities and effects.

**District plans** – Prepared by district councils these plans assist them in carrying out their specific functional responsibilities under the RMA, particularly those relating to controlling the effects of land



use and subdivision, and the provision of associated public works and utilities. District plans may contain rules to control activities and effects. The RMA requires that district plans must “give effect” to the Regional Policy Statement of a region and must “not be inconsistent with” regional plans.

**Resource consents** – Required either from a regional or district council (or both) to carry out activities that would otherwise contravene the restrictions in the RMA on the use and development of natural and physical resources. Under section 104(1) of the RMA, a consent authority considering a resource consent must have regard to any relevant regional policy statement.

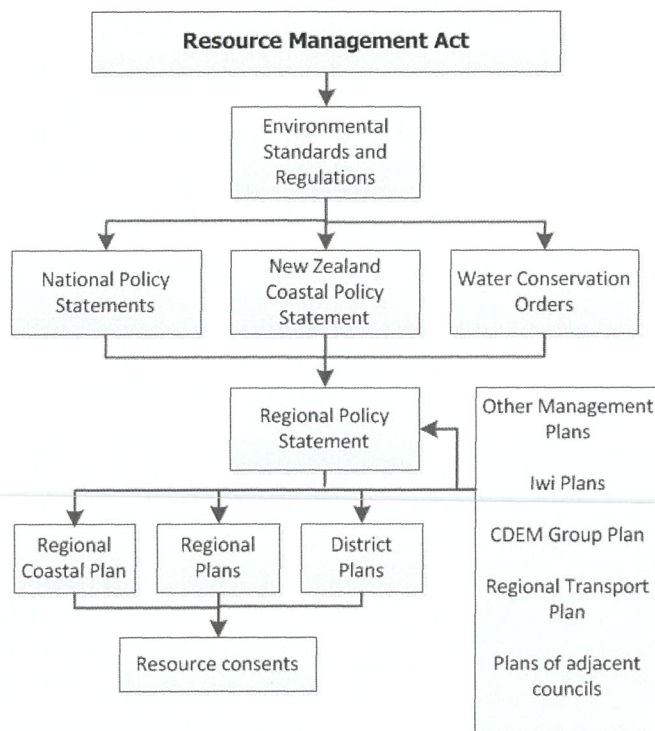


Figure 1: Regulatory Framework

### **Duties in relation to Māori**

*The RMA recognises that the Principles of the Treaty of Waitangi are an integral part of promoting the sustainable management of natural and physical resources. Section 61 of the RMA requires that regional policy statements must be prepared in accordance with Part 2 matters, including the Treaty of Waitangi principles, and recognising and providing for the culture and traditions of Māori in the region, and their relationship with their ancestral lands, water, sites wāhi tapu and other taonga. Section 62 of the RMA requires a RPS to state the resource management issues of significance to iwi authorities in the region. Te Rūnanga o Ngāi Tahu is the iwi authority for the entire West Coast Region. Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). Under section 9 of the Te Rūnanga o Ngāi Tahu Act 1996 the two papatipu rūnanga who represent the tangata whenua interests of Poutini Ngāi Tahu on the West Coast are Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. [DR 2.2]*

*Section 220 of the Ngāi Tahu Claims Settlement Act 1998 recognises the mana held by Ngāi Tahu in relation to specific sites and resources, known as Statutory Acknowledgement Areas. These are acknowledgements by the Crown of the special relationships that Ngāi Tahu have with the Areas for cultural, spiritual, historical, and traditional reasons. On the West Coast the Statutory Acknowledgement Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Lake Brunner/Moana), Lake Kaniere, Pouerua-hāpua (Saltwater Lagoon), Ōkārīto Lagoon, Makaawhio (Jacob’s River), Karangarua Lagoon, and Lake Paringa. The West Coast Councils will consider Te Rūnanga o Ngāi Tahu and the respective papatipu rūnanga to be affected parties where resource use may adversely affect Statutory Acknowledgement Areas. [DR 2.2]*

### 1.3.2 FUNCTIONS AND POWERS

To give effect to the purpose and principles of the RMA, central government, regional and district councils have specific functions, powers and duties.

Regional and district councils have been given primary responsibilities for the management of natural and physical resources within their areas, subject to the requirements of central government as exercised through the instruments available under the RMA or through other legislation (such as the Local Government Act 2002 or Civil Defence Emergency Management Act 2002).

Under section 30 of the RMA, the ~~West Coast Regional Council~~ WCRC [MC] is responsible for the control of:

- Water, air, and land (for the purpose of soil conservation, water management, natural hazards avoidance and mitigation and hazardous substances management); and
- The investigation of land for the purposes of identifying and monitoring contaminated land;
- The coastal marine area (in conjunction with the Minister of Conservation);
- The discharge of contaminants into the environment;
- River and lake beds; and
- The establishment and implementation of objectives, policies and methods for indigenous biodiversity; and,
- The strategic integration of infrastructure with land use through objectives, policies and methods.

Under section 31 of the RMA, the three district councils are responsible, in relation to their district, for the preparation of objectives and policies for the:

- Integrated management of the effects of land use;
- Control of the effects of land use, including responsibility for the:
  - avoidance and mitigation of natural hazards;
  - use, disposal or transportation of hazardous substances;
  - prevention and mitigation of the adverse effects of the use of contaminated land; and
  - the maintenance of indigenous biodiversity;
- Control of the emission of noise; and,
- Control of activities on the surface of water in rivers and lakes.

Under section 30(1)(a) of the RMA, the ~~West Coast Regional Council~~ WCRC [MC] is further responsible for preparing objectives, policies and methods to achieve integrated management of the natural and physical resources of the region and for preparing objectives and policies in relation to any actual or potential effects of the use, development, or ~~and~~ [MC] protection of any land which is of significance. The RPS ~~Regional Policy Statement~~ [MC] has been developed to give effect to this responsibility.

### 1.3.3 STATEMENT OF REGIONAL AND DISTRICT COUNCIL RESPONSIBILITIES

The ~~Regional Policy Statement~~ RPS [MC] must state the local authority responsible for specifying the objectives, policies and methods for the control of the use of land –

To avoid or mitigate natural hazards or any group of natural hazards; and

~~To prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances; and~~ [MC]

To maintain indigenous biological diversity.

This ~~Regional Policy Statement~~ RPS [MC] has identified the management of natural hazards and indigenous biological diversity as significant resource management issues for the West Coast and consequently addresses the roles and responsibilities within ~~Sections~~ *Chapters* 11 and 7 respectively. However there are no corresponding policies or methods for the management of hazardous substances as they are not considered to be a regionally significant issue for this Regional Policy Statement. Table 1 identifies the respective roles and responsibilities for the management of hazardous substances. This approach is consistent with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants on Soil to Protect Human Health) Regulation 2011, which outlines district

council responsibilities in more detail. Further detail on the management of hazardous substances is included in the Regional and District Plans where relevant.

Table 1: Hazardous substances roles and responsibilities

Parts of the West Coast	Responsibility for specifying objectives, policies, methods including rules
<ul style="list-style-type: none"> <li>▪ In the coastal marine area, on beds of rivers and lakes, and on or into water bodies</li> <li>▪ Discharge into or onto land</li> <li>▪ Discharge to air</li> <li>▪ Contaminated land</li> </ul>	Regional Council
All other land use, and the surface of freshwater bodies.	District Councils

[MC]

## 1.4 User Guide to the Regional Policy Statement RPS [MC]

Part A (this part) contains the introduction. This includes the purpose and the key principles of the Regional Policy Statement RPS [MC] and an overview of the RMA which provides the statutory framework relevant to the implementation of objectives, policies and methods in the Regional Policy Statement RPS [MC].

Part B contains the *significant resource management issues for the West Coast, including the issues of significance to Poutini Ngāi Tahu. It provides a summary of these issues and sets out the objectives, policies, methods and anticipated environmental results relating to them. This includes* [DR 2.2] the objectives, policies and methods to take into account the principles of the Treaty of Waitangi and for recognising and providing for the relationship of Māori with ancestral lands, water, sites, wāhi tapu and other taonga.

Part C contains the significant resource management issues for the West Coast. It provides a summary of these issues and also considers how other provisions under sections 6 and 7 of the RMA are considered and managed. [DR 2.2]

In relation to each issue, objectives, policies, methods of implementation and environmental results anticipated are identified. To assist the reader in locating all relevant policies, related policies (e.g. *for example* where *policies in several chapters are relevant to a proposed activity*) an activity has effects on other resources) are cross-referenced *in Chapters 3-11*. [DR 2.2]

Part D C sets out the administrative procedures relating to the implementation of the Regional Policy Statement RPS [MC]. They include the processes that the West Coast Regional Council WCRC [MC] will use to promote integrated management and deal with issues that cross local authority boundaries, and the procedures to monitor the effectiveness of the Regional Policy Statement RPS [MC] and for its review.

Glossary - To assist readers in using the Regional Policy Statement RPS [MC], a glossary has been prepared and is located at the back of this document.

Part B  
Significant resource management issues  
of significance to Poutini Ngāi Tahu

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## 3.2. [DR 2.2] Summary of significant Resource Management Issues for the West Coast

This Section ~~Chapter~~ identifies ~~summarises~~ [MC] the significant resource management issues for the West Coast region, *including resource management issues of significance to Poutini Ngāi Tahu*, [DR 2.2] and presents the *explains the RMA planning framework of* [MC] objectives, policies and methods of implementation ~~to address those issues~~. [MC] These issues are summarised in Table 1, *and are taken directly from Chapters 3-11 of this RPS*. Resource management issues of significance to Poutini Ngāi Tahu are identified in Part B, Section 2. [DR 2.2]

Table 1: Summary of the significant resource management issues for the West Coast

Issues	
Significant issues for Poutini Ngāi Tahu	<ol style="list-style-type: none"> <li><i>Expression of rangitiratanga through active involvement in resource management decision-making.</i></li> <li><i>The need for integrated environmental management of and between all resources, reflecting ki uta ki tai.</i></li> <li><i>It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources.</i></li> <li><i>The need to use resources, including mahinga kai resources, to sustain the community.</i></li> <li><i>The obligation to protect wāhi tapu and other taonga for future generations.</i></li> <li><i>The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate themselves, and having regard to the effects of the use.</i> [DR 2.2]</li> </ol>
Resilient and Sustainable Communities	<ol style="list-style-type: none"> <li>The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by ensuring new developments, which involve new employment, are welcomed and encouraged <i>enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management.</i> [DR 4.6]</li> <li>West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, <i>heritage</i> [DR 4.41, 9.8, 9.46, 15.1, 15.2, 15.3, 15.6, 15.11] and amenity values. [MC]</li> <li>The implementation of the RMA <i>by local authorities can</i>, if not performed with care and sensitivity, can be seen as detrimental to <i>support</i> economic growth and creation of employment in the region; <i>whilst also avoiding, remedying or mitigating any associated adverse effects.</i> [DR 4.47]</li> </ol>
Use and Development	<ol style="list-style-type: none"> <li>Recognising the central role of resource use and development on the West Coast.</li> <li>Managing <i>the</i> conflicts arising from the use, and development <i>and protection of natural and physical</i> resources. [DR 5.46]</li> </ol>
Regionally Significant Infrastructure	<ol style="list-style-type: none"> <li>Recognising the benefits of, and providing for, the establishment and continued operation of regionally and nationally significant infrastructure (including renewable electricity generation), [DR 6.19] particularly where they cross <i>it crosses</i> district and/or regional boundaries.</li> <li>Strategically integrating infrastructure and land use.</li> </ol>
Biodiversity and Landscapes	<ol style="list-style-type: none"> <li>The RMA requires councils to provide protection to significant indigenous vegetation and significant habitats of indigenous fauna. <i>Where those areas are located on private land, that can be of concern to affected land owners.</i> [DR 7.24, 7.32].</li> <li>While the protection of significant vegetation and habitat of significant indigenous fauna is provided for within Regional and District Plans, <i>In the context of the current abundance of indigenous vegetation, much of which is on land managed by the Department of Conservation, a cross-agency approach to management, including both regulatory and non-regulatory measures, is required.</i> conservation land it would be sensible for ownership of all such significant areas to be within the Department of Conservation's land portfolio. [DR 7.23]</li> </ol>

	<ol style="list-style-type: none"> <li>The relatively unmodified environment of the West Coast provides a wealth of <i>significant indigenous vegetation, significant habitats of indigenous fauna</i>, outstanding natural features and <i>natural</i> landscapes, and <i>areas with</i> outstanding natural character. Management of these areas should not unnecessarily restrict <i>While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate</i> future employment, regional growth or <i>and</i> development. [DR 7.45, 7.46, 7.51, 7.53]</li> <li><i>Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biodiversity under the RMA, to the extent practicably possible.</i> [DR 7.126]</li> </ol>
Land and Water	<ol style="list-style-type: none"> <li>Managing adverse effects on water quality arising from point source and diffuse source discharges to waterbodies from activities on land.</li> <li>Potential overuse of water resources can occur in certain areas during drier seasons.</li> <li>Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.</li> </ol>
Coastal Environment	<ol style="list-style-type: none"> <li>The NZCPS requires the avoidance of adverse effects on <i>significant certain indigenous</i> [MC] coastal biodiversity, and outstanding natural character and landscapes in the coastal environment. [MC] <i>however, with</i> [DR 9.33] <i>These areas are widespread on the West Coast as it has</i> [DR 9.33] a relatively <i>large proportion of</i> unmodified coastal environment, <i>on the West Coast management of these areas may also</i> <i>However, there is also a</i> [DR 9.36] need to enable appropriate future employment, regional growth and development, <i>to provide for the Region's economic, social and cultural wellbeing.</i> [DR 9.32]</li> <li>Enabling appropriate subdivision, use, and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.</li> </ol>
Air Quality	<ol style="list-style-type: none"> <li>In urban areas during <i>winter time</i>, <math>PM_{10}</math> [MC] emissions <i>of particulate matter</i> [MC] can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time <math>PM_{10}</math> <i>particulate matter</i> [MC] emissions are reduced to meet the NESAQ.</li> <li>Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.</li> </ol>
Natural Hazards	<ol style="list-style-type: none"> <li>Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast.</li> <li>Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient.</li> <li><i>Subdivision, use and development can contribute to natural hazard risk.</i> [DR 11.21]</li> </ol>

For each of these issues, the ~~Regional Policy Statement~~ RPS [MC] sets out:

- The background to the issues;
- The objectives to be achieved ~~by this Regional Policy Statement~~ [MC]
- The policies that will meet those objectives (and an explanation of those policies);
- The principal reasons for adopting the objectives, policies and methods of implementation; and
- The environmental results anticipated from the implementation of those policies and objectives.

In formulating the objectives, policies and methods of this ~~Regional Policy Statement~~ RPS [MC] the ~~West Coast Regional Council~~ WCRC [MC] has recognised the fundamental purpose of the ~~Resource Management Act~~ RMA [MC], to promote the sustainable management of the natural and physical resources of the region. In preparing this ~~Regional Policy Statement~~ RPS [MC], Council recognises the role of resource use and development, as well as protection, in the West Coast region and their contribution to enabling people and communities to provide for their economic, social and cultural wellbeing, while at the same time ensuring that any adverse effects on the environment are avoided, remedied or mitigated.

For each of the Regionally Significant Issues identified, the objectives, policies and methods have been developed as a generally high level principles approach. Much of the specific detail relating to their implementation is included within the regional and district plans.

The ~~statements of~~ [MC] significant resource management issues may address either ~~the~~ [MC] use, development or protection of resources depending on the focus or relevance to the West Coast of the issue in question. The objectives, policies and methods which follow the issues then establish the framework for its sustainable management.

The objectives have been formulated to focus on the long-term outcome sought in relation to the issues identified. These are high level goals to be aimed for. The ~~West Coast Regional Council WCRC~~ [MC] recognises that some of these objectives may not be fully achieved over the life of this ~~Regional Policy Statement RPS~~ [MC]. However, the objectives do establish an overall outcome that is to be worked towards.

Policies are statements of a general course of action in working towards the achievement of the objectives. They may deal with resource use, development or protection, or all of these. Some policies in the ~~Regional Policy Statement RPS~~ [MC] are broad in their application, reflecting the high level principles approach adopted, while others are more specific. All policies (and related objectives and methods) when read as a whole are designed to promote the sustainable management of resources.

The methods of implementation listed in the ~~Regional Policy Statement RPS~~ [MC] are the specific actions to implement the policies.

Issues, objectives, policies or methods in this ~~Regional Policy Statement RPS~~ [MC] may refer to avoiding, remedying or mitigating adverse effects on the environment. The Council considers that in carrying out its functions under the RMA, it must consider any adverse effects of activities on the environment, including minor effects, in line with the requirements of section 5(2)(a), (b) and (c). However, adverse effects will be addressed by the Council in different ways to reflect the different nature and scale of effects. It may not always be possible or necessary to completely avoid, remedy or mitigate all adverse effects. Some effects will be so small as to be insignificant or inconsequential and can be ignored. Other effects may be more than minor but may not be able to be avoided, remedied or mitigated fully, and positive effects and benefits may outweigh any adverse effects. *In some instances, it may be acceptable to allow residual effects to be addressed by biodiversity offset<sup>2</sup> or environmental compensation proposals which provide an environmental benefit outside the application site.* [DR GS 20, DR 3.7] The degree and significance of effects, including the potential for cumulative effects, will need to be considered in the circumstances of each case, and *assessed against a weighing-up of factors made under this* ~~the~~ [DR GS20] *relevant* ~~Regional Policy Statement RPS~~ [MC] and relevant [MC] plan provisions.

### Other matters

The RMA, through sections 6 and 7, sets out a number of matters of national importance (section 6) that shall *must* [MC] be recognised and provided for, as well as having particular regard to other provisions (section 7). Not all of these are considered to be regionally significant issues for the West Coast *and therefore do not warrant having specific objectives and policies* and therefore are not specifically addressed [DR 3.10] within this ~~Regional Policy Statement RPS~~ [MC]. However, they are recognised, provided for and given regard to *generally* throughout *this document*. [DR 3.10] regional and district plans and in the resource consenting process.

<sup>2</sup> *The Government document "Good Practice Guidance on Biodiversity Offsetting in New Zealand, August 2014" provides guidance on the imposition of offsets. [DR 7.119]*

## 2.3. [DR 2.2] Resource Management Issues of Significance to Poutini Ngāi Tahu

### PREAMBLE

Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). Under section 9 of the Te Rūnanga o Ngāi Tahu Act 1996 the two Rūnanga who hold such status on the West Coast are Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

The Resource Management Act (RMA) recognises that the principles of the Treaty of Waitangi are an integral part of promoting the sustainable management of natural and physical resources. Part 2 of the RMA requires recognition of the values of local iwi. Section 62 of the Act requires a regional policy statement to state the resource management issues of significance to iwi authorities in the region.

The Regional Council has long recognised the need to consult with Poutini Ngāi Tahu—and to provide opportunities for their participation in resource management processes. The two rūnanga have been invited to appoint members to the Council's Resource Management Committee and this arrangement has worked well for many years, with iwi having a voice in all resource management decision making.

Poutini Ngāi Tahu have indicated that there are a number of their cultural and spiritual values, which are matters of resource management significance to iwi authorities. Their views include:

The connection between the natural world and Poutini Ngāi Tahu through whakapapa, where people are descended from Papatūānuku, the ancestral earth mother and Ranginui the ancestral sky father. The care of natural resources is an act of whanaungatanga (caring for the family) which recognises that people are dependent on resources and have reciprocal obligations to care for, conserve and protect them.

- The need for integrated environmental management of and between all resources;
- The obligation to compensate and restore where environmental degradation has occurred;
- The need to use resources, to sustain the community;
- The obligation to preserve the environmental integrity of the natural world, for future generations;
- The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate themselves, and having regard to the effects of the use.

Section 220 of the Ngāi Tahu Claims Settlement Act 1998 recognises Ngāi Tahu's mana of specific sites and resources, known as Statutory Acknowledgement Areas. These are acknowledgements by the Crown of Ngāi Tahu's special relationships with the Areas for cultural, spiritual, historical, and traditional reasons. On the West Coast the Statutory Acknowledgement Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Lake Brunner/Moana), Lake Kaniere, Pouerua hāpua (Saltwater Lagoon), Ōkārito Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, and Lake Paringa. The West Coast Councils will consider the respective papatipu rūnanga to be an affected party where resource use may adversely affect Statutory Acknowledgement Areas. [DR 2.2]

### **POUTINI NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES**

*There is a distinctive cultural context to the way that Poutini Ngāi Tahu think about and respond to resource management issues in their takiwā. This cultural context is a reflection of:* [DR 2.2]

- The connection between the natural world and Poutini Ngāi Tahu through whakapapa, where people are descended from Papatūānuku, the ancestral earth mother and Ranginui the ancestral sky father.
- *A body of knowledge about the land, water and resources that was developed over generations of collective Poutini Ngāi Tahu experience in Te Waipounamu;*
- *The relationship between tangata whenua and the environment, and a worldview that sees people as part of the world around them and not masters of it;*
- *An understanding that the care of natural resources is an act of whanaungatanga (caring for the family) which recognises that people are dependent on resources and have reciprocal obligations to care for, conserve and protect them.; and*



- The desire to protect key cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.

A brief overview of key values, principles and practices is provided here: [DR 2.2]

### 1. Kaitiakitanga

Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of responsibility in a manner beneficial to the resource. Kaitiaki, the people who practice kaitiakitanga, do so because they hold the authority and responsibility to do so. To Poutini Ngāi Tahu, kaitiakitanga is not a passive custodianship and they are required to play an active kaitiaki role in the day to day management of natural resources.  
[DR 2.2]

Section 7(a) of the RMA requires the Council to have particular regard to kaitiakitanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations.

### 2. Rangatiratanga

Rangatiratanga involves having the mana or authority to exercise the relationship of Poutini Ngāi Tahu and their culture and traditions with the natural world. Article II of the Treaty of Waitangi and sections 6(e) and 8 of the RMA are concerned with this same relationship.

Traditionally, rangatiratanga incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom. Today, it is similar to the functions of the WCRC and is expressed through the relationship between Poutini Ngāi Tahu and the Council. A practical expression of rangatiratanga is the active involvement of Poutini Ngāi Tahu in resource management decision-making processes. The Regional Council has long recognised the need to consult with Poutini Ngāi Tahu - and to provide opportunities for their participation active *involvement* in resource management processes. The two rūnanga have been invited to appoint members to the Council's Resource Management Committee and this arrangement has worked well for many years, ~~with iwi~~ *Poutini Ngāi Tahu will continue to have* having a voice in all resource management decision making.  
[DR 2.2]

### 3. Mauri

For Poutini Ngāi Tahu, mauri is the life force that comes from wairua – the spirit, or source of existence and all life. Mauri is the life force in the physical world. As a life principle, mauri implies health and spirit. In the environment, mauri can be used to describe the intrinsic values of all resources and of the total ecosystem. In the natural environment, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of all natural resources is paramount to Poutini Ngāi Tahu to ensure that natural and physical resources may be used sustainably by present and future generations. The overall purpose of resource management for Poutini Ngāi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded.

There are indicators within the environment, both physical and spiritual, that Poutini Ngāi Tahu use to measure mauri. These include the presence of healthy mahinga kai and healthy flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Spiritual indicators are those from the atua (gods), which can take many forms and are recalled in the kōrero pūrūkau (stories) of whānau and hapū. [DR 2.2]

#### 4. Mahinga kai

Mahinga kai refers to Poutini Ngāi Tahu cultural values in association with food and other natural resources and includes such resources as those used for weaving, carving, and rongoā Māori or Māori medicine. It also includes the places where such resources are gathered such as rivers and coastal waters. The term mahinga kai encompasses social and educational elements as well as the process of gathering cultural materials/natural resources. It includes the way such resources are gathered, the place where they are gathered from, and the actual resource itself. [DR 2.2]

#### 5. Ki Uta Ki Tai

The principle of Ki Uta Ki Tai ("the mountains to the sea") reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment. This principle requires an integrated management approach across the land and water boundary. [DR 2.2]

#### 6. Wāhi tapu

Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Wāhi tapu include kōiwi (human remains), urupā (burial sites), waiwhakaheke tūpāpaku (water burial sites), historic pa, buried whakairo (carvings) tuhituhi o neherā (archaeological and rock art sites), tohu ("markers" such as landmarks, mountains, mountain ranges, and some trees), ana (caves), and tauranga waka (canoe landing sites). [DR 2.2]

#### 7. Taonga

All natural resources – air, land, water and indigenous biodiversity are taonga. Taonga are treasures, things highly prized and important to Poutini Ngāi Tahu, derived from the Atua (Gods) and left by the tipuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wāhi tapu, tauranga waka, and mahinga mātaītai, other sites for gathering food and cultural resources, tribally significant landforms, and features. The term cultural landscapes is an inclusive expression for taonga sites and areas. [DR 2.2]

Pounamu is a taonga of utmost importance to Poutini Ngāi Tahu/Ngāi Tahu culture and tradition, and the three *two papatipu* [DR 2.2] rūnanga have each prepared a resource *pounamu* management plan to manage appropriate use and protection of pounamu. Councils must have regard to these management plans when preparing regional and district plans, and when considering resource use activities that might affect pounamu resources.

Section 7(a) of the RMA requires the Council to have particular regard to kaitiakitanga. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations.

#### **BACKGROUND TO THE ISSUES**

The RMA gives the Regional Council the statutory function to exercise certain laws and regulations in respect of the management of the region's natural and physical resources. The Regional Council recognises that the Treaty affords Poutini Ngāi Tahu a status distinct from other interest groups or members of the public.

Wāhi tapu are sacred places of spiritual and cultural significance to Maori for reasons related to their associations with their tipuna (ancestors) and historical events. As District Councils have responsibility for the use, development and protection of land, they have a particular role in relation to managing effects of these activities on wāhi tapu. Māori view the preservation of wāhi tapu as of paramount importance.

In this Region wāhi tapu link Poutini Ngāi Tahu to their tipuna, and to the land, with bonds which are not broken by the passage of time. Wāhi tapu can include urupā (burial sites) ana tūpāpaku (burial caves) tauranga waka (canoe landing sites), battleground's, maunga (mountains), awa (rivers) and roto (lakes), symbolic and legendary landscape features, places from which important taonga are

sourced (for example wāhi pounamu, wāhi taonga, and wāhi raranga) or places associated with wairua ritual. It is important that Poutini Ngāi Tahu maintain their special relationship with these places, to enable them to perform their obligations under kaitiakitanga. [DR 2.2]

### **The significant resource management issues for Poutini Ngāi Tahu on the West Coast are:**

1. Expression of rangitiratanga through active involvement in resource management decision-making.
2. The need for integrated environmental management of and between all resources, reflecting ki uta ki tai.
3. It is important to Poutini Ngāi Tahu that the life-supporting capacity of the environment is safeguarded, and this capacity is restored where it has been impaired by use and development of resources.
4. The need to use resources, including mahinga kai resources, to sustain the community.
5. The obligation to protect wāhi tapu and other taonga for future generations.
6. The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate, having regard to the effects of the use. [DR 2.2]

*Note: Some of these issues are dealt with in other chapters of this RPS.* [DR 2.2]

1. Taking into account the principles of the Treaty of Waitangi in the sustainable management of the natural and physical resources of the West Coast Region.
2. Recognition and provision for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance. [DR 2.2]

### **OBJECTIVES**

1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the RMA.
2. Recognise and provide for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region.

### **POLICIES**

1. Acting cooperatively and in good faith, the regional *and district* [DR 2.2] councils will continue to provide opportunities for *active involvement of* tangata whenua to participate [DR 2.2] in resource management processes under the RMA.
2. In consultation with Poutini Ngāi Tahu, provide for the protection of ancestral land, wāhi tapu, water, sites, and other taonga from the adverse effects of activities, in a manner which is consistent with the purpose of the RMA.
3. The special relationship that Poutini Ngāi Tahu have with te taiao (the environment), and their economic, cultural, and spiritual values, including their role as kaitiaki, will be given particular consideration in resource management decisions and practices.
4. The aspirations of Poutini Ngāi Tahu concerning the development of papakāinga housing on Poutini Ngāi Tahu land will be recognised and supported.

### **EXPLANATION TO THE POLICIES**

*Policy 1 is intended to reflect Treaty principles and gives effect to section 8 of the RMA.* [DR 2.2] The term "principles of the Treaty of Waitangi" originates from the Treaty of Waitangi Act 1975. The Court of Appeal has emphasised that it is the principles of the Treaty which are to be applied, not the literal words. The Privy Council characterised the Treaty principles as a dynamic force in that they reflect the intent of the Treaty as a whole and include, but are not confined to, the express terms of the Treaty. In this context the regional *and district* councils' responsibilities *are* [DR 2.2] to take into account the principles of the Treaty as defined by the Act and clarified by the courts.

*The ways in which active involvement should be provided will need to be determined in consultation between the Councils and Poutini Ngāi Tahu. As well as consultation on specific matters, active involvement could be implemented by methods including, but not limited to, information sharing,*

development of Mana Whakahono a Rohe iwi participation arrangements or other relationship agreements, support for Poutini Ngāi Tahu environmental initiatives, and representation on hearing panels. [DR 2.2]

The regional and district councils [DR 2.2] will endeavour to:

- a) Ensure that ~~its~~ their [DR 2.2] understanding of the interpretation of the principles of the Treaty is consistent with the current interpretation of the Courts;
- b) Take into account the following principles:
  - act reasonably and in good faith;
  - make informed decisions;
  - consider whether active steps are needed to protect Māori interests;
  - not take actions which would prevent the redress of claims; and
  - recognise that the government must be able to govern.

~~The policies above~~ Policy 2 gives effect to section 6(e) of the RMA by recognising ~~recognise~~ [DR 2.2] that some resources, places or things are of special significance to Māori. These include wāhi tapu sites, ~~and may also include~~ [MC] archaeological sites, other historic sites or places and natural landscapes or features of cultural or traditional importance to Māori. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. [DR 7.128] The policies aim to protect such sites and values from the adverse effects of resource use and development as far as is practicable.

Policy 3: Policy 3 gives effect to section 6(e) of the RMA, and also to Section 7(a), which requires that particular regard be given to kaitiakitanga. [DR 2.2] The role of Poutini Ngāi Tahu as kaitiaki is an integral part of the special relationship Poutini Ngāi Tahu have with their land, and all living things. Poutini Ngāi Tahu already have input into identifying and assessing adverse effects on their economic, cultural, and spiritual values through RMA planning and consent processes. Further consultation may be undertaken in the future between the regional and district councils and Poutini Ngāi Tahu, about how their kaitiakitanga role can be enabled. [DR 2.2]

Policy 4 also gives effect to section 6(e) of the RMA by seeking seeks to ensure that tangata whenua face no unnecessary barriers in the development of their Poutini Ngāi Tahu [DR 2.2] lands.

## RELATED POLICIES

Chapter 4 Policy 5

All other policies in this Regional Policy Statement RPS [MC].

## METHODS

1. Provide for consultation with Poutini Ngāi Tahu in a way which is timely, practicable, meaningful and continuous as provided by the Te Rūnanga o Ngāi Tahu Act 1996, and in accordance with Poutini Ngāi Tahu tikanga.
2. ~~Provide for~~ Councils must [MC] consult with Poutini Ngāi Tahu about the appropriate form of their involvement ~~on~~ in:
  - a) ~~Council Committees, in the~~ plan development, ~~of regional policies and plans, and in the~~ and resource consent processes;
  - b) other council RMA decision-making processes; and
  - c) enabling the kaitiakitanga role of Poutini Ngāi Tahu. [DR 2.2]
3. Recognise Poutini Ngāi Tahu initiatives to articulate their resource management values and methods through iwi management plans.
4. Inform affected Poutini Ngāi Tahu Rūnanga of resource consent applications as they are received.
5. ~~Where necessary,~~ Add conditions to resource consents incorporating iwi protocols to protect ancestral lands, water, sites, wāhi tapu and other taonga where appropriate to avoid, remedy or mitigate adverse effects on iwi values. ~~from the adverse effects of activities.~~ [DR 2.26]

6. In preparing regional *and district* [DR 2.2] policies and plans, and when making decisions *on relating to* resource consents, have regard to Statutory Acknowledgements Areas, *and* mataitai reserves, and *take into account* iwi management plans.
7. ~~Contract, as appropriate, rūnanga representatives to review relevant iwi chapters for policy and plan reviews, and update schedules of ancestral lands, water, sites, wāhi tapu and other taonga of significance to iwi. [DR 2.2]~~
7. *District councils must consult with Poutini Ngāi Tahu to determine how papakāinga housing can be provided for in the District Plans.* [DR 2.17]

#### **PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES AND METHODS**

All those exercising functions and powers under the RMA are required by section 8 to take into account the principles of the Treaty of Waitangi. These provisions reflect current practice which is working well, and will enable the Regional Council to continue to carry out its obligation under the RMA to provide for tangata whenua *active involvement* participation [DR 2.2] in the management of the region's natural and physical resources and to recognise and provide for the relationship of Poutini Ngāi Tahu, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. *This is important to sustaining Poutini Ngāi Tahu identity and wellbeing.* [DR 2.2]

#### **ANTICIPATED ENVIRONMENTAL RESULTS**

1. Wāhi tapu and other taonga are recognised and provided for when managing the adverse effects of the use and development of natural and physical resources.
2. Helping to maintain the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga within the West Coast region.
3. Recognition of the principles of the Treaty of Waitangi, and making resource management decisions which take these principles into account.

## 4. Resilient and Sustainable Communities

### BACKGROUND TO THE ISSUES

To plan for the future we must first examine and learn from our past. Prior to European settlement and the discovery of gold circa 1864, the West Coast was home to Poutini Ngāi Tahu. Reciprocity or balanced exchange encompassed all areas of general trade - timber, pounamu, mahinga kai (food sources), art and weaponry, and land access agreements, internally and inter-tribally. Post 1864 the West Coast had its economic roots in the mining industry – both gold and coal. Timber, fisheries and agriculture also played a big role.

Because miners are always chasing the next rich seam, Due to a historical reliance on the export of commodities from the region, [DR 4.13] our towns and communities' populations have fluctuated - dramatically in some cases. When employment declines people often move away, and communities can lose their sense of identity. Less money is available and towns and settlements can become run down, losing their amenity values.

To be resilient and sustainable, our communities require a skilled workforce in [DR 4.30] more consistent and reliable employment, and a decent household income, and local access to as well as [DR 4.30] modern health, education and recreation services. Our regional community cannot grow and prosper without new economic development that is driven by infrastructure, innovation, capital, international connections and a skilled workforce in the region and the employment that this creates. [DR 4.30] Without this, there is a very real risk that this region will start to experience population decline and the loss of core services.

The relatively recent emergence of the strengthening [MC] dairy and tourism sectors have provided alternatives income sources additional [MC] to the mineral extraction industries. But the future of the region cannot rely on these three sectors alone. Further diversification of the West Coast [DR 4.31] economy is crucial - to counteract fluctuations caused by external influences such as in [DR 4.31] the commodities market, exchange rates and the needs and wants of our export and tourism markets. The dispersed nature of the West Coast means that even small to medium-sized investment can have significant positive impacts. The West Coast needs to present itself as an attractive place to live, learn, innovate [DR 4.31] and do business, inviting diversification of the key industries and providing alternatives from, and added value to, [DR GS39] the cornerstones of the traditional earners. This Achieving diversification can be assisted by enabling will come in part from providing reliable access to the natural and physical regional resources of the region, [DR 4.17] promoting an availability of quality living environments, [DR 4.32] as well as and ensuring sound, consistent and reliable regulatory processes.

The high quality living environment on the West Coast is made up of many things that our communities value. The long proud history of the West Coast remains visible in the numerous historic buildings, places, monuments and landscapes, including our rivers, lakes and coastal environments. It is from these resources that a sense of place and identity are derived. To ensure our communities prosper, we must protect the significant values of these resources as far as practicably possible whilst encouraging opportunities for growth and development that do not undermine those values. [DR 5.108, 7.128, 9.6, 9.8, 9.46, 9.96, 15.1, 15.2, 15.3, 15.6, 15.11]

Poor quality regulation and high compliance costs can act as a brake on business growth, investment and job creation. Councils need to be mindful of the impact of regulation on the economy – good quality regulation can be used to stimulate economic growth. Consistency in interpreting and implementing the law has been identified as a desirable yet problematic feature of any regulatory environment. Businesses require a reasonable degree of certainty to operate with confidence, especially when it comes to larger investments. Consistency between Councils with approaches that are timely and effects based, and provide both certainty as well as flexibility where it is required, is critically important for business confidence.

Each of the Councils recognise the importance of economic growth and development for their districts and have taken steps, individually and collectively, to raise the profile of this through the development

of district and regional economic strategies. While this Regional Policy Statement RPS [MC] does not seek to drive economic development of itself, it can establish the importance of developing an enabling Resource Management Act (RMA) framework in our region, within which growth is welcomed, by ensuring that the regional and district plans enable development whilst also achieving environmental outcomes.

This Regional Policy Statement explicitly links the Councils' statutory RMA roles to the (non-statutory) regional Economic Development Plan which seeks to co-ordinate the efforts of the four councils and Development West Coast in growing the economy, jobs and population in our region. The role of the Regional Policy Statement is to identify our regionally significant issues and co-ordinate the management of our natural and physical resources. [DR 4.6, 4.124]

### The significant issues in relation to resilient and sustainable communities on the West Coast are:

1. The West Coast is at risk of experiencing population decline. It is critical that our planning documents address this risk by ensuring new developments, which involve new employment, are welcomed and encouraged *enabling the appropriate use and development of natural and physical resources whilst promoting their sustainable management.* [DR 4.6]
2. West Coast industries are traditionally susceptible to fluctuating cycles and global commodity prices which can affect the social and economic wellbeing of our communities. Councils' management of natural and physical resources needs to contribute, where possible, to making our communities more resilient and sustainable in the long term. This includes ensuring that communities retain their sense of place, identity, *heritage* [DR 4.41, 9.8, 9.46, 15.1, 15.2, 15.3, 15.6, 15.11] and amenity values.
3. The implementation of the RMA *by local authorities can,* if not performed with care and sensitivity, can be seen as detrimental to *support* economic growth and creation of employment in the region; *whilst also avoiding, remedying or mitigating any associated adverse effects.* [DR 4.47]

### OBJECTIVES

1. To enable sustainable and resilient communities on the West Coast.
2. To ensure the region's planning framework *welcomes and* [DR 4.69] enables *appropriate existing and new* [DR 4.72] economic *use,* development and *new* employment opportunities in the region, [MC] while ensuring *sustainable* [DR 4.72] environmental outcomes are *met achieved, including those specified in the Anticipated Environmental Results in this RPS.* [DR 4.66]
3. To ensure that the West Coast has *built physical* [DR 5.108, 9.6, 9.46, 9.96] environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options.
4. *The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast.* [DR 9.8, 9.46, 15.1, 15.2, 15.3, 15.6, 15.11]
5. *To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes.* [DR 7.128]

### POLICIES

1. To *sustainably* [DR 4.101] manage the West Coast's natural and physical resources in a way that enables a range of *existing and new* [DR 4.98] economic activities to occur, *prioritising including* [DR 4.96] activities likely to provide substantial employment that benefits the long term sustainability of the region's communities.
2. Regional and district plans shall *must* [MC]:
  - a) *Only* Contain regulation if it *that* is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;
  - b) Be as consistent as possible;
  - c) Be as simple as possible;
  - d) Use or support good management practices;

- e) Minimise compliance costs where possible;
  - f) Enable subdivision, use and development that ~~accords with the Regional Policy Statement~~ *gives effect to relevant national and regional policy direction*; [DR 4.106] and
  - g) Focus on effects and, where suitable, use performance standards.
- ~~3. Regional and District Plans shall recognise and reflect the vision and targets of the West Coast Economic Development Plan 2014—2030. [DR 4.6, 4.124, 4.126, 4.129]~~
- ~~3. 4. To consider the transfer and delegation of regional and district council functions (as provided by sections 33 and 34 of the RMA) where it would result in increased efficiencies and/or effectiveness in achieving resource management objectives, using shared services principles.~~
- ~~4. 5. To promote:~~
- a) ~~the sustainable development in~~ *management of* [DR GS.20] urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; *and*
  - b) *the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.* [DR 5.108, 9.6, 9.46, 9.96]
- ~~5. Promote the sustainable management of historic heritage, through:~~
- a) *Identification of significant values associated with historic heritage;*
  - b) *Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and*
  - c) *Encouraging the adaptive reuse of historic heritage where appropriate and practicable.* [DR 9.8, 9.46, 15.1, 15.2, 15.3, 15.6, 15.11]
- ~~6. Cultural landscapes are appropriately identified, and effects of activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu. [DR 7.128]~~

#### EXPLANATION TO THE POLICIES

The implementation of Policy 1 supports diversification of the economy in order to create communities that are both more resilient and sustainable. The importance of *managing both* natural and physical resources *in a sustainable way* is *acknowledged*, [DR 4.162] *recognising that* is recognised to achieve this as it is through the *protection*, use *or* and [DR 4.160] development *of those resources* that our communities' economic and social wellbeing will be provided for in the future. ~~Welcoming~~ *Enabling* [MC] opportunities for a wide range of industries to establish in the region will provide a variety of employment options assisting with reducing the potential market fluctuations on individual industry sectors. ~~Prioritising activities for~~ *Enabling* [DR 4.96] growth will also provide incentives for ~~both~~ businesses to develop in the region, as well as encouraging people to reside on the West Coast.

Policy 2 aims to provide a regulatory framework that promotes diversity, innovation, and encourages businesses to invest in the region and grow. The policy seeks to make the regional and district plans as 'business friendly' as possible (while still maintaining environmental standards). Consistency over like matters is efficient for Councils, businesses, developers, communities and individuals. It can lead to smarter shared services, and ensuring that regulation is effective and not excessively costly.

Adopting or supporting good/best practice through other tools such as performance standards or codes of practice should avoid regulation from becoming out of date as well as promoting ownership of environmental performance and reduce compliance costs.

Enabling subdivision, use and development in regional and district plans can be achieved in a number of ways. Most obviously this is through activity status (for example permitted or controlled activities), but there are other tools such as limited notification of resource consent applications and setting out resource consent application information requirements.

Effects of activities should be the focus of plans. This encourages innovation and avoids unnecessarily restricting uses and developments that are able to meet environmental ~~bottom lines~~ *outcomes*. [DR 4.162] There will be circumstances whereby specific constraints are justified. However, Plans should provide the ability to innovate and adapt where possible.



Policy 3 recognises the importance of creating a framework to encourage diversification, growth and development of the region and seeks to align regional and district planning documents accordingly. [DR 4.6, 4.124]

Policy 4 seeks to achieve efficiency and consistency in the management of council functions particularly where one council may have expertise.

The implementation of Policy 5 incorporates concepts of aesthetically pleasing, stimulating and vibrant urban areas and smaller settlements. It also seeks to promote a range of amenity values to present choices to meet the diverse needs of residents throughout the region. It is important to not only apply this in the recognised urban towns but the smaller settlements with which people feel a strong connection to, and identity with. In reference to Policy 4(b), it is important that public access to these natural environments is maintained where possible (except, for example, where it is unsafe) so that people and communities can provide for their wellbeing. [DR 5.108, 9.6, 9.46, 9.96]

Policy 5 promotes the sustainable management of historic heritage. This requires regional and district plans to include schedules of significant historic heritage; and that the effects of any subdivision, use and development on those identified values are appropriately recognised and managed. This approach also encourages consideration to be given to the economic viability of proposals involving historic heritage. [DR 15.3, 9.8, 9.12]

Policy 6 recognises that the traditions of Poutini Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. Indicators of these intergenerational landscapes include pā and kainga, ara tawhito (traditional trails), pounamu, mahinga kai, wāhi tapu and wāhi ingoa (place names). Protection of Poutini Ngāi Tahu cultural landscapes from inappropriate use, development and subdivision is important to Poutini Ngāi Tahu culture, identity and wellbeing, and consultation with Poutini Ngāi Tahu is required to determine appropriate means of addressing this in particular locations. [DR 7.128]

#### RELATED POLICIES

All other policies in this Regional Policy Statement RPS [MC].

#### METHODS

1. The Regional and District Councils, when reviewing their plans, considering options for plan changes, or replacement of an entire plan, shall must [MC]:
  - a) Consider:
    - i) Removing unnecessary regulation;
    - ii) Opportunities for streamlined, efficient processes;
    - iii) Increasing flexibility of approach, certainty of provisions, and consistency of process; and
    - iv) Taking a risk based approach;
  - b) Consider the benefits, costs and risks of combining planning documents and joint plan changes, in part or in total, including on specific resources or geographical areas; and
  - c) Consider the use of good management practices (including environmental best practice guidelines, and codes of practice).
2. Undertake joint consent processes where appropriate.
3. Use regional and district plans, and the resource consent process, to identify significant heritage values and to recognise the contribution of public access and significant heritage values to the economic, social and cultural wellbeing of people and communities, and to manage adverse effects on these and other amenity values. [DR 5.108, 9.6, 9.8, 9.12, 9.46, 9.96, 15.1, 15.2, 15.3, 15.6, 15.11]
4. Regional and district councils will consult with Poutini Ngāi Tahu about appropriate provision for cultural landscapes in regional and district plans. [DR 7.128]

### PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, polices and methods of implementation have been adopted to enhance the quality of life for the residents of the West Coast by creating sustainable and resilient communities that have vibrant, safe and cohesive town centres with a range of residential and business opportunities. Providing a region that is welcoming to business and that will enable growth, diversification and innovation *within a framework of sustainable management* [DR 4.179] is one step towards achieving this leading to greater community wellbeing. Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of service is vital to retaining and growing our population into the future. The intent is for development that is compatible with surrounding uses and values, is served by the appropriate level of social infrastructure and is appropriate within the context of the surrounding environment. Good planning (and urban design) can improve West Coasters' social and cultural wellbeing, strengthen our sense of place, enhance our ability to access services and connect with our wider community. *This includes, for example, provision for protecting significant heritage values, and maintaining public access to natural resources.* [DR 5.108, 7.128, 9.6, 9.12, 9.46, 9.96, 15.3]

### ANTICIPATED ENVIRONMENTAL RESULTS

1. Improved coordination and collaboration with resource management and related functions between the Regional and District Councils, using shared services principles.
2. Simplified application of regulation, ~~using a light touch wherever possible.~~ [DR GS20]
3. ~~New use and development fits within the context of the surrounding environment and provides a range of lifestyle choices.~~ *The amenity values of urban areas and small settlements, as well as public access to the coastal marine area, lakes and rivers, are maintained and enhanced, where possible.* [DR 5.108, 9.6, 9.46, 9.96]
4. *The significant values of historic heritage are protected as much as practicably possible, and contribute to the economic, social and cultural wellbeing of the West Coast.* [DR 15.3, 9.12]
5. *The traditional and ongoing relationships of Poutini Ngāi Tahu with cultural landscapes are sustained for the benefit of future generations.* [DR 7.128]

## 5. Use and Development of Resources

### BACKGROUND TO THE ISSUES

The sustainable management of natural and physical resources means managing the use, development and protection of natural resources in a way or at a rate that enables people and communities to provide for their economic, social and cultural wellbeing while meeting the requirements of section 5(2)(a), (b) and (c) of the Resource Management Act (RMA) [MC].

The state and availability of natural resources is relatively more important for the West Coast's economy than for many other regions in New Zealand. *The unique geological and climatic conditions of the region have resulted in creating a landscape unlike any other in New Zealand.* Twenty per cent of the West Coast's Gross Domestic Product is derived from the primary sector, the direct use of natural resources. This is in comparison to the national average of 7%. [DR 7.23] *This environment not only provides opportunity for economic growth, but is also treasured by its many visitors as well as those who live here. Hence,* the West Coast is *extremely* [DR 5.32] reliant on the natural and physical resources of the region for both its economic, social and community *cultural* [DR 2.2] wellbeing.

Traditionally mining (coal and gold) has been the primary employer in the region, with around 25% of the mining in New Zealand occurring on the West Coast<sup>2</sup>. Mining directly employs approximately 10% of the regional workforce. Farming is also a significant contributor, particularly *through* the dairy industry, which employs 6% of the workforce. Combined, these activities produce over half the income and most of the export income for the region. [DR 5.32] In addition to direct farm income from milk production, the added value by the processing of the product is a significant contributor to regional employment and income. Many engineering and other support businesses exist because the mining and farming activity, *and related value-added activities,* [DR 5.19] creates the demand for their products and services.

*Tourism has also had a long history on the West Coast, starting in the mid-1800's with local guiding of early European explorers by Poutini Ngāi Tahu. The tourism sector is also continues to playing* [DR 2.2] an increasingly important role in the West Coast economy. *With world renowned attractions* The region is rich in natural landscapes, coastal environments, and rivers and lakes, *and* with world renowned attractions *such as World Heritage Parks,* [DR 7.23] the region is gaining traction in international markets. The West Coast currently ranks fifth out of all New Zealand regions in international visitor numbers and future growth in this sector is likely, particularly from China. [DR 5.32] *The West Coast has a high rate of tourism growth.* [DR 5.11]

Aside from these three mainstays of the economy, other industries based on natural resources include forestry, fishing, (*including for whitebait*), [DR 5.29] *extraction of other minerals such as ironsands and garnets,* [DR 5.34] horticulture, sphagnum moss harvesting, *and* food production as well as a thriving arts industry *using* consisting of pounamu, gold, wood, stone and copper. Aggregate extraction and production is important for regionally significant infrastructure *the* construction, operation, maintenance and upgrading *of infrastructure* and for broader economic activity across the West Coast *for within* the building and construction sectors. The manufacturing and construction sectors, through heavy and light engineering industries, have developed to service these primary sectors and now play an important role in the regional economy itself. *Future growth in the region is likely to continue to be based around the use and development of natural resources in the first instance, with supporting industries developing alongside these, followed by other sectors as demand determines or sectors diversify.* [MC]

*The West Coast has a significant proportion of land administered by the Department of Conservation. The protection of land, for example through national parks or world heritage areas, is a form of resource use that is central to the long term sustainability of West Coast communities. New development of tourism related infrastructure within the conservation estate will provide incentives for growth and investment in the wider Region. There are also a number of other activities that occur on land administered by the Department including grazing licences, mining and sphagnum moss harvesting.*

The Department issues concessions for these activities to occur and the environmental effects are considered through this process. This indicates that while large portions of land are not freehold in the Region, appropriate use and development can occur, generating growth opportunities while still protecting the values of natural resources and the wider environment. Recognition of the Department of Conservation as a major landowner, and contributor to economic development, is extremely important for the future of the West Coast. [DR 5.110]

Some land and resource use activities are *may be* [DR 5.32 FS] incompatible with others, for example mining near residential areas. Planning and managing for these is essential to ensure that both the cultural, [DR 2.2] economic and social wellbeing of communities is looked after. There are also instances where mutually beneficial outcomes can be achieved, for example, where ecological values are protected whilst development occurs. There is also consideration required regarding the activities and land use undertaken within the conservation estate. In these situations an evaluation of the ecological, as well as the economic and social values, will need to be undertaken which can result in many situations in a mutually beneficial outcome. Where these situations arise on public conservation land, they will not only be managed by regional and district plans, but also through the Department's Conservation Management Strategy. [DR 5.30, 5.33]

The reliance on the natural resources of the region requires that the environment remain in a healthy functioning state to provide for this. People choose to invest, do business, live and recreate on the West Coast for a large part based on due to [MC] the unique and special nature of the region and its [DR 7.23] natural resources of the region. On the West Coast, most conflicts arise from the desire of some parties to use resources and the desire of others to protect them. [DR 5.30] Use, and development and as well as [MC] protection of the region's natural and physical resources, is therefore a significant resource management issue for the West Coast.

### **The significant issues in relation to the use and development of resources on the West Coast are:**

1. Recognising the central role of resource use and development on the West Coast.
2. Managing the conflicts arising from the use, and development and protection of natural and physical resources. [DR 5.46]

### **OBJECTIVES**

1. To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.
2. To recognise that the use and development of natural resources may be incompatible with other land uses, in some situations and locations.

### **POLICIES**

1. Recognition will be given in resource management processes to the role of sustainable [DR 5.79] resource use and development on the West Coast and its contribution to enabling people and communities to provide for their economic, social and cultural wellbeing.
2. To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development, and land protection [DR 5.84, 5.86, 5.87, 5.89, 5.103] with particular emphasis on either both:
  - a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities being inappropriately located near existing [DR 5.86, 5.89] for:
    - i) primary production activities;
    - ii) industrial and commercial activities;
    - iii) minerals extraction\*;
    - iv) significant tourism infrastructure; and
    - v) existing current and planned regionally significant infrastructure; \*\* and
  - b) Sterilisation Generally avoiding new activities precluding the potential future use of: [DR 5.86, 5.89]
    - i) land with significant mineral resources; or

- ii) land which is likely to be needed for regionally significant infrastructure.

\*Minerals extraction includes aggregates and other mining activities.

*\*\*The term "planned regionally significant infrastructure" in Policy 2(a)(v) refers to infrastructure and/or sites identified by designations, Asset Management Plans, or included in other plans or strategies adopted by the West Coast Councils. [DR 5.104]*

### EXPLANATION TO THE POLICIES

The implementation of Policy 1 recognises the importance of the role of resource use and development on the West Coast and its contribution to the social, economic and cultural wellbeing of people and communities. Use and development of resources may be of regional and national importance providing benefits to people and communities on the West Coast and to New Zealand as a whole. The use and development of resources must be undertaken in a way which promotes the sustainable management purpose of the RMA. This will mean enabling people and communities to provide for their economic, social and cultural wellbeing and for their health and safety while meeting the requirements of section 5(2)(a), (b) and (c) of the RMA to meet the reasonably foreseeable needs of future generations, safeguard life-supporting capacity of resources, and avoiding, remedying or mitigating adverse effects on the environment.

Policy 2 aims to create a framework for getting the right development in the right place at the right time. It is a strategic and proactive policy, designed to give effect to section 30(1)(g)(b) of the RMA which gives regional councils the function of strategically integrating infrastructure with land use. The policy seeks to ensure that there is a planned and coordinated approach to developing the built environment. Well-designed development also provides for the wellbeing of people and communities now and into the future. It also recognises that some types of development are incompatible when in close proximity to each other *and that some activities can only occur in certain places because of the functional needs of that activity*, depending on where the natural resource is located. [5.99] Should other development occur there, then this can lead to a lost opportunity for development, and a higher value use of that land. This is known as the sterilisation of land. [5.110]

### RELATED POLICIES

All other policies in this Regional Policy Statement RPS [MC].

### METHODS

1. Provide for *the* [DR 5.115] sustainable use and development of natural resources through regional and district plan rules, and resource consents.
2. *Encourage discussion and co-operation between existing resource users (including land used for primary production) and those proposing new use and development of natural and physical resources (including the provision of infrastructure), to resolve conflicts and achieve integration of these activities.* [DR 6.10]

*Note: Method 2 relates to Policy 5 in Chapter 6 Regionally Significant Infrastructure.* [DR 6.10]

### PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation have been adopted to ensure that the role of *sustainable* resource use and development in enabling people and communities to provide for their economic, social and cultural wellbeing is recognised in resource management decision making processes. Such recognition is a core part of the sustainable management of resources and the sustainable development of [DR GS20] our communities.

Land, and the natural resources that can be derived from this land, is one of the most important assets that the West Coast has. Recognition of this, and the conflicts that can arise through poor decision making, need to be taken into account through both regional and district plans and resource consenting processes.

### ANTICIPATED ENVIRONMENTAL RESULTS

1. Resource use and development is able to occur in accordance with the sustainable management purpose of the RMA.

2. The ability to access or use significant natural resources is not compromised by inappropriate subdivision, use or development.

## 6. Regionally Significant Infrastructure (RSI) [MC]

### BACKGROUND TO THE ISSUES

There is a need to recognise the social, economic, and environmental benefits that accrue *locally*, [DR 6.15] regionally and nationally from the establishment and continued operation of ~~network utilities and other~~ [DR 13.2] *regionally significant infrastructure RSI* [MC]. Energy enables people to provide for their wellbeing, and is a key facet of the regional (and national) economy. Transport services provide vital access and freight links to and within the region. Tele and radio communication networks provide an important everyday and emergency facility to people and businesses. Municipal water, sewage and stormwater systems enable communities to maintain a healthy standard of living. The region's flood protection schemes protect individual and community assets, productive capability, community safety, and other ~~utility~~ *infrastructure* [DR 13.2] networks.

The ambition of West Coast communities is to develop world class infrastructure, including high speed broadband and enhanced cellular coverage, and to use this infrastructure to enable new diversified economic development and employment opportunities on the West Coast. The ~~Resource Management Act (RMA)~~ [MC] processes that are required for this infrastructure therefore need to be simple, quick and low cost.

Section 30(g)(b) of the RMA gives regional councils the functions of:

"...the strategic integration of infrastructure with land use through objectives, policies, and methods:..."

The government has also acknowledged that renewable electricity generation and ~~infrastructure, the National Grid, is a~~ *are matters* [DR 6.14] of national importance, and developed the following policies and regulations:

- National Policy Statement on Electricity Transmission 2008 (NPSET);
- National Environmental Standard for Electricity Transmission Activities 2009 (NESETA); and
- National Policy Statement for Renewable Electricity Generation 2011 (NPSREG).

*For the purposes of Chapter 6 of the RPS, electricity generation, transmission and distribution infrastructure that is recognised as nationally significant is also identified as regionally significant in the Glossary.* [DR 6.16] Relevant provisions of the national electricity policies are incorporated into regional plans, particularly the Regional Land and Water Plan, which also provides for other significant infrastructure. ~~Issues associated with avoiding, remedying and mitigating adverse effects on the environment arising from the construction, use and maintenance of regionally significant infrastructure are addressed in Regional Plans, and elsewhere in this Regional Policy Statement.~~ [DR 6.32, 6.96]

The NPSREG *and NPSET* [DR 6.15] requires that some matters be addressed in ~~regional policy statement RPS's~~ [MC]. The potential for certain activities to disrupt, or risk disrupting, the safe and efficient operation of *regionally significant infrastructure RSI* [MC] needs to be managed. Additionally, practical constraints associated with *regionally significant infrastructure RSI* [MC] can limit their ability to avoid, remedy or mitigate adverse effects. For instance, infrastructure facilities are often located on *public conservation land, estate, and as* [MC] hydro electricity generation structures need to locate where the water resources are. The positive and negative impacts, and limitations of suitable sites, are some of the matters that need to be weighed up during the consenting process.

*In respect of negative impacts, it is recognised that RSI can have adverse environmental effects depending on its scale and location, amongst other factors.<sup>3</sup> Except for offsetting, this Chapter does not have objectives or policies to generally avoid, remedy or mitigate adverse environmental effects of RSI as these are addressed in regional and district plans, and elsewhere in this RPS.* [DR 6.32, 6.96]

## The significant issues in relation to regionally significant infrastructure RSI for the West Coast are:

1. Recognising the benefits of, and providing for, the establishment and continued operation of regionally and nationally significant infrastructure (including renewable electricity generation), [DR 6.19] particularly where they cross *it crosses* [MC] district and/or regional boundaries.
2. Strategically integrating infrastructure and land use.

### OBJECTIVE

1. Enable the safe, and efficient *and integrated* [DR 6.47] development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure. ~~which contributes to the region's wellbeing, where it will provide long term benefits to the community.~~ [DR 6.39, 6.43]

### POLICIES

1. Recognise the importance of an adequate *a secure* [DR 6.53] supply of energy resources [DR 6.53] to meet the needs of people and communities on the West Coast, and to meet the foreseeable future needs of economic growth in the region.
2. Provide for the development, operation, maintenance, and upgrading of new and existing renewable energy *electricity* [DR 6.59] generation activities, *and National Grid infrastructure*. [DR 6.101]
3. ~~To~~ Provide for the development, operation, maintenance and upgrading of any other new and existing RSI, regionally significant infrastructure, whether for transport, power supply, erosion or flood protection, water services, or telecommunications. [DR 6.65]
4. *When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure.* [DR 6.88, 6.103]
5. ~~To~~ Recognise that regionally significant infrastructure RSI [MC] important to the West Coast's economy *wellbeing* [DR 6.1] needs to be protected from the reverse sensitivity effects *arising from* of incompatible new subdivision, use and development, *and the adverse effects of other activities*, [DR 6.47, 6.72, 6.75] which would compromise the effective operation, maintenance, ~~or~~ upgrading, *or development* of the infrastructure.
6. ~~6.~~ When considering any residual adverse environmental effects of regionally significant infrastructure RSI [MC] that cannot be avoided, remedied or mitigated, decision-makers shall *must* [MC] have regard to offsets which benefit the *natural* environment and community affected, *including biodiversity offsets within the same catchment or habitat that are located, where practicable, close to where the residual adverse effects occur.* [DR 6.80].
6. ~~7.~~ Land use and infrastructure should be integrated as far as practicable *to avoid as much as practicably possible*: [DR 6.100 FFNZ FS]:
  - a) constraints through the lack of supporting infrastructure, ~~or conversely~~ [MC]
  - b) unsustainable demands being placed on infrastructure to meet new growth;
  - c) *significant adverse effects on existing land uses.* [DR 6.100, FFNZ FS]

*Note: Policy 5 relates to Method 2 in Chapter 5 Resource Use and Development.* [DR 6.10]

### EXPLANATION TO THE POLICIES

Policy 1 seeks to ensure that the West Coast has an adequate *a secure* [DR 6.107] supply of energy resources [DR 6.107] to meet the needs of people and communities from either non-renewable or renewable sources. The Policy applies to infrastructure which supplies energy rather than energy supplies per se.

Policy 2 gives effect to Policies E1-E4 of the NPSREG which seek to enable renewable energy *electricity* [DR 6.59] generation. Policy E2 for hydro-electricity generation is the most relevant for the West Coast. *Policy 2 also gives effect to Policy 2 of the NPSET which requires recognition of the National Grid. Renewable electricity generation, and the National Grid, are important contributors to the wellbeing of the Region.* [DR 6.105]



Policy 3 seeks to ensure that other RSI are provided for to meet the needs of the people and communities of the West Coast. *RSI is defined in the Glossary.* [DR 6.65]

*Policy 4 gives effect to Policy C1 of the NPSREG, and Policy 3 of the NPSET. Electricity generation infrastructure needs to be located at source and the electricity needs to be conveyed to users. The necessary infrastructure can sometimes be physically, technically or operationally constrained. Those constraints can also apply to other infrastructure not covered by the NPSREG and NPSET, but which is listed in the Glossary definition of RSI.* [DR 6.88, 6.108]

Policy 4-5: The operation, maintenance and future development of utility networks [DR 13.2] regionally significant infrastructure RSI [MC] can be significantly constrained by the adverse environmental impact of encroaching activities and development, also known as reverse sensitivity, *or by the effects of existing resource use.* [DR 6.47, 6.72] *Policy 5 gives effect to Policies 10 and 11 of the NPSET for managing reverse sensitivity effects on RSI including the National Grid.* [DR 6.106]

Policy 5-6: The linear nature of many infrastructure networks determines its form, shape and location. Technical, *and* operational *and* security [DR 6.88] requirements associated with infrastructure networks can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects. Consequently in some cases it may be appropriate for new infrastructure to be located in, or traverse parts of, a sensitive environment to achieve a net benefit, or lower overall adverse effects. These situations *and the appropriateness of imposing offsets* need to be determined on a case by case basis *having regard to relevant case law, national policy and good practice guidelines on offsets, and expert advice.* [DR 6.80, 6.97]

Policy 6-7 recognises the need for planning for growth and development and the provision of local, regional and national infrastructure to proceed side-by-side in a coordinated and integrated way.

#### RELATED POLICIES

Policy 2 of Section ~~Chapter~~ 23 [MC] [Resource Management Issues of Significance to *Poutini* Ngāi Tahu]; Policy 1, 4 [DR 5.114] and 5 of Section ~~Chapter~~ 4 [Resilient and Sustainable Communities]; Policy 1 and 2 of Section ~~Chapter~~ 5 [Use and Development of Resources]; Policy 1, 2 [DR 7.126] and 3 of Section ~~Chapter~~ 7 [Biodiversity and Landscape Values]; Policy 1, 2 and 3 *and* 4 of Section ~~Chapter~~ 8 [Land and Water]; [DR 8.98] Policy 1, 2, 3, 4 and 5 (in relation to roading) in Section ~~Chapter~~ 9 [Coastal Environment]; Policy 2 in Section ~~Chapter~~ 10 [Air Quality]; Policy 2 and 4 in Section ~~Chapter~~ 11 [Natural Hazards].

#### METHODS

1. Provide for the development, operation, maintenance and upgrading of micro and small-scale hydro electricity generation activities, subject to appropriate conditions, in regional plans as permitted or controlled activities, and in district plans, [DR 6.111, 6.113, 6.115] where appropriate.
2. Through regional and district plan rules, or conditions of resource consents:
  - a) recognise the positive benefits of regionally significant infrastructure RSI [MC];
  - b) *recognise the constraints imposed by the locational, technical and operational requirements of RSI, including electricity transmission, distribution and renewable electricity generation infrastructure; and* [DR 6.119]
  - c) manage adverse environmental effects on the safe and efficient operation of the region's network utilities and other [DR 13.2] regionally significant infrastructure RSI [MC] (including where this is of national importance). [MC]
3. *As part of regional and district plan development or review processes, regional and district councils must consult with the National Grid operator about identifying appropriate buffer corridors to manage the adverse effects of subdivision, use and development on the National Grid.* [DR 6.123]
- 3-4. Maintain river control and flood protection works and services.

#### Notes:

1. Method 1: Policy F of the NPSREG requires that Regional Policy Statement RPSs [MC] include methods to provide for the development, operation, maintenance and upgrading of small and

community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district. Many of the region's rivers and creeks have potential for hydroelectric development for individual domestic and small-scale business use, with no more than minor effects. Appropriate hydro schemes can be developed and the adverse effects reduced by careful design and location of structures. Increased generation in the region would improve security of supply.

#### **PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS**

~~regionally significant infrastructure RSI [MC] and network utilities are~~ *is* [DR 13.2] important for the economic and social wellbeing of people and communities on the West Coast, and ~~plays~~ [MC] a vital role in daily life. Provision for the safe, reliable, and efficient functioning of such facilities and their maintenance and upgrading is provided for in this document in recognition of their importance, ~~and to ensure that they are effectively integrated with land use.~~ [DR 6.47]

The provisions in this ~~Section~~ *Chapter* also give effect to national legislation, policies and standards which direct Councils to address matters of national importance. These are incorporated where they are considered relevant to the resource management of infrastructure activities on the West Coast.

#### **ANTICIPATED ENVIRONMENTAL RESULTS**

1. A perpetually adequate *secure* [DR 6.127] supply of energy to meet the needs of people ~~and~~, communities and industry on the West Coast.
2. Increased use and development of renewable energy *electricity* [DR 6.59] resources.
3. Continued development, ~~and~~ operation, *maintenance and upgrading* [DR 6.130] of regionally significant infrastructure *RSI*. [MC]
4. Effective management of ~~potential~~ resource management conflicts ~~so as to avoid, remedy, or mitigate significant adverse effects on network utilities and infrastructure arising from reverse sensitivity effects on existing RSI, or between the provision of RSI and existing resource use.~~ [DR 6.133]
5. New land use generated by growth and development strategically integrated with local, regional and national infrastructure, particularly transport, so as to avoid an unsustainable approach to infrastructure provision and funding.

## 7. Biodiversity and Landscape Values

### BACKGROUND TO THE ISSUES

*Under section 6 of the RMA councils have responsibilities to recognise and provide for the protection of significant indigenous vegetation and habitat and outstanding natural landscapes and features, and the preservation of natural character. Sections 30 and 31 of the Act also give regional and district councils the role of developing objectives, policies, and methods for maintaining indigenous biological diversity. It is important to recognise the roles and functions of the various organisations on the West Coast involved in the sustainable management of biodiversity and landscape values.* [DR 7.4]

The West Coast region has a land area of 2,300,000 ha with the Department of Conservation managing 1,912,000 ha or 84% of this land<sup>4</sup> leaving approximately 388,000 ha (16%) of land on the West Coast not under their control. In a national context, one quarter of New Zealand's protected land is located on the West Coast. Compared to other regions, the West Coast is rich in its level of remaining biodiversity. *The extent of indigenous vegetation provides other benefits and positive effects including, for example, well-vegetated upper catchments that reduce flooding, erosion and sedimentation downstream.* [DR 7.55, DR 7.121]

*Poutini Ngāi Tahu as kaitiaki have a responsibility to manage and protect indigenous biodiversity. The ability of mana whenua to engage with indigenous species is important to enable Poutini Ngāi Tahu to maintain their identity and cultural traditions into the future. This is further detailed in Section 3.* [DR 7.126]

Where there is a threat to biodiversity, it is most often on the farmed productive lowland environments. Through district and regional plan rules, the significant fauna and habitats in these areas are afforded recognition and protection *giving effect to the relevant sections of the RMA referred to above* [MC]. The regional plans manage the potential effects on wetlands and the district plans manage those in significant natural areas. In some instances there is an overlap in these areas and in that situation the rules in both plans apply.

Biodiversity protection under the Resource Management Act (RMA) [MC] is not *necessarily* absolute, as resource consents can be granted *for appropriate development within some significant developing such areas, as well as where biodiversity values are not regionally significant.* [DR 7.9] The West Coast Regional councils and Department of Conservation *are committed to using both regulatory and non-regulatory measures to ensure that significant indigenous vegetation and habitats and are managed appropriately.* share the view that significant habitats and vegetation is best protected when the underlying land is owned by the Department. This is best achieved through land exchange or purchase. This ensures the small proportion of private land in this region will not shrink further. [DR 7.23]

As well as high conservation value areas, the Department administers some land considered to be of limited conservation value. Land exchanges should occur by swapping such land for high conservation value land in private ownership. Biodiversity is better protected by land ownership changing rather than by applying planning restrictions. The long term objective for our region is for all high value land to be in Crown ownership and all low (conservation) value land to be in private ownership, and being used to generate employment and income. [DR 7.23]

The RMA requires the protection of natural character and outstanding natural features and landscapes. The West Coast is internationally recognised for its landscape features *and natural character.* The glaciers, Pancake Rocks, the Heaphy Track and many other attractions are managed by the Crown for the purpose of visitor appreciation. The most frequented sites are regionally significant for the West Coast given that tourism is currently one of the top three economic drivers for the region. *Ensuring that we retain a region that is attractive to visitors and our own communities requires management of potential adverse effects on these landscapes, biodiversity and natural character values.* [DR 7.56] Other parts of the region also contribute to local landscapes but it is difficult to quantify that contribution other than on a case by case assessment. For the coastal marine area, the Regional Coastal Plan

<sup>4</sup> West Coast Conservation Management Strategy 2010 – 2020 Volume I.

identifies specific areas with outstanding natural features and landscapes, and outstanding natural character.

### **The significant issues in relation to the management of biodiversity and landscape values on the West Coast are:**

1. The RMA requires councils to provide protection to significant indigenous vegetation and significant habitats of indigenous fauna. *Where those areas are located on private land that can be of concern to affected land owners.* [DR 7.24, 7.32].
2. While the protection of significant vegetation and habitat of significant indigenous fauna is provided for within Regional and District Plans, *In the context of the current abundance of conservation land indigenous vegetation, much of which is on land managed by the Department of Conservation, a cross-agency approach to management, including both regulatory and non-regulatory measures, is required.* it would be sensible for ownership of all such significant areas to be within the Department of Conservation's land portfolio. [DR 7.23]
3. The relatively unmodified environment of the West Coast provides a wealth of *significant indigenous vegetation, significant habitats of indigenous fauna,* outstanding natural features and *natural* landscapes, and *areas with* outstanding natural character. Management of these areas should *While these areas must be protected, it is possible to carefully manage them in a way that enables appropriate* not unnecessarily restrict future employment, regional growth or *and* development. [DR 7.45, 7.46, 7.51, 7.53]
4. *Councils, and Poutini Ngāi Tahu need to work together to identify opportunities to recognise and provide for Poutini Ngāi Tahu culture and traditions in relation to the use and protection of indigenous biodiversity under the RMA, to the extent practicably possible.* [DR 7.126]

### **OBJECTIVES**

1. A regulatory framework that reflects the abundance of *the West Coast's indigenous* [MC] biodiversity, natural character, ~~and~~ natural features and *natural* [DR 7.59] landscapes whilst enabling West Coast communities to provide for their economic, social and cultural wellbeing.
2. Recognising the need to ~~p~~ *Protecting* significant indigenous vegetation and significant habitats of native *indigenous* fauna *in a regionally consistent manner,* using both regulatory and non-regulatory measures. *while encouraging the Crown to acquire ownership of any areas located on private land, while ensuring the proportion of private land to conservation land in the region does not decrease.* [DR 7.23, 7.67, 7.71, 7.83]
3. Recognising and providing for areas of *Protecting* outstanding natural features and *natural* landscapes *and preserving outstanding natural character in a regionally consistent manner.* noting that these are primarily located on Crown conservation lands. [DR 7.10 7.67, 7.76]

### **POLICIES**

**1A** *Areas of significant indigenous vegetation and significant habitats of indigenous fauna; and outstanding natural features, outstanding natural landscapes and areas of outstanding natural character; will be identified through the use of regionally consistent criteria.* [DR 7.67, 7.118, 7.125]

1. Adverse effects on significant indigenous vegetation, significant habitat of native *indigenous* fauna, *outstanding natural features, outstanding natural landscapes,* and outstanding natural character arising from the *inappropriate subdivision,* use and development of natural resources will be avoided, remedied, or mitigated via Regional and District Plans and resource consent processes. [DR 7.86, 7.90]
2. Advocate that the Crown acquires ownership of any areas of significant fauna or vegetation on private land, by exchanging such areas an equal value area with lower conservation value, currently held by the Crown. [DR 7.23 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 7.100, 7.101]
2. 3. *When having regard to Policy 1,* the [MC] appropriateness of any subdivision, use or development potentially affecting an outstanding natural feature or landscape as identified in Regional and District Plans shall *must* [DR 7.106] be assessed against the following criteria:
  - a) The value, importance or significance of the *habitat, fauna,* [MC] feature or landscape at the local, regional, or national level;

- b) The degree and significance of actual or potential adverse effects on the outstanding natural habitat, fauna, features and or landscapes, including cumulative effects, and the efficacy of measures proposed [MC] to avoid, remedy or mitigate such effects;
- c) The benefits to be derived from the proposed subdivision, use and or [MC] development at the local, regional and national scale and any technical or operational constraints on its proposed location; [DR 7.114, 7.117]
- d) The degree of existing modification of the natural habitat, fauna, [MC] feature or landscape from its natural character; and
- e) The vulnerability of a natural the habitat, fauna, [MC] feature or landscape to change, and its capacity to accommodate change, without compromising the its values of the feature or landscape. [MC]

3A Appropriate subdivision, use and development in the areas listed in Policy 1 can be enabled provided the adverse effects of the activity are avoided, remedied, mitigated or offset. [DR 7.123]

3. Give effect to Objective 2 of Chapter 3 by providing for the kaitiakitanga role of Poutini Ngāi Tahu in the management of indigenous biodiversity and, where practicable, provide for Poutini Ngāi Tahu customary use of indigenous species in a manner that accords with tikanga and kaitiakitanga, within the framework of the Regional and District Council's RMA functions. [DR 7.126]

#### **EXPLANATION TO THE POLICIES**

Policy 1A recognises that using regionally consistent criteria for determining and identifying significant and outstanding areas helps to achieve integrated management. It needs to be evident where significant areas are located, so when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness. [DR 7.67, 7.118, 7.125]

Policy 1 requires adverse environmental effects to be managed in a way that gives effect to Part 2 of the RMA's sustainable management purpose. [MC] This includes informing iwi of any consent application potentially affecting an area of significant biodiversity which also has important iwi values. [DR 7.126]

To assist decision-makers deciding whether a proposed subdivision, use or development would be inappropriate in the areas listed in Policy 1 [DR 7.86], Policy 2 requires consideration of ~~should be given to~~ [MC] the nature and scale of effects, the significance of the values affected as well as the impact on the economic and social wellbeing of the community, and how these contribute to the overall purpose of sustainable management. Decision-makers need to apply this in context ~~to~~ of the West Coast and the abundance ~~quantity and quality~~ [MC] of biodiversity, natural character, and natural features and landscapes remaining throughout the region. Schedule 1 wetlands in the Land and Water Plan contains significant indigenous vegetation and significant habitats of indigenous fauna, and are protected by provisions in that Plan.

Policy 2 encourages the purchase of high value land, or exchange of land with high conservation values, with areas that have a lower value and may be utilised for growing the regional economy and much needed employment. This approach is vital in a region where such a high proportion of land is already under the administration of the Department of Conservation. It also presents a prudent, and pragmatic, approach to the management of land in the region and allows conservation monies to be spent on areas of higher significance reducing the burden of managing areas that do not have high conservation values. [DR 7.23]

Recognising that the West Coast has a wealth of outstanding natural features and landscapes region wide Policy 3 provides guidance on determining what is appropriate subdivision, use and development. While section 6(b) of the RMA requires that Councils recognise and provide for the protection of these places this does not prohibit development in these areas. Instead these activities must be assessed as to their impact including the value or importance of the natural feature or landscape, their vulnerability to change and the overall degree of adverse effect. The benefits to be derived from the use or development at the local, regional or national level must also be considered. These, and the other

matters identified in Policy 3, will need to be considered in determining whether on balance, the use is appropriate and will meet the sustainable management purpose of the RMA. [MC]

*Policy 3A recognises that following the application of the criteria listed in Policy 2, if a proposed subdivision, use and development is found to be appropriate, it can be enabled provided adverse effects arising from it are avoided, remedied, mitigated or offset.* [DR7.123]

*Policy 3 links to Objective 2, and Policies 2 and 3 of Section 3 Resource Management Issues of Significance to Poutini Ngāi Tahu. To give effect to kaitiakitanga it is important that regional and district councils engage meaningfully with Poutini Ngāi Tahu. Regional and district councils should recognise that the exercise of kaitiakitanga, and the continuing ability to carry out cultural practices in accordance with tikanga, are important to sustaining Poutini Ngāi Tahu identity and wellbeing. In developing regional and district plan provisions for management of indigenous biodiversity, regional and district councils need to consult with Poutini Ngāi Tahu and have regard to how the kaitiakitanga role of mana whenua can be enabled and how customary use can be provided for within the framework of the RMA.* [DR 7.126]

#### RELATED POLICIES

*Policy 2 and 3 of Chapter 3 [Resource Management Issues of Significance to Poutini Ngāi Tahu] [DR 7.126]; Policy 2 and 6 [DR 5.114] of Section Chapter 4 [Resilient and Sustainable Communities]; Policy 1 of Section Chapter 5 [Use and Development of Resources]; Policy 2, 3, 4, 5 and 6 of Section Chapter 6 [Regionally Significant Infrastructure (RSI)]; Policy 1, 2 and 3 of Section Chapter 8 [Land and Water]; Policy 1 and 2 of Section Chapter 9 [Coastal Environment].*

#### METHODS

1. Maintain the regional and district plans with objectives, policies, *rules* [DR 7.138] and methods of implementation addressing potential impacts on significant indigenous biodiversity.
2. Encourage the *use of non-regulatory measures to provide for the sustainable management of areas of significant indigenous fauna or indigenous vegetation*. Crown to acquire ownership of any areas of significant biodiversity value on private land, in exchange for lower conservation value land currently held by the Crown. [DR 7.23]
3. *Use regional and district plan rules and/or resource consent processes to manage the Avoid, remedy or mitigate adverse effects of subdivision, use and development* on outstanding natural character and outstanding natural features and landscapes, via regional and district plan rules and/or resource consent processes. [DR 7.143]
4. *Regional and district councils will work together with Poutini Ngāi Tahu to identify opportunities to enable their kaitiakitanga role in relation to the use and protection of indigenous biodiversity under the RMA, including managing adverse effects of subdivision, use and development on the customary use of indigenous biodiversity.* [DR 7.126]
5. *Regional and district councils will work together to agree on a consistent set of criteria for identifying significant indigenous vegetation and significant habitats of indigenous fauna to be given effect to in regional and district plans.* [DR 7.67, 7.118, 7.125]

#### PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

Part 2 of the RMA requires councils, when exercising their functions under the RMA, to recognise and provide for areas of significant indigenous vegetation, significant habitat of native *indigenous* fauna, and outstanding natural character, and outstanding *natural features and natural* landscapes, from inappropriate development. *The Objectives, Policies and Methods in this Chapter aim to implement these statutory requirements in a pragmatic, efficient and effective way to ensure that both protection of the natural environment and the economic, social and cultural wellbeing of the West Coast are achieved.* [DR GS20]

Case law has clarified that Part 2 is an overall broad judgement seeking to balance:

- a) Enabling people and communities to provide for their social, economic and cultural wellbeing; health and safety; with

b) Meeting resource needs of future generations, safeguarding life-supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects of activities on the environment<sup>5</sup>.

Sections 6, 7 and 8 of the RMA refine and give further meaning to the elements in b) above, noting that each section has a different relative weighting. Conflicting considerations and their scale, degree, and relative significance or proportion in the final outcome must be balanced, both at policy development stage and the resource consent decision-making stage. [DR GS20]

*Regard must also be had to the role given to councils by Sections 30 and 31 of the Act in maintaining indigenous biodiversity, [DR 7.147] and how this can be woven in with the regional and district council's obligations to work together with Poutini Ngāi Tahu and their kaitiakitanga role. [DR 7.126]*

While this Section focuses on the requirements of sections 6a, 6b and 6c of the RMA, the objectives, policies and methods have been adopted to provide for a broader application of Part 2 of the RMA taking into account the natural and physical resources being managed, the community's desires, and the proportion of land under protection versus that available for enabling communities to provide for their wellbeing. The intent is to provide appropriate methods to protect those values that are most significant, whilst allowing appropriate development to occur enabling the social, economic and cultural wellbeing of communities into the future. More specific objectives, policies and methods are contained within the relevant Regional and District Plans. [DR GS20]

A range of methods are proposed to implement the policies and achieve the objectives. Where regulatory tools are to be applied these are to be targeted to significant values, not preventing appropriate use and development. *Method 2 recognises that non-regulatory measures also have an important role to play in the sustainable management of significant indigenous fauna and vegetation on the West Coast. These measures could include, but are not limited to, covenants, land swaps or exchanges in ownership between private land owners and the Department of Conservation. This Method lends support to those approaches, and encourages cross sector collaboration.* [DR 7.23] This overall approach is more likely to result in community acceptance and support for biodiversity and landscape protection.

In accordance with section 62(1)(i)(iii) of the RMA, the three *district councils* Territorial Authorities [MC] of the region will be responsible for specifying the objectives, policies and methods for the control of the use of land to maintain indigenous biological diversity except where the control of the use of land relates to the West Coast Regional Council *WCRC's* [MC] functions under the RMA regarding:

- the coastal marine area;
- the beds of rivers, lakes and scheduled wetlands; and
- land use activities managed in the Regional Land and Water Plan.

#### **ANTICIPATED ENVIRONMENTAL RESULTS**

1. Maintenance and enhancement of areas with regionally [DR 7.151] significant indigenous biodiversity values in the West Coast region.
2. *Opportunities are provided for Poutini Ngāi Tahu to exercise their kaitiakitanga role in relation to the use and protection of indigenous biodiversity where this is consistent with the West Coast Councils' RMA roles.* [DR 7.126]
3. ~~Land supporting significant biodiversity values will be held in Crown ownership, without reducing the proportion of land in the region currently held in private ownership.~~ [DR 7.23]
3. Appropriate protection of outstanding natural features and landscapes, in particular the iconic tourist vistas that attract visitors to the region.
4. Appropriate subdivision, use and development are *is* able to occur, and regulatory processes do not unduly delay appropriate resource use and development taking place.

<sup>5</sup> The 'enabling' and 'management' functions of section 5(2) are of equal importance. The purpose is to ensure present people and communities do not, in pursuit of their own wellbeing, consume or destroy the existing stock of natural and physical resources, so as to improperly deprive future generations of the ability to meet their needs. [GS20]

## 8. Land and Water

### BACKGROUND TO THE ISSUES

The West Coast has high rainfall and water is generally abundant in most areas. *Given the development pressures facing other regions, West Coast experiences of the natural environment are being keenly sought, with many of these experiences centred around coastal and freshwater environments. The Region's natural beauty and resulting popularity with tourists is, in no small measure, due to the pristine nature of most water bodies. Management of these resources needs to take into account the high recreational and habitat values these water bodies provide.* [DR 8.13]

*It should be noted that this chapter addresses both freshwater and coastal water.* [DR 8.71, 9.8]

*To Poutini Ngāi Tahu, wai māori (freshwater) and moana (coastal waters) are taonga. The life-giving and life-sustaining properties of water are intrinsically linked to the spiritual, cultural, economic, environmental and social wellbeing, survival and identity of Poutini Ngāi Tahu whānui. Poor water quality and activities such as abstraction, damming or diversion of water can have adverse effects on the relationship of Poutini Ngāi Tahu to fresh and coastal waters, including on their culture and traditions. This is because the life-supporting capacity and/or mauri of the resource can be affected, including its ability to support healthy habitat for mahinga kai and to provide for the harvest of kaimoana and other customary uses.* [DR 8.98, 8.99, 8.102, 8.103, 8.107] *The life supporting capacity of water is not just of importance for cultural values, but also has relevance for trout, salmon and other species.* [DR 7.84]

State of Environment reporting has shown that freshwater quality is improving on the West Coast. Council's Long Term Plan now includes five water quality parameters and Council measures progress with these parameters and reports on this annually.

Water quality management has been mainly focussed on addressing point source (direct) discharges of contaminants. Continued work on the way land is used and managed to reduce diffuse run-off and leaching ~~would~~ *will* enable further improvements in water quality. Council has been working closely within specific catchments to improve water quality through both regulatory and non-regulatory approaches, with some success<sup>64</sup>.

Compared with other regions, there are relatively few significant water use pressures on water bodies on the West Coast. However, water availability is coming under increased seasonal pressure due to extraction for irrigation in the upper Grey Valley. This may require further work to prioritise water allocation between water uses such as ~~pasture irrigation~~ *drinking water* [MC] and in-stream uses (for example fish habitat/aquatic ecology and other in-stream needs).

~~The National Policy Statement (NPS) was gazetted in 2011~~ *The NPSFM was gazetted in 2014.* [DR 8.7] The Regional Policy Statement ~~RPS~~ [MC] must give effect to the NPSFM. The objectives, policies, rules and methods in the Regional Land and Water Plan are meeting the requirements of the NPSFM through managing the effects of land use and their potential impact on waterbodies. Further emphasis on the requirement for integrated management, particularly on the effects of the use of land on fresh water for both the Regional and ~~district~~ *district* councils, will give further effect to ~~this~~ *the* NPSFM. *An integrated approach also considers the effects of land and freshwater use on coastal water.* [DR 8.71, 9.8]

### The significant issues in relation to the management of land and water for the West Coast region are:

1. Managing adverse effects on water quality, arising from point source and diffuse source discharges to waterbodies from activities on land.
2. Potential overuse of water resources can occur in certain areas during drier seasons.

<sup>64</sup> The West Coast Regional Council claimed 2<sup>nd</sup> place in the National River Awards for work undertaken in the Harris Creek Catchment in 2013 for improving water quality in Harris Creek. [MC]



- Integrating the management of subdivision, use and development activities on land with the potential effects on water quality.

#### OBJECTIVES

- Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while *maintaining or improving water quality and aquatic ecosystems<sup>7</sup> avoiding, remedying or mitigating adverse effects on the environment.* [DR 7.84, 8.44]
- Determine allocation priorities for water in catchments where there are competing or conflicting demands.
- Achieve the integrated management of fresh water and the subdivision, use and development of land within catchments, *recognising the interconnections between land, fresh water, and coastal water.* [DR 8.71, 9.8]

#### POLICIES

- Adverse effects on *the significant values of fresh and coastal* [DR 7.84, DR 8.40] water arising from subdivision, use or development of land; *discharges of contaminants to water; water abstractions; and activities in, or on, water* [DR 8.28, 8.80] will be avoided, remedied or mitigated, *thereby ensuring that water quality and aquatic ecosystems are maintained or improved.* [DR 7.84, 8.73] via Regional and District Plans and resource consent processes. [DR 8.72]
- To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:*
  - A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;*
  - The value of riparian margin vegetation for water quality and aquatic ecosystems; and*
  - Effects on the sustainability of mahinga kai, and protection of taonga areas.* [DR 8.98, 8.99, 8.102, 8.103, 8.107]
2. Subject to the requirements of Part 2 of the Resource Management Act (RMA) the allocation of water will generally be dealt with on a "first-come, first-served" basis but will take into account the reasonable needs of water users. In catchments where there is likely to be competition for the use of water, allocation decisions will be made having particular regard to the following:
  - Reasonably foreseeable future requirements for domestic and community water supply needs, stock drinking, and firefighting;
  - The degree of national, regional or community benefit from the taking and use of water;
  - That any adverse environmental effects from the allocation of water will be avoided, remedied or mitigated as far as practicable [DR 8.7] in accordance with other policies of this *RPS Policy Statement* or regional plans, and the requirements of the RMA; *and*
  - The extent to which the proposal maximises the efficient allocation and use of water.* [DR 8.7]
3. Regional and district plans are integrated to manage the effects of the use and development of land on water, *including coastal water.* [DR 8.71, 9.8]

#### EXPLANATION TO THE POLICIES

Policy 1 ~~requires~~ *gives effect to the NPSFM and Objective 1 above by requiring that* [DR 8.7] the adverse effects of subdivision, use and development activities on land, *discharges of contaminants, water abstractions and activities in, or on, water are to be* [DR 8.28] managed in a way that ~~will contribute to maintaining and improving water quality by reducing~~ *reduces* the adverse effects of *those activities* discharges of contaminants. Explicit detail on how this will be achieved is set out in the Regional Land and Water Plan, as well as provisions in the district plans and through conditions on individual resource consents. This includes providing for discharges to land where this is more appropriate than discharging contaminants to water, for example dairy shed effluent, and requiring treatment of certain contaminants prior to discharging into water, such as sewage effluent. *Giving effect to Policy 1 will also ensure that the significant values of water including, but not limited to, aquatic ecosystems and recreational uses*

<sup>7</sup> Including the habitat of trout and salmon. [DR 7.84]

*will be provided for. Significant values can include the national and local values referred to in the NPSFM. [DR 7.84]*

*Regarding Policy 2, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on shellfish beds and fishing areas. To achieve the sustainability of mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems. Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are, or will be, identified in the regional and district plans. [DR 8.98, 8.99, 8.102, 8.103, 8.107]*

Policy 2.3 [MC] sets out the approach to be taken to determine allocation priorities for the use of water. Subject to Part 2 of the RMA, the Council will generally allocate water on a 'first-come, first-served basis'. However where there is likely to be competition for the use of water, the Council will need to 'prioritise' water allocation among competing users. Policy 2.3 establishes that allocations are made subject to Part 2 of the Act including the need to safeguard the life-supporting capacity of water and protect instream uses and values. This will be done in accordance with other policies in the ~~Regional Policy Statement RPS~~ [MC] as well as the regional plans and the requirements of the RMA. In making decisions on the allocation of water under this policy, some water users will need to be given priority because they provide important economic, social or health and safety benefits to the community, the region, New Zealand, or because of the strategic nature of their business or operations. Water will be managed and prioritised where allocation pressures exist. The intent is to avoid, remedy or mitigate the adverse effects that the use and development within these catchments may have on these water resources whilst still enabling communities to meet their social, cultural and economic wellbeing. While this issue is fairly limited at this time, future development, and use of freshwater, in the region may put other catchments under pressure.

The ~~Freshwater NPSFM~~ [MC] requires the ~~Regional Policy Statement RPS~~ [MC] to provide for the integrated management of the effects of the use and development of land on water. This is to include encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure. Policy 3.4 recognises the connectivity between activities on land and its effects on water, and that these must be managed through both the regional and district plans. *Activities upstream can also affect coastal water quality.* [DR 8.71, 9.8] An example of where integrated management is necessary is ensuring sufficient infrastructure capacity is provided for stormwater disposal and discharge from new subdivision and land development, to avoid stormwater overflows flooding adjoining land, or eroding riverbanks, or causing sedimentation of water bodies.

*Policy 4 also gives effect to the NZCPS policies for integrated management of activities that affect the coastal environment, including effects on coastal water from upstream land uses.* [DR 8.71, 9.8]

#### **RELATED POLICIES**

Policy 2 of ~~Section Chapter 2.3~~ [MC] [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 2, 4 [DR 5.114] and 5 of ~~Section Chapter 4~~ [Resilient and Sustainable Communities]; Policy 1 and 2 of ~~Section Chapter 5~~ [Use and Development of Resources]; Policy 1, 2, 3, 4, 5, and 6 of ~~Section Chapter 6~~ [Regionally Significant Infrastructure (RSI)]; Policy 1 and 3 [DR 7.126] of ~~Section Chapter 7~~ [Biodiversity and Landscape Values]; Policy 2 of ~~Chapter 9~~ [Coastal Environment] [DR 8.71, 9.101].

## METHODS

1. Maintain a regional plan with objectives, policies, rules and methods of implementation to ensure that any adverse effects of point and diffuse source discharges to land and water are avoided, remedied or mitigated, and that water quality is maintained *or improved* and enhanced. [DR 8.113]
2. Include in district plans, policies, rules, guidelines or other information to avoid, remedy or mitigate the adverse effects of land use activities and management practices on water quality.
3. *Regional and district councils, in their plan development and resource consent processes, will consult with Poutini Ngāi Tahu about avoiding, remedying or mitigating adverse effects originating from land and freshwater use on their cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.* [DR 8.98, 8.99, 8.102, 8.103, 8.107]
4. ~~3.~~ Maintain a regional plan with objectives, policies, rules and methods of implementation to ensure the prioritisation of freshwater in catchments where conflict may arise during dry periods.
5. 4. Regional plans are integrated across land and water resources (*including coastal water*), [DR 8.71, 9.8] and regional and district plans are integrated across statutory functions.
6. *In accordance with the WCRC's Progressive Implementation Programme, undertake water quality monitoring, further investigative work, plan changes to the Land and Water Plan, and any subsequent implementation actions necessary to enable implementation of the NPSFM, including identification of the significant values referred to in Objective 1 and Policy 1.* [DR 8.25]

## PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

It is the activities that occur on land that have the greatest influence over the quality of our freshwater *fresh and coastal water*. [DR 8.71, 9.8] The Regional Land and Water Plan provides a comprehensive tool for the integrated management of land and *fresh* [MC] water. These *RPS* [MC] objectives, policies and methods do, at their broadest level, establish a policy framework for maintaining and improving freshwater on the West Coast. Their aim is to maintain the West Coast's generally high to excellent water quality and to enhance that water quality by addressing the effects of water contamination from diffuse and point sources. Further detail and the specific approaches to the management of these issues is provided in the Regional Land and Water Plan. Regulation, through the inclusion of rules in the regional and district plans, as well as conditions on resource consents, provide a simple, efficient and effective method of controlling adverse effects associated with the use of land and water.

*Integrated management of the effects of land and fresh water use on coastal water is important for maintaining coastal water quality in areas with significant cultural values.* [DR 8.71, 9.8] *These values include shellfish beds, fishing areas, and other mahinga kai and taonga areas, that are sensitive to water contamination.* [DR 8.98, 8.99, 8.102, 8.103, 8.107]

The aim is to provide for the many uses of land and water and to balance these competing demands while also maintaining, and where appropriate, enhancing water quality. Through the statutory framework in place, and in particular the use of regional rules, the Regional Council can provide for the use of these resources for the economic, social and cultural wellbeing of our communities while managing any adverse effects.

*Council will continue to monitor water quality through State of Environment Reporting and as part of the Council's Long Term Plan. Further work will be undertaken to determine what more needs to be done to implement the NPSFM, including considering whether additional objectives are required for specific water bodies within the Region (freshwater management units). Consideration will also be given to the approach to monitoring progress toward achieving any identified objectives of the NPSFM and whether the information available in respect of freshwater takes and contaminants needs improving in order to achieve these objectives. Where necessary, detailed direction will be provided through provisions in regional plans.* [DR 8.25]

## ANTICIPATED ENVIRONMENTAL RESULTS

1. Water quality is maintained or improved on the West Coast.
2. Water allocations are prioritised and managed.
3. Regional and district plans are integrated.

## 9. Coastal Environment

### BACKGROUND TO THE ISSUES

This ~~Section~~ Chapter identifies resource management issues of regional significance affecting the West Coast's coastal environment. Resource management of the coastal environment is shared between regional and district councils, as follows:

- a) The coastal marine area (CMA) covers from the line of mean high water spring (MHWS) out to the 12 nautical mile limit at sea, wherein the Regional Council manages effects of occupation and other activities through the Regional Coastal Plan;
- b) The coastal environment extends from the MHWS line inland to "where coastal processes, influences, or qualities are significant" (Policy 1(2)(c), ~~New Zealand Coastal Policy Statement 2010~~ NZCPS. [MC] The three district councils manage effects of land use and subdivision in the coastal environment of their respective districts via their district plans. The Regional Council manages effects of activities such as earthworks and discharges in the coastal environment through its Regional Land and Water Plan.

~~For the purposes of this Section, the term "coastal environment" applies to both the coastal marine area, and the coastal environment that is the jurisdiction of district councils, unless stated otherwise. [DR 9.22]~~

~~Section 62(3) of the Resource Management Act (RMA) [MC] requires that this Regional Policy Statement RPS [MC] must, among other things, give effect to the ~~New Zealand Coastal Policy Statement (NZCPS) [MC]. The Minister of Conservation prepared and approved a revised NZCPS in 2010 covering a range of coastal matters. The NZCPS policies relevant~~ of particular relevance to this chapter of the [DR 9.6] RPS are:~~

- Policy 6 which has clauses recognising the contribution of activities in the coastal environment to the social, economic and cultural wellbeing of people and communities;
- Policy 7 which requires consideration of where, how and when to provide for activities in the coastal environment, and where protection from inappropriate activities is needed;
- Policies 11, 13 and 15 which require protection of significant indigenous biodiversity, areas of outstanding natural character, and outstanding natural features and landscapes from adverse effects of activities; and
- Policies 24, ~~25~~ [DR 9.82] and 27 which provide guidance on managing coastal hazard risk.

~~*Some provisions in other chapters of this RPS may also apply in the coastal environment, for example, in the Resilient and Sustainable Communities, and Land and Water chapters. Downstream effects of land and freshwater use on coastal water are addressed under the integrated management provisions in the Land and Water chapter. These provisions are referred to in the Related Policies section of this chapter, and generally give effect to other NZCPS policies.*~~ Other Further details of policies in the NZCPS 2010 which are relevant to the West Coast CMA are given effect to in the Regional Coastal Plan and district plans. [DR 9.6]

~~As referred to in Section Chapter 7 on Biodiversity and Landscape Values, the West Coast coastal environment has an abundance of natural habitat, natural character, and landscapes, including within the coastal environment. Protection of these values must be balanced with allowing in accordance with the NZCPS does not necessarily prohibit~~ appropriate subdivision, use and development. [DR 9.9] While there is currently a relatively low level of development particularly in the coastal marine area, there is the potential for further resource use and development in the coastal environment in appropriate locations and forms, and within appropriate limits. [DR 9.26] Tourists are attracted to the West Coast to view iconic coastal scenic areas such as the Pancake Rocks at Punakaiki. Natural materials such as sand, gravel, driftwood, and minerals such as ilmenite and garnets [DR 5.34] can be used to provide for people's social and economic wellbeing. The Regional Coastal Plan has provisions to manage the balance of use and protection by avoiding, remedying, and mitigating adverse effects of development on important values. [DR 9.9]

*This Chapter does not have objectives or policies to manage effects of all activities that are in the coastal environment. That level of detail is addressed in regional and district plans, including, for example, effects of activities in or near river mouths on fish migration and aquatic ecology, both upstream of the coastal environment and within it. [DR 9.31]*

Climate change can potentially affect the coastal environment via sea level rise, and changes to the intensity and frequency of storm surges and waves. *This can affect river mouth migration and lagoon flood levels. [DR 9.27] The coast is a highly dynamic environment because of a combination of marine, terrestrial and tectonic environments, and this, combined with climate change, means that more [DR 9.24] frequent or greater erosion and inundation can be expected in coming decades. Inappropriate subdivision, use and development can increase the exposure of people and communities to risks from coastal hazards. This Section Chapter [MC] proposes guidance on the balancing of [GS 20] allowing appropriate development in the coastal environment while managing inappropriate development that increases the risk of hazards that affect people and communities. [DR 9.30] A risk-based approach to assessing coastal hazard risk includes taking a precautionary approach as required by the NZCPS 2010. [DR 11.10] Chapter 11 Natural Hazards also has provisions that are relevant to the coastal environment. [DR 9.24]*

### **The significant issues in relation to the management of the coastal environment for the West Coast region are:**

1. The NZCPS requires the avoidance of adverse effects on significant *certain indigenous* [MC] coastal biodiversity, and outstanding natural character and landscapes in the coastal environment. [MC] however, with [DR 9.33] *These areas are widespread on the West Coast as it has [DR 9.33] a relatively large proportion of unmodified coastal environment, on the West Coast management of these areas may also However, there is also a [DR 9.36] need to enable appropriate future employment, regional growth and development, to provide for the Region's economic, social and cultural wellbeing. [DR 9.32]*
2. Enabling appropriate subdivision, use, and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.

### **OBJECTIVES**

1. A regulatory framework that protects significant *indigenous* [MC] coastal biodiversity, outstanding natural character areas, and outstanding natural features and *natural* [DR 9.43] landscapes from adverse effects of *inappropriate*<sup>8</sup> activities.
2. Recognise the role of resource *appropriate and sustainable* [DR 9.47, 9.51, 9.54] *subdivision*. [MC] use and development in the coastal environment and its contribution to enabling people and communities to provide for their economic, social, and cultural wellbeing.
3. Ensure that any new subdivision, use or development allowed [DR GS20] in the coastal environment has appropriate regard to the level of coastal hazard risks.
4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

### **POLICIES**

1. *Where new subdivision, use or development is proposed in the coastal environment:*
  - a) *avoid adverse effects on the taxa, ecosystems, areas and habitats listed in NZCPS 2010 Policy 11(a);*
  - b) *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the taxa, ecosystems, areas and habitats listed in NZCPS 2010 Policy 11(b);*
  - c) *avoid adverse effects of inappropriate<sup>8</sup> subdivision, use and development on areas of outstanding natural character, outstanding natural features and outstanding natural landscapes;*

<sup>8</sup> For the purposes of Objective 1 and Policy 1 of Chapter 9, whether an activity is "inappropriate" or not is to be determined in accordance with the criteria listed in Policy 2 of Chapter 9 and Policy 2 of Chapter 7.

- d) avoid significant adverse effects of inappropriate<sup>8</sup> subdivision, use and development and avoid, remedy or mitigate other adverse effects on natural character, natural features and natural landscapes. [DR 9.63, 9.64, 9.65]

~~Adverse effects on significant indigenous biodiversity, outstanding natural character, and outstanding landscapes in the coastal environment arising from the use and development of coastal resources will be avoided via Regional and District Plans and resource consent processes.~~

2. In addition to the matters listed in Policy 2 of Chapter 7, when [MC] considering whether or not [MC] proposals for new subdivision, use, and development in the coastal environment are inappropriate, [MC] take into account the following contextual matters:
  - a) The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
  - b) Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; *and*
  - c) Functionally some uses and developments can only be located in the coastal marine area or inland coastal environment.
3. To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:
  - a). Estuaries, hāpua lagoons, and other coastal wetlands; and
  - b). Shellfish beds and fishing areas. [DR 9.97]
4. ~~3.~~ Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:
  - a). Official, nationally recognised guidelines for sea level rise;
  - b) The type and life-cycle of the proposed development, including whether it is (i.e. short-term, long term, or permanent); [DR 9.81]
  - c) Whether the predicted impacts are likely to have material or significant consequences;
  - d) The acceptability of those potential consequences, given their likelihood; *and*;
  - e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether [DR 9.82] future adaptation options are feasible.
5. ~~4.~~ Coastal hazard risks should be assessed over at least a 100 year timeframe.
6. ~~5.~~ In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed. ~~This should include recognition that hard protection structures may be the only practical means to protect people, property, and infrastructure.~~ [DR 9.90, 9.91]

#### **EXPLANATION TO THE POLICIES**

Policy 1 gives effect to Policies 11, 13, and 15 of the NZCPS 2010 to protect significant and outstanding biodiversity, landscape and natural character values, for example, bush clad cliffs and ravines or marine reserves. [DR 9.25] In applying this Policy, case law indicates that it may be acceptable to allow activities that have minor or temporary transitory [GS20] adverse effects on significant biodiversity or outstanding natural character or landscape areas and still give effect to these NZCPS policies, where the avoidance of the effects of an activity is not necessary (or relevant) to protect the particular values. Policy 1 therefore focuses on 'new' use or development as it has a greater likelihood of having more than minor or transitory adverse effects. Existing infrastructure and other activities that have been in place for many years are likely to have adverse effects that are no more than minor. When having regard to Policy 1, [MC] consideration should be given to the nature and scale of effects, what adverse effects are to be avoided, and what values are to be protected. Decision-makers need to apply this in context of the West Coast. and the quantity and quality of biodiversity and natural values remaining throughout the region's coastal environment. [DR 9.102]

Policy 2 gives effect to Policy 6(2) of the NZCPS 2010 reflecting that the RMA does not preclude appropriate use and development in the coastal environment. *"Use" not only means resource use, it also includes, for example, recreational use and public access as uses of the coastal environment.* [DR 9.6, 9.78] Policy 2(a) also links to Policy 7 of the NZCPS which requires consideration in regional policy statement RPS's [MC], and plans of where, how and when to provide for future development. These matters are implemented for the coastal marine area in the Regional Coastal Plan by identifying areas with important values where adverse effects of proposed new development may need to be assessed. Plan rules indicate when consideration of effects is required through the consent process. District plans will have similar provisions for the coastal environment to be consistent with the RPS and *Regional Coastal Plan*.

*Policy 3 recognises that some coastal environments important to Poutini Ngāi Tahu are particularly sensitive to elevated levels of contaminants in coastal water. Regional and district councils need to have regard to the effects of coastal development on coastal mahinga kai areas such as estuaries, lagoons, coastal wetlands, shellfish beds, and fishing areas including mataitai reserves. Significant coastal mahinga kai areas for Poutini Ngāi Tahu are, or will be, identified in the regional and district plans. Policy 3 includes an exception for the development, operation, maintenance, or upgrading of RSI and local roads in recognition of the fact that there are several places in the coastal environment where important lifeline infrastructure exists in or near to the areas listed in clauses a) and b).* [DR 9.97]

Policy 3 4: The potential impacts of climate change on coastal processes (and thus *natural* hazards) are complex, and a risk management approach to coastal hazard management is necessary when considering if coastal subdivision, use and development is suitable in the coastal environment. A number of national level guidance manuals are available which have a range of factors to consider when assessing the risk of coastal hazard effects on proposed development, including adaptive management.

*Policy 25 of the NZCPS 2010 requires that in areas potentially affected by coastal hazards over at least the next 100 years, increased risk of harm from such hazards must be avoided. There are a range of preventive tools that may be considered in terms of their effectiveness for avoiding increasing the risk of harm. Determining their effectiveness will depend on factors such as the level of risk, whether the risk may change over time and by how much.* [DR 9.82]

Policy 4 5: Policy 24 of the NZCPS 2010 requires that a minimum 100 year timeframe is used for assessing coastal hazard risks, particularly for proposed development in or adjoining areas identified as being high risk for hazards. This will provide consistency for development in the coastal environment of the three districts.

The provisions in this Section Chapter are specific to resource management-related hazard issues in the coastal environment. The Natural Hazards Section Chapter has provisions which may also apply in the coastal environment.

Policy 5 6: Policy 27 of the NZCPS 2010 lists several options to consider for managing coastal hazard effects on significant existing development, including relocation and removal of existing development, as well as hard protection structures. Where resource management action is needed to protect people and property, the RMA provides for councils to take the best practicable option. ~~On the West Coast there may be limited land suitable or available to relocate to in the coastal environment.~~ [DR 9.90, 9.91] Decision-makers will need to consider the potential social and economic impacts, including costs, to land and infrastructure owners of options to best manage hazard effects.

#### **RELATED POLICIES**

Policy 1, 2 and 3 of Section Chapter 2 [Resource Management Issues of Significance to *Poutini* [MC] Ngāi Tahu]; Policy 1, 2, 4 [DR 5.114] and 5 of Section Chapter 4 [Resilient and Sustainable Communities]; Policy 1 of Section Chapter 5 [Use and Development of Resources]; Policy 1, 2, 3, 4, 5, and 6 in Section Chapter 6 [Regionally Significant Infrastructure (RSI)]; Policy 1 and 3 in Section Chapter 7 [Biodiversity and Landscape Values]; *Policy 1, 2, 3 and 4 in Chapter 8 [Land and Water]*; [DR 9.101] Policy 2 (in the inland coastal environment) of Section Chapter 10 [Air Quality]; Policy 1, 2, 3, and 4 of Section Chapter 11 [Natural Hazards].

## METHODS

1. Allow appropriate use and development in the coastal environment, and manage adverse effects of activities by provisions in the Regional Coastal Plan, the Land and Water Plan, and district plans, including identification of significant coastal mahinga kai areas. [DR 9.97]
2. Use the regional and district plans, [DR 9.113] resource consent, building consent, and rating district processes, and community consultation [DR 9.19, 9.112] to assess and manage the risk of coastal hazards affecting development in the coastal environment.
3. Identify Continue to review and include the Coastal Hazard Areas ~~in the coastal marine area in the Regional Coastal Plan including areas at~~ and in district plans and identify whether these Areas have a low, medium or [DR 9.114, 9.115] high risk of being affected by a coastal hazard.
4. Consider using expert advice where there may be a medium or high risk of significant existing development being affected by a coastal hazard.

## PRINCIPAL REASONS FOR ADOPTING THE OBJECTIVES, POLICIES, AND METHODS

The provisions in this ~~Section~~ *Chapter* will enable Councils to carry out their obligations under the RMA to manage subdivision, use, and development in the coastal environment. This includes giving effect to relevant parts of the NZCPS 2010 which apply to the coastal environment of the West Coast.

The provisions for managing coastal hazard risk also implement Councils' functions under section 30 of the RMA for controlling the use of land, including land in the coastal environment, to avoid or mitigate natural hazards.

Managing effects of activities in the coastal marine area which may potentially cause or exacerbate a coastal hazard risk is covered in the Regional Coastal Plan.

## ANTICIPATED ENVIRONMENTAL RESULTS

1. The particular values that make biodiversity, natural character, ~~and~~ natural/landscapes, and natural/ features areas [DR 9.120] significant and outstanding are protected from adverse effects of activities in the coastal environment.
2. West Coast communities can continue to appropriately use and develop [MC] resources to provide for their economic, social, and cultural wellbeing.
3. Appropriate subdivision, use and development occurs in the coastal environment, with ways of reducing coastal hazard risk incorporated into their design and location.
4. Existing significant development is protected from coastal hazards, where practicable.



## 10. Air Quality

### BACKGROUND TO THE ISSUES

Most of the West Coast Region enjoys a generally high standard of air quality. This is because of the Region's relatively windy and exposed nature, together with its small and dispersed population, and low numbers of heavy industry and vehicles.

Burning coal and wood for domestic heating in winter affects air quality in some urban areas on the West Coast. The main contaminant affecting wintertime air quality is particulate matter or  $PM_{10}$ , [MC] which are the *very small* [MC] particles ~~smaller than 10~~ *measured in* [MC] micrometres in diameter [MC] that can adversely affect human health.

The Regional Air Quality Plan does not have provisions to deal with individual discharges of smoke from domestic fires, except for in the Reefton Airshed. Region-wide control of domestic fires through rules in the Regional Air Quality Plan is not appropriate because of the number of individual sources of discharge.

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NESAQ) contain limits for certain contaminants, including *particulate matter*,  $PM_{10}$ , [MC] that councils must meet as part of their resource management functions. A balance needs to be achieved between fulfilling Council's obligations under the NESAQ to meet  $PM_{10}$  *the particulate matter* [MC] standards, and ensuring that people are able to keep warm in their homes during cold winter months.

Commercial, industrial, recreational and institutional discharges to air of odour, dust, smoke, and other contaminants are a by-product of resource use and development or other activities undertaken by people providing for their social, cultural and economic wellbeing, which the Regional Policy Statement RPS [MC] and regional and district plans seek to enable. Such discharges can have the potential for more than minor adverse effects if not managed properly. This ~~Section~~ *Chapter* provides direction for the Regional Air Quality Plan to manage these air discharges.

### The significant issues in relation to the management of air quality for the West Coast region are:

1. In urban areas during *winter time*,  $PM_{10}$  [MC] emissions *of particulate matter* [MC] can potentially affect people's health. It is critical that people are able to keep warm in their homes while winter time  $PM_{10}$  *particulate matter* [MC] emissions are reduced to meet the NESAQ.
2. Allowing point source discharges to air while managing adverse effects of those discharges on air quality and other values.

### OBJECTIVES

1. To reduce *winter time*  $PM_{10}$  *particulate matter* [MC] emissions to meet the NESAQ, while ensuring people's and communities' health and wellbeing is not compromised.
2. To allow discharges to air which are part of activities contributing to the social, economic, and cultural wellbeing of people and communities on the West Coast, while managing adverse effects of those discharges, ~~on air quality and other values.~~ [DR 10.13]

Note: Objective 2 does not apply to domestic fire emissions.

### POLICIES

1. Where appropriate and practicable, use a range of regulatory and non-regulatory tools to reduce *winter time*  $PM_{10}$  *particulate matter* [MC] emissions that also enable people to keep their homes warm during cold months.
2. Management of adverse effects of the discharge of contaminants to air shall *must* [MC] include consideration of the following:
  - a) Reverse sensitivity, including the siting of *new, incompatible* ~~inappropriate~~ development *in proximity to activities that discharge contaminants to air*; [DR 10.16]
  - b) Use of technology, codes of practice, and industry standards; and,

- c) *The best practicable option to minimise the adverse effects of the discharge.* [MC]

#### EXPLANATION TO THE POLICIES

Policy 1: The Regional Council has worked with the Reefton community to identify a range of options for reducing PM<sub>10</sub> *particulate matter* [MC] levels in the Reefton Airshed to improve public health and meet the NESAQ, while allowing the community to continue using solid fuel, particularly coal, to warm their homes during winter. Provisions will be added to the ~~Draft~~ Regional Air Quality Plan to reduce PM<sub>10</sub> *particulate matter* [MC] emissions in the *Reefton* Airshed.

As a general principle for the rest of the Region, Council recognises the importance of residents being able to keep warm during winter. Council will balance this, along with the principles underpinning this Regional Policy Statement RPS [MC], including affordability, when considering what other regulatory and non-regulatory action will or may be taken, to meet the NESAQ for PM<sub>10</sub> *particulate matter*. [MC]

The matters listed in Policy 2 are potential issues and tools commonly associated with managing discharges of contaminants to air (other than domestic fires outside the Reefton Airshed). Reverse sensitivity effects can occur when *new* [DR 10.16] sensitive activities are inappropriately located in close proximity to activities which discharge contaminants to air. In conjunction with Policy 2 of the Use and Development of Resources ~~Section~~ *Chapter*, this Policy 2 allows for the consideration of the siting and establishment of subdivision, use and development to avoid, remedy or mitigate reverse sensitivity effects. Due to the subjective element of managing air discharges, and odour in particular, national and industry guidelines are available to assist decision-makers, as well as considering the best practicable option under the Resource Management Act RMA [MC].

#### RELATED POLICIES

Policy 1 and 3 of ~~Section~~ *Chapter* 2 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 1, 2, and 4 of ~~Section~~ *Chapter* 4 [Resilient and Sustainable Communities]; Policy 1 and 2 of ~~Section~~ *Chapter* 5 [Use and Development of Resources]; Policy 1 and 2 of ~~Section~~ *Chapter* 6 [Regionally Significant Infrastructure]; Policy 2 (in the inland coastal environment) of ~~Section~~ *Chapter* 10 [Air Quality].

#### METHODS

1. ~~Consider providing~~ *Provide* [DR 10.24] education and advice on how PM<sub>10</sub> *particulate matter* [MC] emissions can be reduced from domestic solid fuel burners. ~~subject to available funding.~~ [DR 10.24]
2. Allow discharges of contaminants to air and manage the effects through regional and district plan rules, and resource consents (apart from domestic fires outside the Reefton Airshed).

#### PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES, METHODS

The provisions relating to the NESAQ for PM<sub>10</sub> *particulate matter* [MC] reflect appropriate management approaches for the West Coast Region. Councils are required under the NESAQ to reduce PM<sub>10</sub> *particulate matter* [MC] levels in airsheds. It is uncertain if or what action may be needed or may be feasible in other urban places to meet the NESAQ for PM<sub>10</sub> *particulate matter* [MC] once compliance is achieved in Reefton. An adaptive management approach is therefore required providing Council the flexibility to consider these matters in the future. This will ensure that the balance of good air quality and people's warmth and wellbeing is maintained.

Managing discharges to air (other than domestic fires outside the Reefton Airshed) through plan provisions reflects current practice which is working well. The Regional Air Quality Plan is an effective means of managing air discharges. Under section 67(3) of the RMA the Regional Air Quality Plan must give effect to the direction provided in the ~~Regional Policy Statement~~ RPS [MC] on managing discharges to air.

No provisions are included for managing emissions of greenhouse gases ~~as this is a national issue for central government to deal with~~ *because under section 70A of the RMA the WCRC must not have regard to the effects of discharges to air on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases.* [MC]

**ANTICIPATED ENVIRONMENTAL RESULTS**

1. Reduced PM<sub>10</sub> *particulate matter* [MC] levels in winter in some urban areas.
2. Odour, dust, smoke, and other contaminant emissions are discharged at acceptable levels ~~under the RMA~~ *in accordance with nationally recognised guidelines and standards for levels of contaminants discharged to air*, [DR 10.31] enabling resource use and development to occur for people's social, cultural and economic wellbeing.

## 11. Natural Hazards

### BACKGROUND TO THE ISSUES

A 'natural hazard' as defined under the Resource Management Act (RMA) [MC] is "any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment." Natural hazards arise from natural events such as high rainfall, earthquakes and high winds. However, natural events only become natural hazards when they have the potential to affect people, property and other valued aspects of the environment.

The West Coast has a range of high risk environments that are susceptible to natural hazards. The potential impacts of natural hazard events range from general nuisance to creating significant damage and loss of property and, in extreme cases, loss of lives. These can lead to high economic and social costs on the West Coast with significant consequences for public health and safety, agriculture, housing and infrastructure. *Managing natural hazards requires a collaborative effort from a range of organisations including central government, local government, crown agencies, infrastructure providers, businesses and local communities.* [DR 11.60] *Management of natural hazards should be undertaken in an integrated manner within catchments.* [DR 11.9]

The effects of climate change are addressed in this Section *Chapter*. The West Coast is expected to have both more severe and frequent extreme weather events in future decades. This can exacerbate potential natural hazards and good planning is needed to avoid locating inappropriate land uses in high risk areas.

Depending on the nature of the natural hazard, the level of risk, and the advantages and cost of any action, there may be benefits in undertaking actions or activities to avoid or mitigate the effects of natural hazards on people, property and communities. However, inevitably there will be events where, despite a community's readiness and efforts to mitigate the effects of such events, coordinated relief actions and responses are necessary to assist individuals and communities affected. This activity is facilitated through the Civil Defence Emergency Management Act 2002 (*CDEMA*) [MC] and the plans and local arrangements developed under this framework by the West Coast Civil Defence Emergency Management Group.

Under the Resource Management Act (RMA) [MC] people must be able to provide for their social and economic wellbeing; however, this needs to be balanced against the risk to people, property and infrastructure from natural hazard events. There is an increasing amount of information that shows which areas of the West Coast are prone to damage from natural hazards and this enables informed assessments about the risk to people and property. Where there is existing development within hazard-prone areas, enabling appropriate hazard mitigation measures to be created will help to minimise the risks and impacts on these vulnerable communities.

~~The management of natural hazards in New Zealand is under review<sup>95</sup>. Following the Canterbury and Christchurch earthquakes the management of natural hazards is being reviewed through the government RMA reform proposals 2014. If enacted, natural hazard management will be *The management of significant risk from natural hazards has recently been* elevated to a matter of national importance *under section 6 of the RMA, and is likely to be supported by a National Policy Statement in future.* [DR 11.11] Future planning for natural hazards will require an adaptive management approach and flexibility to allow for new information and/or changing legislation.~~

### **The significant issues in relation to the management of the natural hazards for the West Coast are:**

1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast.

<sup>95</sup>Managing natural hazards in New Zealand – Towards more resilient communities: a thinkpiece (2014)

2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient.
3. *Subdivision, use and development can contribute to natural hazard risk.* [DR 11.21]

#### OBJECTIVE

1. The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.

#### POLICIES

1. Reduce the susceptibility of the West Coast community and environment to natural hazards by improving planning, responsibility and community awareness for the avoidance and mitigation of natural hazards.
2. New subdivision, use ~~and~~ *or* development should be located and designed so that the need for hazard protection works is avoided *or minimised*. [DR 11.33] Where necessary *and practicable*, [DR 11.36] further development in hazard-prone areas will be restricted.
3. Avoid or mitigate adverse effects on the environment arising from climate change by recognising and providing for the development and protection of the built environment and infrastructure in a manner that takes into account the potential effects of rising sea levels and the potential for more variable and extreme weather patterns in coming decades.
4. The appropriateness of works and activities designed to modify natural hazard processes and events will be assessed by reference to:
  - a) The levels of risk and the likely increase in disaster or risk potential;
  - b) The costs and benefits to people and the community;
  - c) The potential effects of the works on the environment; and
  - d) The effectiveness of the works or activities and the practicality of alternative means, including the relocation of existing development or infrastructure away from areas of natural hazard risk.

#### EXPLANATION TO THE POLICIES

*Hazards within the coastal environment are also addressed in Chapter 9: Coastal Environment, and these chapters should be read together when considering coastal hazards.* [DR 11.4]

Policy 1 seeks to increase awareness of hazard risks and the adoption of appropriate building controls, including avoiding inappropriate development in hazard prone areas, to reduce the susceptibility of the West Coast community to the adverse effects of natural hazards. Civil defence planning and preparedness under the Civil Defence Emergency Management Act 2002 *CDEMA* [MC] provides further means of reducing the potential for loss or damage from natural hazard emergencies and disasters. Application of regional and district activity to applying the four R's (reduction, readiness, response and recovery) will continue to assist with preparing communities for emergencies as well as ensuring that Councils and partner agencies are ready to act should these events arise.

Policy 2 recognises that through appropriate planning, the need for protection works can be avoided by siting new subdivision, use and development away from existing or potential natural hazards. Research on natural hazards is ongoing. This information may indicate that in places where development has already occurred these areas may be susceptible to natural hazards. In such cases, further permanent development may need to be restricted to reduce additional risk to people or property. *However, avoiding development in hazard prone areas may not be practicable in all instances, as some types of development are limited in where they can be located to function effectively.* [DR 11.36]

*Subdivision, use and development that may cause or contribute to a natural hazard should be avoided. In some cases activities in an area may cause or contribute to a natural hazard affecting another area. For example, an upstream or inland land or river use can have downstream or downgradient hazard effects on other development. The risk of subdivision, use and development affecting or exacerbating a hazard risk elsewhere needs to be assessed in plan and consent processes.* [DR 11.21]

Policy 3 recognises that adverse effects arising from climate change may be significant in certain areas. While there is some uncertainty over the possibility, extent and timing of climate change effects, when

assessing natural hazard risk, councils should use the latest national guidance and the best available information on the impacts of climate change on natural hazard events. Local authorities, as managers of significant infrastructural assets and through their statutory resource management and emergency management responsibilities, will, as opportunities arise and as practicable, plan and prepare for the anticipated effects of climate change.

Policy 4 recognises that there will be situations where modifying the environment to reduce susceptibility to natural hazards will produce benefits to the community in excess of the costs involved in protection or prevention works or programmes. Consideration should be given to the relocation of existing development and infrastructure away from areas prone to natural hazards, however it is recognised that this cannot always occur. Consequently, those who benefit from the works or services should pay for them.

#### RELATED POLICIES

Policy 1 of Section Chapter 3 [Resource Management Issues of Significance to Poutini Ngāi Tahu]; Policy 2 and 5 4(a) [MC] of Section Chapter 4 [Resilient and Sustainable Communities]; Policy 3 and 4 of Section Chapter 6 [Regionally Significant Infrastructure (RSI)]; Policy 3, 4 [DR 11.4] and 5 of Section Chapter 9 [Coastal Environment].

#### METHODS

1. Increase understanding and public awareness of natural hazards, including the potential influence of climate change on natural hazard events.
2. Further development of a natural hazards knowledge base and continued use of Use [DR 11.67] the most up to date and accurate information available in areas potentially affected by natural hazards.
3. The Regional Council and district councils will support an integrated and collaborative approach between relevant agencies, the community and local businesses to manage significant natural hazard risks and effects. [DR 11.60]
4. ~~3~~Where appropriate, include provisions in regional and district plans that address natural hazard issues including the control of the use of land to avoid or mitigate natural hazards. Particular methods may include:
  - a) Special hazard zones and rules;
  - b) Identification of natural hazards on maps and registers;
  - c) General building and development controls or criteria;
  - d) Subdivision controls;
  - e) Information requirements to assist consent processing; and [DR 11.70]
  - f) Integrated catchment management. [DR 11.60]
5. 4. Take into account the location, nature and potential extent of natural hazards when providing and planning for the provision of essential lifeline utilities.
6. 5. The Regional Council will maintain detailed regional flood response strategies in priority catchments as well as initiating and maintaining flood protection works where communities are willing to fund such works.
7. 6. The Regional and district councils will maintain and implement the Civil Defence Emergency Management Group Plan for the West Coast, and Local Arrangements, setting out regional and district emergency responses and contingency provisions in the event of a natural hazard event as members of the Civil Defence Emergency Management Group.
8. 7. The Regional and district councils will maintain a civil defence emergency management response capability, which includes the ability to assist in the establishment and coordination of disaster relief and recovery assistance programmes.

#### PRINCIPAL REASONS FOR ADOPTING OBJECTIVES, POLICIES AND METHODS

The objectives, policies and methods of implementation establish a policy framework for the management of natural hazards and, in particular, avoid or mitigate the adverse effects of natural hazards on human life, property and the environment.

In accordance with section 62(1)(i)(i) of the RMA the three territorial authorities of the West Coast will be responsible for specifying the objectives, policies and methods for the control of the use of land to avoid or mitigate natural hazards except where the control of the use of land relates to the ~~West Coast Regional Council~~ WCRC's [MC] functions under the RMA regarding:

- The coastal marine area;
- The beds of rivers, lakes and other waterbodies; and
- Land use activities managed in the Regional Land and Water Plan.

Members of the Civil Defence and Emergency Management Group, and in particular the Lifelines Group and the Co-ordinating Executive Group, are expected to continue to research and investigate natural hazards in the region and make recommendations to the relevant council, should rules around land use be indicated as a hazard avoidance or mitigation method. This further promotes a collaborative approach between the Regional and district councils ~~(who are the regulatory and consent granting authority responsible for the avoidance or mitigation of natural hazards)~~ [MC] to implement a region-wide approach to the management of natural hazards while allowing flexibility of application.

There is an increasing amount of information that is being produced that identifies areas at risk from natural hazards. This work will be ongoing and is integral to minimising the risks and impacts of natural hazard events. These objectives, policies and methods allow for the consideration of this and the application of an adaptive management approach as required, *and will assist communities in building resilience to the effects of natural hazards.* [DR 11.71]

#### **ANTICIPATED ENVIRONMENTAL RESULTS**

1. A reduction in actual or potential losses to people, property and the environment.
2. Use and development of resources consistent with levels of risk.
3. Increased community awareness of, and responsibility for, *natural*/hazard avoidance and mitigation.
4. Appropriate development within areas subject to natural hazards provided for in regional and district plans.

Part DC  
Administrative procedures

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## 12. Administrative Procedures

The Resource Management Act (RMA) [MC] requires that a Regional Policy Statement RPS [MC] states:

- a) The processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between agencies (section 62(1)(h));
- b) The procedures to be used to monitor the efficiency and effectiveness of the policies or the methods contained in the Regional Policy Statement RPS [MC] (section 62(1)(j)); and
- c) Any other information required for the purpose of the West Coast Regional Council WCRC's [MC] functions, powers and duties under the RMA (section 62(1)(k)).

This Section *Chapter* of the Regional Policy Statement RPS [MC] covers these matters and other related administrative procedures.

### 12.1 Integrated Management and Cross Boundary Processes

This Regional Policy Statement RPS [MC] is about the integrated management of the West Coast's natural and physical resources. Integrated management involves a consideration of:

- a) The effects of the use of one natural resource on other natural and physical resources or on other parts of the environment recognising that such effects may occur across space and time.
- b) The functions of other agencies with roles and responsibilities that contribute towards or impact on resource management
- c) The social and economic objectives and interests of the community, recognising that natural and physical resources cannot be managed without having regard to social, economic and cultural matters.

The need for integration between resource management authorities is required under the RMA in terms of dealing with cross-boundary issues (section 62). These issues can arise in a number of situations but generally fall into two categories: those related to the preparation and review of plans; and those related to the administration of plans and associated resource consents.

To achieve integrated management, it is essential that the policies, plans and actions of all those involved in resource management (government agencies *including the Department of Conservation*, [DR 12.3] regional and district councils, iwi and the community) are coordinated. The aim of integrated management is to promote the sustainable management of natural and physical resources in an efficient manner by implementing and promoting complementary, efficient and effective management of all natural and physical resources. In addition to the policies and methods identified in Part B and C of this Regional Policy Statement RPS [MC], the West Coast Regional Council WCRC [MC] will use the following procedures to further promote integrated management and address cross-boundary issues:

- Liaise, as appropriate, with central government agencies in relation to resource management issues of regional significance.
- Make submissions, as appropriate, on documents prepared by central government agencies regarding issues of national significance that impact or impinge on the West Coast Regional Council WCRC's [MC] resource management functions under the RMA.
- Liaise, as appropriate, with other regional councils on resource management matters that are relevant to more than one region.
- Have regard to any policy statements and plans (including resource management plans and annual plans) prepared by the West Coast Regional Council WCRC [MC] and *the region's* territorial authorities (including those under other legislation e.g. Biosecurity Act and the Civil Defence Emergency Management Act CDEMA [MC]), and the extent to which this Statement RPS needs to be consistent with those documents.
- Consult adjoining local authorities in the preparation of regional and district plans to ensure a consistent approach between districts and between the regions and districts regarding issues which cross local authority boundaries and state in those plans the processes for dealing with them.

- Advocate to the Buller, Grey and Westland District Councils that where appropriate, provisions are included in district plans that avoid unnecessary duplication of resource management responsibilities.
- Consider the transfer of functions that other agencies could carry out more efficiently, effectively and appropriately. Transfers of functions will be considered on the requirements of section 33 of the RMA, including where both authorities agree that the authority to which the transfer is made represents the appropriate community of interest, and where the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.
- Establish appropriate protocols for the efficient and effective operation of joint hearings.
- Give full consideration to the effects on all other aspects of the environment in the development of strategies and plans, in the consideration of resource consent applications, and in the provision of advice.
- When considering an application for resource consent, consider all issues in the balance with other policies set out in the ~~Regional Policy Statement~~ RPS [MC].

## 12.2 Monitoring

Monitoring is an important component of the decision-making process. It establishes a process to check on the progress being made towards the achievement of objectives and the efficiency and effectiveness of the options that have been chosen. The RMA recognises the value of monitoring and gives the regional and district councils responsibilities in this area. Section 35 of the RMA outlines the Regional Council's information gathering, monitoring and record keeping responsibilities.

The ~~West Coast Regional Council~~ WCRC [MC] monitors:

- The state of the West Coast environment;
- The efficiency and effectiveness of our policies and plans;
- The exercise of any functions we delegate; and
- Compliance with resource consents.

The Regional Council already has a number of policies and procedures in place to gather information, and to monitor and report on how well the West Coast's natural and physical resources are being managed. These include:

- The review process for regional plans which monitors the *their* efficiency and effectiveness of ~~regional plans~~ as a means of achieving the objectives and policies of the ~~Regional Policy Statement~~ RPS [MC];
- The State of the Environment Monitoring Reports for air and water on the West Coast. They are produced every three-five years and are a comprehensive analysis of the environmental monitoring results and trends;
- The Regional Council's Annual Report which reports against objectives and performance measures in the Council's Long Term Plan for the West Coast, developed under the Local Government Act 2002.

The content of future State of the Environment Reporting will be reviewed and updated to reflect the new environmental goals (objectives) and ensure the right information is being gathered to monitor the environmental results anticipated in the ~~Regional Policy Statement~~ RPS [MC].

## 12.3 Review of the Regional Policy Statement RPS

The RMA requires that the ~~West Coast Regional Council~~ WCRC [MC] commence a full review of this ~~Regional Policy Statement~~ RPS [MC] no later than 10 years from the date upon which it becomes operative. The Council will also undertake an internal review no later than 5 years from the date that this ~~Regional Policy Statement~~ RPS [MC] becomes operative. The internal review will determine whether the direction taken in ~~it this Statement~~ continues to be relevant. A review of the relevant parts or provisions of the ~~Regional Policy Statement~~ RPS [MC] may be carried out if a new issue arises or regional monitoring shows that a review would be appropriate.

## Glossary

*Terms used in the RPS that are defined in the RMA, but not contained in this Glossary, have the same meaning as the RMA defined terms. This includes:*

- *Amenity values,*
- *Best practicable option,*
- *Biological diversity (or biodiversity),*
- *Coastal marine area,*
- *Discharge,*
- *Effect,*
- *Environment,*
- *Kaitiakitanga,*
- *Land,*
- *National policy statement,*
- *Natural and physical resources,*
- *Natural hazard, and*
- *Sustainable management.*

[DR 13.19]

**Amenity values** means the natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

**Best practicable option** in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to:

- a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b) The financial implications, and the effects on the environment, of that option when compared with other options; and
- c) The current state of technical knowledge and the likelihood that the option can be successfully applied.

**Biological diversity (or biodiversity)** means the variability among living organisms, and the ecological complexes of which they are part; including diversity within species, between species, and of ecosystems.

**Coastal environment** encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character.

**Coastal marine area** means the foreshore, seabed, and coastal water and the air space above the water—

- a) Of which the seaward boundary is the outer limits of the territorial sea;
- b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be as identified by the Regional Coastal Plan.

**Community** means a social group of any size, in a particular locality, who share common interests.

**Cultural landscape** means a geographical area that holds significant value to Poutini Ngāi Tahu due to the concentration of wāhi tapu or taonga values, or the importance of the area to Poutini Ngāi Tahu cultural traditions, history or identity. Cultural landscapes provide current and future generations of

*Poutini Ngāi Tahu the opportunity to experience and engage with the landscape as their tīpuna once did.* [DR 7.128]

**Cultural values** are those values that relate to the culture of a society.

**Discharge** includes emit, deposit and allow to escape.

**Effect** includes—

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- e) Any potential effect of high probability; and
- f) Any potential effect of low probability which has a high potential impact.

**Environment** includes—

- a) Ecosystems and their constituent parts, including people and communities; and
- b) All natural and physical resources; and
- c) Amenity values; and
- d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in (a) to (c) of this definition or which are affected by those matters.

**Environmental results anticipated** means the expected or foreseen result or outcome on the environment as a consequence of implementing the policy or policies and methods of implementation. The environmental results anticipated provide a means of assessing the success of the objectives, policies and methods but may not always be measureable or achievable within the operative life of the Regional Policy Statement RPS [MC].

**Indigenous** means native to New Zealand.

**Instream values** are those uses or values of rivers or streams that are derived from within the river system itself and include amenity values, cultural and spiritual values of tangata whenua, and values associated with freshwater ecology and recreational, scenic, aesthetic and educational uses.

**Integrated management** means managing (i.e. identifying, prioritising and acting on) the use, development and protection of natural and physical resources as a whole. Integrated management involves three inter-related parts:

- a) A recognition by management agencies that natural and physical resources exist as parts of complex and inter-connected social and biophysical systems, where effects on one part of a system may affect other parts of the system and that these effects may occur immediately, may be delayed or may be cumulative; and
- b) The integration of management systems between agencies so that the various roles and responsibilities of those agencies are clearly identified and combined or coordinated to achieve consistency of purpose; and
- c) The integration of management systems within agencies to ensure that other legislation or administrative actions are consistent with promoting sustainable management of natural or physical resources.

**Issue** means a matter of concern to the region's community regarding activities affecting some aspect of natural and physical resources and the environment of the region or their management. These matters are addressed in the Regional Policy Statement RPS as either:

- a) Significant resource management issues of the region; or
- b) Resource management issues of significance to iwi; or
- c) Issues which cross local authority boundaries; or
- d) Matters where jurisdiction and delineation of responsibilities need to be made clear.

**Kaitiakitanga** means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

**Land** includes land covered by water and the air space above land.

**National policy statement** means a statement issued under section 52 of the ActRMA [MC].

**Natural and physical resources** includes land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

**Natural hazard** means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

**Network utilities** includes telecommunication, electricity operation distribution, and generation water supply, drainage and sewage systems, roads, railways and airports. [DR 13.2]

**Policy** means a specific statement that guides or directs decision-making. A policy indicates a commitment to a general course of action in working towards an action.

**Regionally significant infrastructure** means:

- a) *The National Grid (as defined by the Electricity Industry Act 2010)*; [DR 6.16, 13.12]
- b) ~~The National Grid and~~ *Other* [DR 6.16, 13.13] electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;
- a) ~~c)~~ *Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;*
- e) ~~d)~~ *Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;*
- ~~b)~~ *e) The State Highway network, and road and networks classified in the One Network Road Classification Sub-category as strategic;* [DR 13.6]
- ~~a)~~ *f) The regional rail networks [MC] as mapped in the Regional Land Transport Plan;* [DR 13.6]
- ~~b)~~ *g) The Westport, Greymouth, and Hokitika airports;*
- ~~c)~~ *h) The Regional Council seawalls, stopbanks and erosion protection works;*
- ~~d)~~ *i) Telecommunications and radio communications facilities;*
- ~~e)~~ *j) Public or community sewage treatment plants and associated reticulation and disposal systems;*
- ~~f)~~ *k) Public water supply intakes, treatment plants and distribution systems;*
- ~~g)~~ *l) Public or community drainage systems, including stormwater systems; and*
- ~~h)~~ *m) The ports of Westport, Greymouth and Jackson Bay.*
- ~~i)~~ *n) Public or community solid waste storage and disposal facilities.* [DR 13.8]

**Significant mineral resource**, for the purpose of Chapter 5 Use and Development of Resources Policy 2(b)(i), means the monetary value of the mineral resource is significant to the local community, and employment is created in extracting the resource, based on the latest information available about the resource at the time.

**Significant tourism infrastructure** refers to the major tracks, roads and facilities managed by the Department of Conservation *and other public or community infrastructure providers* [DR 13.15] which are regionally and nationally important in terms of their contribution to the regional economy such as the Glacier Roads, Heaphy Track, Punakaiki, *the West Coast Wilderness Trail*, [DR 13.15] and other visitor information and visitor access facilities.

**Sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a) ~~Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;~~
- b) ~~Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and~~
- c) ~~Avoiding, remedying, or mitigating any adverse effect of activities on the environment.~~

**Taonga** means treasure, property; taonga are prized and protected as sacred possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched, e.g. wāhi tapu, waterways and mountains.

**Tapu** means under spiritual protection or restriction.

**Wāhi tapu** means places or things which are sacred or spiritually endowed.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 14 August 2018  
 Prepared by: Lillie Sadler – Planning Team Leader, Stefan Beaumont - Hydrology Team Leader, Hadley Mills – Planning, Science and Innovation Manager.  
 Date: 2 August 2018  
**Subject: Planning Monthly Report**

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Submission on proposed National Planning Standards

The Ministry for the Environment (MFE) has publically notified the first set of proposed National Planning Standards (the Standards) and invited submissions to be lodged by **17 August**. The purpose of the Standards is to remove unnecessary variation in certain aspects of council's policy statements and plans across the country, to achieve greater consistency, make them easier to develop, and easier for users to understand. The Standards still allow for variation to address local issues.

This first set of Standards covers:

- Regional policy statement and plan structure;
- Specific standards for parts of these documents, for example, the introduction and tangata whenua chapters, and schedules, appendices and maps;
- Eplanning (having plans and plan information fully electronic and accessible on council's websites);
- Mapping, spatial planning, chapter form and numbering and status of rules (for example, rules in tables with default rule status for all permitted rules)
- Definitions

Staff have reviewed the proposed Standards and drafted a submission (see attached draft submission). Not every individual Standard is commented on as there is a large number of them. Only those that are of particular relevance or will affect the Council the most are addressed. Key points in the submission are:

- Question the claim that the Standards will have the positive outcome of less time and costs for councils to prepare and use plans;
- Concerns around meeting some of the timeframes for implementing the Standards;
- Some of the Standards are supported where they will make council's planning documents easier for plan users to use, and provide flexibility and options for councils to reflect matters specific to their districts and regions;
- Some of the Standards are opposed where they may potentially require consequential changes to the RPS and regional plans which need to be publically notified, incurring further costs, namely for RPS and regional plan structure, the requirement to include in plans a record of national policy implementation, and some definitions.

With most of the Standards, incorporating them into planning documents does not need to go through an RMA plan change process. However, we are uncertain at this stage how many consequential changes might need to be publically notified.

The West Coast District Councils were invited to make a joint submission, however Buller and Westland did not have their submissions ready in time to go in this Council's August meeting papers.

The first set of Standards is required to be finalised and gazetted by 19 April 2019, as per the provisions that were added to the RMA under the Resource Legislation Amendment Act 2017. MFE are working to meet this timeframe.

Below is a link to the proposed Standards:

<http://www.mfe.govt.nz/sites/default/files/media/RMA/FINAL%20-%20Draft%20National%20Planning%20Standards%20Combined.pdf>

### Request for extension of time to release Plan Change 1 Decisions

Proposed Plan Change 1 to the Regional Land and Water Plan was publically notified on 22 August 2016. Section 10(4)(a) of Schedule 1 in the Resource Management Act 1991 (RMA) requires local authorities to notify their decisions on submissions on regional plans and plan changes no later than two years after publically notifying the document. The two year timeframe for releasing decisions on Plan Change 1 ends on 22 August 2018. The hearing for Plan Change 1 was held between the 18 -21 June 2018, at which some landowners disputed the location of the wetland boundaries on their property. Following hearing of submitters and the Council staff Right of Reply, the Panel adjourned the hearing to obtain further information to enable them to make a fully informed and robust decision on proposed amendments to the wetland boundaries. The Hearing Panel has commissioned an Assessor to undertake site visits to certain wetlands that were submitted on, and to produce a report (pursuant to Section 41C(4) of the RMA) to clarify whether these wetland boundaries are correct as notified under Plan Change 1. The report is due to be completed by the end of August. Once the Panel have received the Assessor's report, the hearing will be reconvened, followed by deliberations, and recommendations to the Council. This means that the two year timeframe to release decisions on Plan Change 1 will be exceeded, and so an extension of time is sought.

Under Section 37(1)(a) of the RMA, Council can extend a time period specified in this Act, whether or not the time period has expired. It is uncertain at this stage how long it will take to complete the process to the stage of the Panel providing their recommendations to Council, although it is likely to occur within the next 6-12 months. Therefore staff request a 12 month extension to release decisions on Plan Change 1, so that decisions are released by 22 August 2019.

### Submission on the Zero Carbon Bill

Staff submitted a response to the Zero Carbon Bill (ZCB) discussion document on the 19th July. The submission is attached. Staff are in the process of getting a piece of research done regarding the West Coast region's net CO<sub>2</sub> emissions in real terms. This will take into consideration CO<sub>2</sub> emissions and carbon sequestration.

The scope of the research will be:

- A summary of native forest carbon sequestration and how this compares with plantation forests, techniques used to collect this data, and assumptions;
- A reasonable estimate of total CO<sub>2</sub> emissions from human activity within the West Coast Region;
- A reasonable estimate of the total net carbon sequestration for the West Coast Region including from native forests, plantation forests and from any other natural processes (if any);
- Net CO<sub>2</sub> emissions for the West Coast Region in real terms; and
- A summary of the emissions trading scheme (ETS) with specific discussion on native forest rules.

This work will better inform the Council as to what action we should take on climate change, and help inform any future submissions on national policy.

Staff are in the process of commissioning this work through an Envirolink grant.

### Grey FMU Update

The Grey Freshwater Management Unit (FMU) Group will be formed over the next three months. The National Policy Statement for Freshwater Management (NPSFM) implementation team made up of staff (partnering with Te Rūnanga o Ngāi Tahu staff) propose the following key dates for the Grey FMU group:

- 30/08/2018 - Nominations open
- 13/09/2018 - Community Information Session
- 20/09/2018 - Nominations close
- Late September to early August – Interviews
- 09/10/2018 – FMU group members appointed (Council Meeting)
- 30/10/2018 – First Grey FMU meeting



As per the terms of reference presented at the July Resource Management Committee meeting we require an elected representative from the West Coast Regional Council on the group.

#### Hydrology

There was one flood event for the reporting period.

<b>Site</b>	<b>Time of peak</b>	<b>Peak level</b>	<b>Warning Issued</b>	<b>Alarm threshold</b>
Karamea River at Gorge	08/07/2018 16:00	4267 mm	08/07/2018 13:10	4000 mm
Mokihinui River at Welcome Bay	08/07/2018 16:20	5966 mm	08/07/2018 10:00	4500 mm
Buller River at Te Kuha	08/07/2018 23:00	9962 mm	08/07/2018 12:15	7400 mm
Grey River at Dobson	09/07/2018 01:35	3906 mm	08/07/2018 20:20	3400 mm

New Recorder Sites for 2017/18 Financial Year.

Three new recorder sites have been built in the 2017/18 year. This work is part of the hydrology network improvement programme which will improve our forecasting capabilities.

Orikaka River at Plateau	Rainfall Gauge
Orikaka River at Gorge	Flow Recorder
Mawheraiti River at Atarau	Rainfall Gauge



Figure 1: Orikaka River at Gorge Flow Recorder

## RECOMMENDATIONS

- 1. That the report is received.*
- 2. That the Council approve the draft submission on the proposed National Planning Standards for lodging.*
- 3. That a 12 month extension until 22 August 2019 is granted to allow time to release Decisions on the proposed Plan Change 1 to the Land and Water Plan.*
- 4. That an elected representative from the West Coast Regional Council (from the Grey Constituency) be chosen to sit on the Grey Freshwater Management Unit (FMU) Group as per the Grey FMU Group Terms of Reference.*

Hadley Mills  
**Planning, Science and Innovation Manager**



3 August 2018

National Planning Standards Consultation 2018  
Ministry for the Environment  
PO Box 10362  
**Wellington 6143**

Dear Sir/Madam

**SUBMISSION ON THE NATIONAL POLICY STATEMENT FOR THE NATIONAL PLANNING STANDARDS**

The West Coast Regional Council welcomes the opportunity to make a submission on the Proposed National Planning Standards. Attached is our submission.

If you wish to discuss any of our comments, the contact for service at the Council is:

West Coast Regional Council:  
Lillie Sadler, Planning Team Leader  
Email: [ls@wrc.govt.nz](mailto:ls@wrc.govt.nz)  
Phone: 03 768 0422 x8242

Yours faithfully

Lillie Sadler  
**Planning Team Leader**  
**West Coast Regional Council**

## Submission from the West Coast Regional Council on the proposed National Planning Standards

### Introduction

The West Coast Regional Council (WCRC) has reviewed the detail contained within the proposed National Planning Standards (the Standards), as well as the Consultation Document, Section 32A Report, Guidance Document, and the Regulatory Impact Statement. Staff provided written feedback on the initial outlined categories of Standards in 2017, and also attended workshops on the outlined and proposed Standards in July 2017 and July 2018.

### General Comments

Council agrees with the intent of the Standards to remove unnecessarily long or wordy parts of Councils' RMA planning documents. This is in line with the principle of simplifying and streamlining plans. However, having consistency in RPS's and regional plans across the country may not guarantee more streamlined planning documents, and so we are not convinced that these Standards will achieve the stated outcome of "less time and fewer resources required to prepare and use plans". For example, the Standards could lead to a large amount of cross referencing being added to the plan to link provisions that have to be located in separate chapters under the Standards, where they were previously located together in a plan. This would be very time consuming for our planning staff. The supporting documents for the Standards have little detail on the impacts on smaller councils. Some of the Standards are overly prescriptive and rigid, and we question the necessity for this.

If the Standards are adopted, we recognise that some of them will be beneficial by making it easier for plan users to find the information they need in online plans. We have no issue with the Standards that provide flexibility and options for councils to implement them or not. These Standards importantly recognise that some differences between council plans are appropriate to reflect the particular context of their district or region.

There are several proposed Standards that we have concerns about. For the WCRC, these include the timeframes for implementing the Standards, some of the Standards for RPS and regional plan structure, the requirement to include in plans a record of national policy implementation, and some of the definitions. We are aware from the Section 32A Report that the Ministry has consulted with numerous councils and planning experts to develop the Standards, and taken the 'most commonly used' practices as the basis for many of the Standards. However, common practice may not fit all councils. The key concerns raised in our submission are likely to have cost and resourcing implications for our small Council, if consequential amendments to our regional plans need to go through a RMA Schedule 1 process and be publically notified.

### Structure of submission

The following table outlines our submission points on various Standards. The submission follows the order of the Standards as published, and comments on the Standards that are relevant to regional councils. Not every individual Standard is commented on as there are so many of them. Only those that are of particular relevance, or will potentially affect this Council the most, are addressed.

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<b>S-RPS: Regional Policy Statement Structure</b>		
<p><b>Standards 1 and 2</b></p> <p>1. Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.</p> <p>2. Documents of the local authorities listed below must be amended in accordance with section 58I of the RMA within 7 years of gazettal of this planning standard:</p> <ul style="list-style-type: none"> <li>- Auckland Council</li> <li>- Marlborough Council</li> <li>- Northland Regional Council</li> <li>- Southland Regional Council</li> <li>- Wellington Regional Council</li> </ul>	Neutral	<p>On Page 26 of the Consultation Document for the Standards, there is a criteria whereby decisions on proposed plans that are notified between April 2016, and April 2019 (gazettal of the Standards), have seven years to implement the Standards instead of the five years for all other councils. The list needs to be amended to include the WCRC as the proposed West Coast Regional Policy Statement (RPS) will have a decisions version publically notified by April 2019.</p> <p>On Page 27 of the Consultation Document, MFE have requested that councils who meet the above criteria give an indicative timeframe within which they expect to implement the first set of planning standards for their plans. In terms of implementing the Stage 1 functionality and accessibility Standard for eplanning, we have no choice as the timeframe for implementing this is within one year after the Standards are gazetted. This means we have to implement eplan functionality and accessibility by April 2020. Our IT staff have advised that the Standard for Level 1 (shown in Figure 1 of the Standards) can be met within this timeframe.</p> <p>It is difficult to indicate a timeframe for implementing the other Standards as we have a small planning team of three staff who will be involved over the next five years with giving effect to the NPSFM and NESPF, completing reviews of the Council's Regional Coastal and Air Quality Plans, and any other national direction which is released. Although the Consultation Document states that it would be more efficient for councils to implement the Standards while undertaking plan reviews or changes, this is likely to be confusing for lay submitters to know which parts of a notified Plan implement the Standards and are not open for submissions. It may be more straightforward to implement the Standards after decisions are notified or appeals are resolved, prior to a plan becoming operative. It will depend on the scale of any changes needed to implement the Standards, what stage the plan reviews are at, and whether implementing the Standards necessitates any Schedule 1 changes that need to be publically notified for submissions.</p> <p>Section 58I of the RMA states that the Standards have to be implemented within 1 year of gazettal, however apart from the Stage 1 eplanning Standards, the rest of the Standards require that they be implemented within five years (or seven years for listed councils). Will these different time frames in the Standards override Section 58I of the RMA? The background documents to the Standards identify that the one year timeframe to implement all Standards is unrealistic for councils to achieve. Does the one year timeframe in the RMA need to be amended if it is the higher order document?</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<p><b>Standard 3</b> All regional policy statements must contain mandatory headings (i.e., part, chapter or section headings) in the order provided in Table 3: Regional policy statement structure below, unless otherwise stated.</p>	Support	The ability to use mandatory headings as either a sub-heading in a plan, or as a chapter heading, is supported. This provides flexibility where smaller planning documents do not have separate chapters for all the theme headings listed in the Standards. This is the case for the West Coast Regional Policy Statement and Regional Plans. Standard 3 should be retained.
<p><b>Standard 4</b> Local authorities must consider whether other sections should also be included and include them if they are required.</p>	Support	This provides good flexibility for smaller councils with smaller plans.
<p><b>Table 3: Part 3 Regionally Significant Issues</b></p>	Neutral/oppose	We are unsure if this section is intended to list a set of issues that are different to the issues listed in each of the theme chapters, or to list the same issues from the theme chapters. If it is the former, then we consider that this will be unnecessary as it creates an overload of issues. The RPS should only have one set of issues.
<p><b>Table 3: Part 4 Themes (chapter/section headings)</b></p> <ul style="list-style-type: none"> <li>• Air quality</li> <li>• Coastal environment</li> <li>• Landscape, landforms and natural character</li> <li>• Ecosystems and indigenous biodiversity</li> <li>• Environmental Risk</li> <li>• Historic Heritage</li> <li>• Infrastructure and energy</li> <li>• Land</li> <li>• Water</li> <li>• Special Topics</li> </ul>	Partly support	<p>We understand that councils only need to include the theme chapter titles if the subject matter of the title is addressed in the RPS. If this is correct, we support this approach. However, we are unclear as to whether it is only those issues raised in the Regionally Significant Issues chapter that are expected to have a themed chapter. See our comments above on RPS's having only one set of issues.</p> <p>The Part 4 chapter Themes state that if the subject matter is addressed in the RPS, then it must be included in a 'separate' chapter on that subject. However, the Standard 3 provides for the theme chapter headings to be parts or sub-headings. The Standard 3, and Theme chapter titles Standard, seem to be inconsistent.</p> <p>We seek that Standard 3 overrides the text in the Part 4 Theme chapters, to provide flexibility for smaller councils who do not have, or want, separate chapters for all the listed themes.</p> <p>Alternatively, we seek that the explanation in Table 3 for each of the theme chapters be amended to refer to Standard 3.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<b>Table 3: Part 4 Themes</b> Landscape, landforms and natural character Ecosystems and indigenous biodiversity	Partly oppose                       Partly support/ oppose	<p>Consideration should be given to making it optional to have separate Ecosystems and Indigenous Biodiversity, and Landscape and Natural Character, chapters as proposed in the Standards, so that they can be in a combined chapter. Many areas of natural character are considered to have natural character because they have significant indigenous biodiversity, or have important ecosystems for a number of indigenous species. The West Coast proposed RPS has these matters in a combined chapter as there are not many objectives, policies and methods for them. They are broad, high level, strategic provisions, with the detail being at the regional and district plan level. The West Coast RPS decisions will be released in the next few weeks. It is inefficient to have to split the objectives and policies up into two separate chapters. We anticipate that other councils’ RPS’s may have similar issues, objectives and policies for protecting these natural values where they are identified as significant. Having these two chapters combined would be more practical, and would fit with a streamlined approach to plan making.</p> <p>Although we do not have any specific provisions on ecosystems in our proposed RPS, we understand that the term “Ecosystem” is general and similar to biodiversity so that it should not generate the need for any new provisions in our RPS, which might need to be publically notified in a Schedule 1 process. We would be strongly opposed to the chapter title changing to “Ecosystem Services”, as this is something different, and brings a higher risk of needing to go through a Schedule 1 change.</p>
<b>Table 3: Part 4 Themes</b> Land and Water	Strongly support	The option to combine the Land and Water chapters is supported. Our proposed RPS does this, and having this flexibility in the Standards is important as it means we will not have to separate these RPS chapters which could be difficult, and potentially require a Schedule 1 process.
<b>Table 3: Part 4 Themes</b> Special topics	Support                       Oppose	<p>We support the “Special Topics” theme. The Council’s proposed RPS has two additional special topic chapters: Chapter 4 “Resilient and Sustainable Communities” and Chapter 5 “Resource Use and Development”. Over the past five or so years there have been a significant number of job losses on the West Coast due to the drop in coal prices and closure of coal mines, as well as a drop in the dairy sector pay-outs. Having chapters in our RPS that address these issues by enabling appropriate subdivision, use and development that contributes to social and economic wellbeing while managing adverse environmental effects is important for the future of West Coast communities.</p> <p>The wording of the Special Topic chapter in the Standards requires that topics which cannot be addressed under the other theme chapter headings must be included in the Special topics chapter.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>This means that historic heritage provisions must be in a separate RPS chapter rather than a Special Topic chapter. However, this is inefficient when there are only a small number of heritage provisions. The Special Topics chapters need more flexibility to be able to include some of the other themes listed where they are relevant to that special topic. For example, our proposed RPS has a special topic chapter titled "Resilient and Sustainable Communities". There is only one historic heritage issue, objective, policy and method, and these are in the Resilient and Sustainable Communities chapter as heritage is part of our local communities' culture and identity.</p> <p>We request that flexibility be provided with Special Topic chapters to allow for situations where there are only a small number of provisions on one of the Themes which can be combined into a Special Topic chapter, using a theme title as a section sub-heading. This relates to the issue mentioned earlier about inconsistency between Standard 3 providing for this, and the text in the Table 3 Themes chapters not providing for this.</p>
<b>Part 6 – Schedules, Appendices and Maps</b>	Support	We support the Standard for schedules, appendices and maps in RPS's being optional. Our proposed RPS has none of these as this level of detail is in the regional plans, and duplication of them in the RPS is considered unnecessary.
<b>S-RP: Regional Plan Structure Standard</b>		
<p><b>Standard 1 and Standard 2</b> Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.</p>	Partly oppose	<p>We do not meet the criteria in the Consultation Document (Pg 26) to implement the Standards for regional plan structure within seven years of gazettal of the Standards (April 2027). This means that the WCRC must implement the structure Standard in all of its regional plans within five years, by April 2025. We are uncertain if this time frame can be met for all of our regional plans, given the workload required by the NPSFM and other national direction, and review of our regional plans. As mentioned under the RPS Structure Standard, although the Consultation Document states that councils can implement the Standards while undertaking plan reviews or changes, this is likely to be confusing for lay submitters to know which parts of a notified plan implements the Standards and are not open for submissions. It may be more straightforward to implement the Standards after decisions are notified or appeals are resolved, prior to a plan becoming operative. It will depend on the scale of any changes needed to implement the Standards, what stage the plan reviews are at, and whether implementing the Standards necessitates any Schedule 1 changes that need to be publically notified for submissions.</p>



Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		We support more flexibility in this Standard, and/or the option to request further time to implement it if needed. Other smaller councils may be in the same position. We note that in the supporting documents, MFE refer to smaller councils needing more support and possibly individual assistance with implementation. It would be useful to get this confirmed in writing at an early stage (i.e. now) to the individual councils most likely to be negatively affected.
<b>Standard 3</b> All regional plans must contain mandatory headings (i.e. part, chapter or section headings) in the order provided in Table 4: Regional plan structure below, unless otherwise stated.	Strongly support	The ability to use mandatory headings in either a section of a plan as a sub-heading or as a chapter heading is strongly supported. This provides flexibility where smaller planning documents do not have separate chapters to match all the headings listed in the Standard. This is the case for the West Coast Regional Policy Statement and Regional Plans. Standard 3 should be retained.
<b>Standard 4</b> Local authorities must consider whether other sections should also be included and include them if they are required.	Support	This provides good flexibility for smaller councils with smaller plans.
<b>Table 4: Regional Plan Structure: Part 4 Themes</b> General comment	Partly oppose	<p>Similar to the RPS structure Standards, the Standards for regional plan structure appear to be silent on situations where a policy covers two of the theme chapter matters.</p> <p>We seek the ability to exercise our discretion to combine themes as appropriate for the West Coast region.</p>
<b>Table 4: Part 3 Issues and Objectives</b>	Support  Oppose	<p>The flexibility to include, or not include, this part is supported.</p> <p>Similar to the RPS structure Standard, we are unsure if this section is intended to list a set of issues and objectives that are different to those listed in each of the plan theme chapters, or to list the same issues and objectives from the theme chapters. If it is the former, then we consider that this will be unnecessary as it creates an overload of issues and objectives. Plans should only have one set of issues and objectives, and they are best located within the theme chapters.</p>
<b>Table 4: Part 4: Theme headings</b> <ul style="list-style-type: none"> <li>• Air quality</li> </ul>	Neutral	We understand that councils only need to include the theme chapter titles if the subject matter of the title is addressed in the regional plan. If this is correct, we support this approach. However, we

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<ul style="list-style-type: none"> <li>• Coastal environment</li> <li>• Landscape, landforms and natural character</li> <li>• Ecosystem and indigenous biodiversity</li> <li>• Environmental risk</li> <li>• Historic heritage</li> <li>• Infrastructure and energy</li> <li>• Land</li> <li>• Water</li> <li>• Special topics</li> </ul>	Oppose	<p>are unclear as to whether it is only those issues raised in the Issues and Objectives chapter that are expected to have a themed chapter.</p> <p>The Part 4 chapter Themes state that if the subject matter is addressed in the regional plan, then it must be included in a 'separate' chapter on that subject. However, the Standard 3 provides for the theme chapter headings to be parts or sub-headings. The Standard 3, and the Standard for Theme chapter titles, seem to be inconsistent.</p> <p>We seek that Standard 3 overrides the text in the Part 4 Theme chapters, to provide flexibility for smaller councils who do not have, or want, separate chapters for all the listed themes.</p> <p>Alternative, we seek that the explanation in Table 3 for each of the theme chapters be amended to refer to Standard 3.</p>
<p><b>Table 4: Part 4: Theme chapters</b> Coastal Environment</p>	Oppose	<p>The coastal environment chapter will create substantial work for us to implement because it means that we will have to either duplicate conditions from the operative Land and Water Plan rules into the proposed Coastal Plan which may require a Schedule 1 variation as the Coastal Plan presently only applies to the coastal marine area (CMA). Alternatively, when the regional plans are merged in the future, the Coastal Plan and some Land and Water Plan provisions would need to be combined into the Coastal Environment chapter. This latter option could also need a Schedule 1 public notification process. We do not have a set timeframe for merging our regional plans, it will be fitted around implementing the other Standard's and national policy statements.</p> <p>We request that the Standard allows for either a coastal environment chapter or a coastal marine area chapter.</p>
<p><b>Table 4: Part 4: Theme chapters</b> Landscape, landforms &amp; natural character Ecosystem &amp; indigenous biodiversity Environmental risk Historic heritage Infrastructure and energy</p>	Oppose	<p>We strongly oppose the requirement as worded in Part 4 Themes which requires that if a council addresses matters on any of the themes listed in Table 4, the provisions must be included in a chapter on that theme. This means that we will need separate chapters for the matters listed in the left column of this submission point. However, this is inconsistent with Standard 3 for regional plan structure, which provides for the themes to be used as part or section headings, not just chapter headings. Having separate chapters for these theme provisions is inefficient where there are only a small number of policies, and conditions on rules, for each theme. Standard 3 provides the ability to</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>include, for example, the small number of landscape, natural character, ecosystem, indigenous biodiversity, heritage, and infrastructure provisions in a Special Topic chapter using these theme titles as section sub-headings. This is a much more streamlined approach.</p> <p>In our current Land and Water, and Coastal Plans, there are natural values, heritage and infrastructure objectives and policies all in one chapter titled "Natural and Human Use Values". We have very few rules specifically on these matters, so the objectives and policies in this chapter apply to all the other theme chapters in the Regional Plan. The structure of regional plan theme chapters does not necessarily have to copy the RPS, and in some cases it is not appropriate. For situations like ours, the "Natural and Human Use Values" chapter in our Regional Land and Water, and Coastal Plans could be made into a Special Topic chapter, to avoid duplicating its provisions in several theme chapters. To do this, the explanatory text for the Special Topic theme in the Standards needs to be amended.</p> <p>We request that flexibility be provided in the Standard for Special Topic chapters to allow for situations where there are only a small number of provisions on themes which can be combined into a Special Topic chapter, using the theme titles as sub-headings.</p>
<b>S-IGP: Introduction and General Provisions Standard</b>		
<p><b>Standard 4c</b> If the following matters are addressed in the policy statement/plan, they must be included in the <i>Introduction</i> section:</p> <p>c. local strategic scene setting</p>	Neutral	It is unclear what "local strategic scene setting" means. This should be clarified.
<p><b>Standards 4, 5 and 11</b></p> <p>4. If the following matters are addressed in the policy statement/plan, they must be included in the <i>Purpose</i> section: ...</p> <p>5. If the following matters are addressed in the policy statement/plan, they must be included in the <i>Region and its Resources, or Description of Region</i></p>	Strongly support	The option to include the matters listed as chapters in the Introduction, or to not include them, is strongly supported. This will enable councils to include information in the Introduction, or not, as appropriate for the region.

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<p><i>or Description of the District</i> (as relevant for the policy statement or plan) section: ...</p> <p>11. Local authorities must consider whether other sections should also be included in this chapter.</p>		
<p><b>Standards 7 – 10</b></p> <p>7. If the following matters are to be addressed in the policy statement/plan, they must be located in the <i>Statutory Context</i> section: (a-c)...</p> <p>8. If the following matters are to be addressed in the policy statement/plan, they must be located in the <i>General approach</i> section: (a-f)...</p> <p>9. If the following matters are to be addressed in the policy statement/plan, they must be located in the <i>Cross boundary issues</i> section: (a-b)...</p> <p>10. If the following matters are to be addressed in the plan, they must be located in the <i>Legal effect of rules</i> section: (a-c)...</p>	Neutral	<p>If a council wants to include in their RPS or regional plan one of the clauses from Standards 7-10, for example 7a, do all of the clauses under Standard 7 have to be included? If not, the flexibility to include or not include all of the clauses in these Standards is supported.</p>
<p><b>Standard 22</b></p> <p>22. All policy statements and plans must include a national direction instruments chapter as set out in Table 13: National direction instruments below.</p>	Strongly oppose	<p>We are not convinced that including, in all RPS's and plans, a list of national direction instruments and how they are being given effect to, will add value to planning documents. Such a list may become extremely lengthy, especially in merged plans, and this seems to go against the simplifying and streamlining principle of previous RMA amendments. Most councils will have undertaken a process to review and give effect to the various NES and NPS's, and kept an internal record of this. Councils can make such information available on request. The NPSFM requires councils to provide implementation analysis to MFE, and make this publically available, so requiring the information to be included in planning documents would be duplicating publication of this information. National policies and standards are reviewed and changed by central government, which could create further work for councils to list implementation of the changed national policies in RPS's and plans. The</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>implementation information in planning documents would potentially be outdated every year as councils progressively implement the national direction, creating more work to keep the planning documents up to date. RMA planning documents are not the best document to record implementation of national direction. Councils can instead make this information publically available on their websites, in the same way that the NPSFM requires.</p> <p>We seek that Standard 22 be either removed from the Standards, or be made optional.</p>
<b>S-TW: Tangata Whenua (Chapter) Structure Standard</b>		
<p><b>Standard 3 – 6</b></p> <p>3. If the following matters are addressed in policy statements and plans, they must be located in the <i>Recognition of iwi/hapū</i> chapter: ...</p> <p>4. If the following matters are addressed in policy statements and plans, they must be located in the <i>Tangata whenua-local authority relationships</i> chapter: ...</p> <p>5. If the following matters are addressed in policy statements and plans, they must be located in the <i>Iwi and hapū planning documents</i> chapter: ...</p> <p>6. If the following matters are addressed in policy statements and plans, they must be located in the <i>Consultation</i> chapter: ...</p>	<p>Oppose</p>     <p>Neutral</p>	<p>We understand that the requirement to have different chapters for the matters listed may be necessary for regions where there are a number of iwi and/or hapu. However, in the West Coast region, there is only one iwi with two Rūnanga. Having four separate chapters in our RPS and regional plans for recognition of iwi/hapu, tangata whenua-local authority relationships, iwi and hapu planning documents, and consultation, is therefore considered unnecessary.</p> <p>We seek that Standards 3-6 provide the option to include these matters as parts, sections or sub-headings within a chapter, the same as Standard 3 for RPS and plan structure.</p> <p>Additionally, if a council wants to include in their RPS or regional plan one of the clauses from Standards 3-6, for example the third point under Standard 6, do all of the other clauses under Standard 6 have to be included? If not, the flexibility to include or not include all of the clauses in these Standards is supported.</p> <p>We seek that the clauses in Standards 3-6 be given a lower case letter to be consistent with other Standards with clauses, not the ‘hyphen’ symbol.</p>
<b>S-SAM: Schedules, Appendices and Maps Standard</b>		
<p><b>Standard 1 – 11</b></p> <p>Mandatory directions: Numbers 1 - 11</p>	<p>Support</p>	<p>The standards are generally supported as they appear to not place any onerous requirements on the WCRC to change the schedules in our regional plans.</p> <p>We request that the Standards as proposed be retained.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<b>F-1: Electronic Accessibility and Functionality Standard</b>		
<b>Table 18: Standards 1 – 16</b>	Support	<p>We generally support these Standards, most of them are straightforward and already met in our current electronic copies of Regional Plans on our website. Those Standards not yet implemented will not take a significant amount of time for staff to meet. This will pull all those layers and overlays onto one set of maps, and this will give full information to lay people who want to see what applies to their land or a site of interest.</p> <p>At some time in the future we will be looking at combining our regional plans into one document, but this won't be happening within 12 months of gazettal of the Standards. In relation to Standard 16, is there a timeframe to be applied to plans that are merged in the future? Our preference would be to have no timeframe.</p>
<b>F-2: Mapping Standard</b>		
<b>Standard 4</b> When the District Plan Structure (S-DP), Regional Plan Structure (S-RP) and/or Combined Plan Structure (S-CP) Standards are adopted, the symbols provided in Table 22 below must be applied in maps and ePlans when required.	Neutral	We seek confirmation that the symbols in Table 22 are only required to be included in plans if the features represented by the symbols are provided in plans, for example noise contours, and the coastal environment. If so, a statement should be included in Standard 4 to make this explicit.
<b>F-5: Chapter Form Standard</b>		
<b>Table 26: Rule Table</b>	Neutral	Currently all of our regional plan rules sections are not structured in the table format proposed in this Standard. While we are not opposed to changing the structure of the rules to make them easier for Plan users to follow, we want to make you aware that implementing this Standard may take considerable work.
<b>F-6: Status of Rules and Other Text and Numbering Form Standard</b>		
<b>Table 28: Numbering table</b>		We request that there be options with using the abbreviated codes for chapters, to allow for the changes we have requested earlier in our submission on the chapter themes.
<b>CM-1: Definitions Standard</b>		
Numerous definitions from the RMA are included in the Standards.	Oppose	Some of the definitions within the definitions Standards are the same terms as in the RMA, and we think there is little value in duplicating these in RPS's and plans. The Hearing Panel for the proposed

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>West Coast RPS (which included independent commissioners with considerable planning experience) recommended removing definitions in the RPS Glossary that are repeated directly from the RMA as they “serve no useful purpose and amounts to unnecessary duplication”. Staff agree with the Hearing Panel recommendation.</p> <p>We request that any RMA definition be removed from the Standards definitions.</p>
<p><b>Bore:</b>  a) means any hole constructed into the ground that is used to—  (i) investigate or monitor conditions below the ground surface; or  (ii) abstract liquid substances from the ground; or  (iii) discharge liquid substances into the ground; but  (b) it does not include test pits and soak holes</p>	Partly oppose	<p>It is unclear what is actually covered in this definition. The term “bore” is used in our Regional Land and Water Plan for groundwater bores and pumping tests. However, clause (i) could capture drilling of a rock core sample, or drilling for geotechnical testing. Effects of “bores” and “drilling” can be different, and it would potentially mean changes to our permitted groundwater takes and earthworks rules if we have to include the proposed definition in the Plan as it is currently worded. Drilling is addressed in our Plan under earthworks rules. To avoid confusion, the Standards definition should be clarified to state that it applies to water bores. The confusion could also be avoided by adding a maximum bore size to avoid drilling being classed as a bore. Drilling a water bore and drilling for other purposes have the same initial process, so it is unclear from this definition when it goes from being a bore to being a drill hole.</p> <p>It is also unclear whether “test pits” includes pump tests, the latter is different to test pits. Pump tests check for the groundwater pressure when investigating drilling for a water bore. Test pits are generally open pits used to investigate ground conditions such as soakage or mineral availability or to form an infiltration gallery.</p> <p>We request that the definition is either removed from the Standards, or clarified.</p>
<p><b>Cleanfill</b> means an area used for the disposal of exclusively inert, non-decomposing material</p>	Oppose	<p>This definition refers to an area rather than the types of materials that can be classed as cleanfill, which does not provide guidance for our consents staff. Our L&amp;WP defines cleanfill in terms of the materials that can be buried, and is copied from the MFE website definition, with an additional clause (f):</p> <p><i>Cleanfill is material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</i></p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>(a) Combustible, putrescible, degradable or leachable components                      (b) Hazardous substances                      (c) Products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices                      (d) Materials that may present a risk to human or animal health such a medical or veterinary waste, asbestos or radioactive substances                      (e) Liquid waste                      (f) Protruding reinforcing, any reinforcing must be cut off from the concrete face</p> <p>The MFE website also defines cleanfill as “any landfill that accepts only cleanfill material as defined above”. However, cleanfill is not only disposed of at landfill, it is often buried on building sites to replace boggy soils to provide a stronger, more stable foundation for buildings.</p> <p>We request that the Standards definition of cleanfill be amended as follows :</p> <p><b>Cleanfill</b> means an area used for the <u>burial or disposal of only cleanfill material as defined above.</u>  <del>exclusively inert, non-decomposing material</del></p> <p>We also request that Councils are able to use their definition of “cleanfill material” to provide guidance on what materials comprise cleanfill, as it is managed as a discharge to land by regional councils under section 15 of the RMA.</p>
<p><b>Drain</b> means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water.</p>	<p>Oppose</p>	<p>The proposed Standards definition is different to the WCRC definition in our Land and Water Plan:</p> <p><b>Drain</b> refers to an artificial channel or subsurface conduit (e.g. mole drain, tile drain or drainage tunnel, or roadside swale) constructed for the purpose of:</p> <ul style="list-style-type: none"> <li>• Collecting and diverting surface runoff, but also includes water collected from sealed surfaces with no associated reticulated stormwater system such as roadside swales and concrete dish swales, or</li> <li>• Intercepting groundwater in order to lower the water table or divert water (excluding a water race), and directing it to a receiving water body.</li> <li>• The channel must not incorporate the bed of an existing river or creek, or the water from the bed of an existing river or creek. The hollows of humped and hollowed land are considered drains.</li> </ul>



Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>While the first bullet point of our Plan definition is similar to the Standards definition, the third point is not covered. This matter is in our Plan definition as we have had, and occasionally do still have, problems about differentiating between drains and waterbodies. Drains can often be permanently flowing due to the amount of rain on the West Coast.</p> <p>As Standards 3(c) and (d) in the Definitions section do not allow councils to have minor variations of the proposed definitions to reflect local circumstances, the third bullet point would be relegated to non-regulatory good practice guidance which could potentially create more work and costs for our Council. Consents and compliance staff may have to spend more time explaining or justifying non-compliance decisions on drains that intercept groundwater or are constructed in river beds. Enforcement action on such non-compliance with the (repealed) Plan definition could also be difficult to undertake as the non-regulatory definitions would not hold much weight in the Environment Court. This could potentially result in outcomes that are contrary to Section 6 protection requirements, where drains taking groundwater or located in a riverbed remove water away from significant wetlands, threatening their existence.</p> <p>If the proposed definition of “drain” is gazetted unchanged, some of the Rules in our Land and Water Plan may need changing under the proposed Standards definition. For example, Rule 79(b)(v) for on-site sewage effluent discharges to land does not permit discharges to be within 20m of a drain. Since the Standards definition of a ‘drain’ includes a piped drain, a sewage effluent discharge would not adversely affect the quality of the water within a piped drain. This means condition (b)(v) will need amending to exclude piped drains. So we question why the definition includes “piped” drains. This may also become an issue if other legislation requires drains to be fenced, as it would not be appropriate or necessary for a piped drain to be fenced.</p> <p>Furthermore, the definition of “water” under Section 2 of the RMA does not include water in any form while in any pipe. The purpose of a drain is to remove water from an area. So if water within a pipe is not considered to be “water” under the RMA definition, then water within a pipe which acts as a drain cannot be considered “water” under this definition.</p> <p>We seek that the definition be either removed from the Standards, or the words “or piped” be removed from the definition.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<p><b>Earthworks</b> Means any land disturbance that changes the existing ground contour or ground level.</p> <p><b>Land disturbance</b> means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land.</p>	Strongly oppose	<p>Our Land and Water Plan defines earthworks as <i>“the disturbance of soil or earth by any means including excavation (including subsurface), tunnelling, drilling, infilling, land rehabilitation or restoration, stockpiling, dumping of soil or sand, and the construction / reconstruction of any track, embankment, or drainage channel. “....</i></p> <p>Some earthworks activities do not change the ground contour, such as tunnelling for an underground mine, drilling, or where material is removed and refilled. These activities could have the effect of altering the soil profile and hydrology, so they need to be done in accordance with permitted rule conditions, or by resource consent conditions. If the proposed Standards definition is gazetted as currently worded, such earthworks would not have to meet permitted rule or consent conditions, and could result in adverse environmental effects that are not managed.</p> <p>While the Standards definition for land disturbance covers some types of earthworks activities in our Plan definition, it does not include drilling which generally does not alter land. There seems to be little benefit from having separate definitions for both “earthworks” and “land disturbance”, and the Section 32 Report does not provide the detail to justify this.</p> <p>As Standards 3(c) and (d) in the Definitions section do not allow councils to have variations of the proposed definitions to reflect local circumstances, the second and third bullet points would be relegated to non-regulatory good practice guidance which could potentially create more work and costs for our Council. Consents and compliance staff may have to spend more time explaining or justifying non-compliance decisions on earthworks that retains the ground contour but adversely affects the hydrology. Enforcement action on such non-compliance with the (repealed) Plan definition could also be difficult to undertake as the non-regulatory definitions would not hold much weight in the Environment Court. This could potentially result in outcomes that are contrary to Section 6 protection requirements, for example, where hydrology which maintains significant wetlands is disrupted.</p> <p>Earthworks is one of the most common resource management activities in the West Coast region. Significant revision of our Land and Water Plan may be required if the proposed definition is not changed to ensure that it applies to other types of disturbance.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		We request that the land disturbance and earthworks definition be combined, and either be amended to include subsurface earthworks that are referred to in our Plan definition, or remove the earthworks definition from the Standards.
<p><b>Infrastructure</b></p> <p>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</p> <p>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</p> <p>(c) a network for the purpose of radio communication as defined in section 2(1) of the Radio communications Act 1989:</p> <p>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</p> <p style="padding-left: 40px;">(i) uses them in connection with the generation of electricity for the person’s use; and</p> <p style="padding-left: 40px;">(ii) does not use them to generate any electricity for supply to any other person:</p> <p>(e) a water supply distribution system, including a system for irrigation:</p> <p>(f) a drainage or sewerage system:</p>	Strongly oppose	<p>Our Regional Policy Statement, and Regional Plans have a definition of Regionally Significant Infrastructure (RSI), which generally includes the types of infrastructure listed in the proposed definition, as well as the Regional Council flood protection structures. Our Plan definition has different detail to the proposed Standard, which is relevant to the infrastructure in our region, as it is critically important for the West Coast’s economic and social wellbeing. Given our remoteness, this infrastructure needs to be protected from being adversely affected by other activities that constrain the efficiency and effectiveness of the infrastructure’s operation. Our Plan definition therefore elevates the listed infrastructure to being regionally significant, and does not include all infrastructure. If the Standards definition is gazetted as currently worded, our RSI loses its significance status, along with the important role that the Council’s flood protection structures have in protecting communities from natural hazards. This is inconsistent with the National Policy Statements for Electricity Transmission and Renewable Electricity Generation, as well as Section 6(h) for managing significant natural hazard risk.</p> <p>The Definitions Standards 3(b) does not allow a similar term to be used in RPS’s and plans, and it is unclear whether Standard 3(c), which allows definitions that “...only apply to a subcategory or narrower application of a term”... would allow us to keep our RSI definition. If not, substantial changes will be needed to our RSI chapter in the proposed RPS which is due to have Decisions released shortly, as well as changes to the RSI provisions in our Land and Water Plan.</p> <p><b>Regional Land and Water Plan Glossary</b>  <b>Regionally significant infrastructure</b> means:</p> <p>i) facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;</p> <p>ii) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub transmission and distribution feeders and all associated substations and other works to convey electricity;</p> <p>iii) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<p>(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:</p> <p>(h) facilities for the loading or unloading of cargo or passengers transported on land by any means:</p> <p>(i) an airport as defined in section 2 of the Airport Authorities Act 1966:</p> <p>(j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</p> <p>(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</p> <p>(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</p>		<p>iv) the road and rail networks as mapped in the Regional Land Transport Strategy;</p> <p>v) the Westport, Greymouth, and Hokitika airports;</p> <p>vi) the Regional Council stopbanks;</p> <p>vii) telecommunications and radio communications facilities;</p> <p>viii) public or community sewage treatment plants and associated reticulation and disposal systems;</p> <p>ix) public water supply intakes, treatment plants and distribution systems;</p> <p>x) public or community drainage systems, including stormwater systems; and</p> <p>xi) the ports of Westport and Greymouth.</p> <p>We request that either the Standards definition be made optional for councils to include in RPS's and plans, or remove it from the Standards.</p>
<p><b>Quarry</b> means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs.</p>	Oppose	<p>The terms "excavation" and "minerals" in the proposed definition would capture alluvial and black sand mining. This is not appropriate as these activities are not quarrying.</p> <p>We request that the definition for "quarry" be removed from the Standards, or the definition is amended to avoid it capturing mining.</p>
<p><b>Reclamation</b> Means the infilling of any part of a waterbody, bed of lake or river or part of waterbody or coastal marine area, to create permanent land, and includes any embankment or causeway, but does not include beach</p>	Oppose	<p>This definition as currently worded could capture rock protection structures under Rule 28 in our L&amp;WP. This should not be the intent of the reclamation definition; we understand that the common purpose of reclamation is to create an area of land that can be used for land-based activities. In contrast, the purpose of rock protection structures is to protect adjoining land from the adverse effects of flooding or erosion. Such structures do not reclaim land at all.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
re-nourishment or any deposition of material or infilling that is not permanent.		We request that the definition be amended to exclude hazard protection works.
<p><b>Small scale renewable electricity generation</b> Means renewable electricity generation which does not exceed a power rating of 20kW</p>	Oppose	<p>The Standards definition is problematic for us to implement. Although our Land and Water Plan doesn't have a definition for small-scale renewable electricity generation, our Rule 41 for water take and use or diversion for small scale hydro electricity generation permits takes up to 200 litres per second, along with other conditions. This is appropriate in a region that has plentiful water resources and sloping land. Limiting the water take and other aspects of the generation, rather than the amount of kilowatts produced, is a more effects-based approach. We understand that the amount of electricity produced from small-scale hydro generation varies considerably depending on the volume of water used, the head (height/distance that the water drops), the steepness of slope and size of pipe, amongst other things. Such variation makes it difficult to attribute a kilowatt limit to small scale operations. For example, a take of 200L/second with a 15 metre long head would generate approximately 20kW. On the West Coast, we have various takes of 125L/sec with a 36 metre head, 100L/sec with a 100m head, and 20L/sec with a 600m head occurring. Another generation activity in South Westland generates 22kW, making the 20kw limit arbitrary. Anything over this may unnecessarily require a resource consent. Small-scale hydro electricity generation mostly diverts the water back into the creek or river after use, and is a small-footprint, low impact activity that is encouraged in this region.</p> <p>We request that the definition be removed from the Standards.</p>
<p><b>Stormwater</b> means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including a network), to a waterbody or the coastal marine area.</p>	Partly oppose	<p>The proposed definition includes contaminants in stormwater, which could be interpreted as allowing contaminants in stormwater. Our Plan definitions do not have the term "contaminants" in them so that they do not give a misleading impression that this is permitted. We are unsure why "contaminant" is included in the Standards definition; the Section 32 Report and the Guidance Document do not explain this. The Standards definition could inadvertently allow stormwater to be directed over a contaminated site as a permitted activity under our Plan rules, making the water contaminated. If the proposed definition becomes gazetted as currently worded, this will potentially mean that we would have to change our stormwater rules.</p> <p>We seek that the wording "(including any contaminants it contains)" be deleted.</p>

16 July 2018

Ministry for the Environment  
PO Box 10362  
**Wellington 6143**

Dear Sir/Madam

**Submission on Zero Carbon Bill Discussion Document**

Thank you for the opportunity to comment on the framework for a Zero Carbon Bill (ZCB) as outlined in the "Our Climate Your Say Discussion Document". Attached is the Council's submission which is in two parts: general comments on the potential impacts of the ZCB on the West Coast region, and responses to the questions in the Discussion Document's submission form.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'H. Mills', is written over a horizontal line.

Hadley Mills  
Planning, Science and Innovation Manager  
West Coast Regional Council

## **West Coast Regional Council comments on the framework for a Zero Carbon Bill**

### **General Comments**

The West Coast Regional Council (WCRC or 'the Council') does not support the Zero Carbon Bill (ZCB) as it creates too much uncertainty for the West Coast region. There are too many unknowns that arise from this discussion document to gain the Council's support. Further, the discussion document has not presented the science behind the proposed bill. We suggest the science that underpins the ZCB should be clearly discussed and summarised in order for the layperson to understand and potentially accept it. Climate change is a very complex issue and to ask the people of the West Coast to commit to an emissions target (and accept the subsequent adverse effects discussed below), the evidence proving anthropogenic climate change must be presented and proven beyond reasonable doubt. We have little expertise and experience with emission targets, the Emissions Trading Scheme (ETS), and emission budgets, and therefore can only consider how implementing the ZCB might affect West Coast communities.

The first part of this submission identifies potential effects of the ZCB framework on the region's economy, which is largely underpinned by resource-based industries of mining, forestry, and farming. Implementing the Bill is likely to result in substantial costs to these industries, as well as changes to the growing industry of tourism. It will also have impacts on day to day life for West Coast communities living in a remote, rural region. The Discussion Document recognises that lower income households are more likely to be affected, and vulnerable regions will need to be supported. We wonder how the transition to a changed economy and lifestyle can be undertaken on the West Coast with minimal impact.

The second part of our submission responds to the questions in the Discussion Document's submission form.

### **Impacts of the ZCB on the West Coast**

*Reduced fossil fuel use:* Reducing or eliminating the use of coal for domestic heating and industrial energy is clearly going to significantly affect West Coast households and industries. The former is discussed later under the section on air quality. Coal is used to fuel Coal-fired boilers in manufacturing plants and in public service organisations, for example, milk processing plants and hospitals, while diesel and petroleum are used to operate machinery in primary industry. If the Bill requires primary industries to reduce their emissions, the costs of changing to alternative fuels may make it difficult for industries in the region to continue; they may close down causing substantial job losses. This could have flow on effects to other parts of the economy. Service industries such as machinery and equipment repair and maintenance may close down because they will not have enough work to continue operating. In larger cities and highly developed regions, this transition to technological industries is likely to be smoother and better absorbed, but for the West Coast the effect will be felt sharply.

Should the ZCB be adopted, support would need to be provided at the regional level to avoid the situation where reducing carbon emissions leads to ongoing job losses. Fewer people equals less health facilities (and schools), which means more people will need to travel to Christchurch to receive medical care, as is already happening. In the current socio-political climate of job losses in coal mining and restrictions on use of conservation land, there may be considerable local resistance to the ZCB if it potentially causes job losses in a number of sectors. When drafting the Bill, consideration needs to be given to managing the uncertainty around job losses. Further work is needed on how the impacts of job losses can be minimised to ensure the health, economic and social wellbeing of the community is maintained.

#### *Evolution of coal products through technology:*

Coal extraction makes up a large part of the West Coast economy employing over 900 people (including sub trades). Should the ZCB be adopted and fossil fuel be phased out the government would need to support the evolution of the coal industry from combustion use to other non-combustion uses. The New Zealand Institute for Minerals to Materials Research (NZIMMR) has been

recently set up with this being one of its focuses. The small scale nature of the investment into NZIMMR means its research focus is limited (initially exploring coal foam, tungsten from gold tailings and rare earth elements). However, if scaled funding is made available for research into this area, there is potential we could transition the industry over the 32 year period.

*Reduce agricultural emissions:* Dairy farming is one of the key primary industries on the West Coast that contributes to the region's economy. Any legislative requirement to reduce agricultural emissions may cause further job losses on dairy farms, if the technology for reducing farm emissions does not keep pace with emissions targets and budgets, or is financially too expensive. If the expectation in the ZCB is that private landowners will change their land use from dairying to forestry, for example, we wonder what will happen if there is a glut, and insufficient demand for all the timber that comes on-stream in another 25-30 years.

*Use electric vehicles:* Should the ZCB be adopted, there will be challenges on the West Coast that may delay the move to fully electric transport. Presently, electric cars can only travel approximately 100kms before they need to be charged. Charging can take up to 20 minutes (with fast chargers), which is lost time for business vehicles. Most tourists coming to the West Coast will not want to wait while their electric rental car (or bus) recharges, and may be deterred from using electric vehicles, or staying longer in the region if recharging adds delays to their trip. It could be some time before electric vehicles are developed with sufficient capacity to drive over alpine passes. Additionally, many locals use roads that are not on the main highway network, and will be unable to use full electric cars if there are insufficient recharging stations on local roads. We expect that District Councils will not have the resources to install and maintain substantial numbers of charging stations on local roads. Given that the average income on the West Coast is below the national average, many residents will have to wait until second hand electric cars come on the market at an affordable price. The Council supports the government investing in new technology to encourage use of electric vehicles, such as battery banks.

*Plant more trees:* The West Coast has a limited ability to contribute to reducing carbon levels by planting more exotic forest, as there is only 16% of land that is not protected under the conservation estate, and not all of this is productive land. Historically, the region has had a major economic disadvantage when it comes to availability of arable land and has also suffered from a general lack of development due to high rainfall, rugged terrain and boom and bust economic cycles (notorious with industries such as gold mining and native forestry). Due to the above-mentioned and other complex variables, the region finds itself with 84% of its land area held within Department of Conservation estate (1,964,141.14 ha). It seems fair and just that the West Coast region and its people be rewarded for having saved this great asset over the decades for New Zealand's benefit. It is worth mentioning that the Council does not receive rates from the DOC estate. Tourism benefits to a minor extent. Having said that, it is highly valued as a major environmental and sociocultural asset.

We understand that the West Coast is disadvantaged in that the forested parts of the conservation estate are not included in the Emissions Trading Scheme (ETS). Forests of indigenous species which existed before 1990 are excluded from the ETS. By not accounting for indigenous forest on conservation land in the ETS, it is effectively saying that the forest does not exist. The fact is, it does, and indigenous forest does remove CO<sub>2</sub> from our atmosphere, albeit, at a slower rate than pine forestry. The significance for existing indigenous forest with regards to CO<sub>2</sub> removal can be realised with scale, and the West Coast has that scale.

In our view, should the ZCB be adopted, implementation must consider how the West Coast region can credit the bush and forest within the conservation estate to offset emissions, or if the West Coast is CO<sub>2</sub> positive (once our forests are incorporated into the ETS, for example), how these credits can be monetised for the benefit of the region. It is fair and just for the West Coast to benefit from being a great carbon sink for New Zealand.

A further limit to the planting of more forests on the West Coast are the restrictions on using conservation land, including stewardship land. This is land that was previously Crown forestry land, but was transferred to the conservation estate, despite many areas having little conservation value.



Use of a portion of DoC stewardship land for forestry would be an excellent initiative, enabling the West Coast to contribute to the offsetting carbon. Council's Innovation Manager recently undertook a GIS query and found that 64,514ha of DoC stewardship land was appropriate for forestry. The query was:

- Areas of land in the specified land cover classes (Low Producing Grassland, Fernland, Gorse and/or Broom, Manuka and/or Kanuka),
- land less than 35 degrees slope,
- larger than 10 hectares, and
- on DoC stewardship land.

*Increase renewable electricity generation:* Should the ZCB be adopted the Council would support in principle any provisions that enable renewable electricity generation. There are plenty of water resources on the West Coast for micro, small and medium-scale hydro generation. Being able to generate hydroelectricity to supply West Coast communities, and outside the region, would have social and economic benefits for local communities. However, many of our water resources are located on conservation land, and under the current Conservation Minister's approach, use of these resources for renewable hydro electricity generation may be further restricted or prohibited. There seems to be potential inconsistencies between the ZCB's promotion of hydro electricity generation and the Conservation Minister's direction for restricting activities in the conservation estate. West Coast communities could bear the cost of increased line charges from having to continue importing electricity to the region, rather than benefitting from reduced prices from increased generation within the region.

If the ZCB requires a move away from using fossil fuel such as coal, then the ZCB framework also needs to provide for local renewable electricity generation, and improved transmission and distribution to overcome the negative impacts on West Coast communities.

*Cleaner air:* The Discussion Document (Page 10) identifies a number of health and environmental benefits, including cleaner air. Improving air quality is already being addressed through the current National Environmental Standard for Air Quality (NESAQ) under the Resource Management Act (RMA), which has requirements to improve air quality in designated airsheds. The NESAQ is being reviewed and may bring further changes to reduce emissions from domestic burners, which could potentially have increased costs to households. We would be concerned if the ZCB duplicated any future restrictions under the NESAQ on domestic burning of coal. Care should be taken to avoid unnecessary regulatory duplication, and ensure that the ZCB and other national policy instruments are integrated.

*Better home insulation:* We would be concerned about the costs to beneficiaries and low-income households of any blanket requirement to install cleaner heating devices under the ZCB framework.

*Increased use of public transport:* West Coast communities will not experience these benefits, or contribute to reduced emissions by using public transport, as there is no public transport system in the region due to the lower population, and the long distances between urban areas.

### **Conclusion**

While the framework of the ZCB appears to be well-intentioned the science behind the bill and Anthropogenic climate change needs to be presented and proven beyond reasonable doubt. If the ZCB is adopted the key will be how it is implemented. The ZCB will put obligations on individuals, businesses and organisations to change their behaviour and reduce emissions nationally, however, the impacts will be felt at the regional level, particularly on the West Coast. The proposed areas where emissions can be reduced will potentially have significant negative economic and social repercussions for this region.

If the ZCB is adopted it must focus more on regional effects. Much more work would be needed to ensure that negative outcomes of implementing the ZCB on West Coast people and communities are avoided or minimised.

## 2. Responses to Discussion Document questions

Summarised submission form	WCRC response
<b>2050 target</b>	
<p>1. What process should the Government use to set a new emissions reduction target in legislation? Pick one:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the Government sets a 2050 target in legislation now</li> <li><input type="checkbox"/> the Government sets a goal to reach net zero emissions by the second half of the century, and the Climate Change Commission advises on the specific target for the Government to set later.</li> </ul>	<p>The first option provides more certainty for businesses and the public. Whatever option is chosen, it should be based on sound modelling, have flexibility to adjust to changes, and take into account the potential impact on regions.</p>
<p>2. If the Government sets a 2050 target now, which is the best target for New Zealand? Pick one:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>net zero carbon dioxide:</b> Reducing net carbon dioxide emissions to zero by 2050</li> <li><input type="checkbox"/> <b>net zero long-lived gases and stabilised short-lived gases:</b> Long-lived gases to net zero by 2050, while also stabilising short-lived gases</li> <li><input type="checkbox"/> <b>net zero emissions:</b> Net zero emissions across all greenhouse gases by 2050.</li> </ul>	<p>We do not have the expertise to answer this question, but support LGNZ's comments: <i>"LGNZ recognises the significant impacts of the transition on rural communities and the concerns that those communities have. We do not yet have a clear understanding of what large-scale land use will entail and when it will happen and there is still significant further work to do around developing relevant science and technology to support rural communities to do more to reduce and account for agricultural emissions."</i></p> <p>There is too much uncertainty to pick one of these options.</p>
<p>3. How should New Zealand meet its targets? Pick one:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> domestic (within NZ) emissions reductions only (including from new forest planting)</li> <li><input type="checkbox"/> domestic emissions reductions (including from new forest planting) and using some emissions reductions from overseas (international carbon units) that have strong environmental safeguards.</li> </ul>	<p>Based on the information available in the Discussion Document, and the LGNZ submission, we consider that the second option may be preferable for West Coast communities. It appears to provide flexibility which will be important for this region, given the indications that the West Coast rural sector may be potentially hard hit. Also refer to our comments on forest planting above.</p>
<p>4. Should the Zero Carbon Bill allow the 2050 target to</p>	<p>Yes. History has shown how much the economy and the environment can change over time,</p>

<p>be revised if circumstances change? Pick one:</p> <p><input type="checkbox"/> yes</p> <p><input type="checkbox"/> no.</p>	<p>and the West Coast is already undergoing significant change. The Government should be able to allow the 2050 target to be revised to reflect changes, particularly at the regional level. Reducing emissions may have substantial negative effects on the health and wellbeing of communities, requiring the targets to be revised. Also, technology may not become available in time to reduce emissions at the same rate that the target or budgets are set.</p>
<p><b>Emissions budgets</b></p>	
<p>5. The Government proposes that three emissions budgets of five years each (ie, covering the next 15 years) be in place at any given time. Do you agree with this proposal? Pick one:</p> <p><input type="checkbox"/> yes</p> <p><input type="checkbox"/> no.</p>	<p>The suggestion sounds reasonable, this will provide flexibility for the Government to set targets that reflect the state of the economy at that time, so the social, economic, and cultural well beings of local communities are maintained.</p>
<p>6. Should the Government be able to alter the last emissions budget (ie, furthest into the future)? Pick one:</p> <p><input type="checkbox"/> yes, each incoming Government should have the option to review the third budget in the sequence</p> <p><input type="checkbox"/> yes, the third emissions budget should be able to be changed, but only when the subsequent budget is set</p> <p><input type="checkbox"/> no, emissions budgets should not be able to be changed.</p>	<p>We support in principle the option for allowing the Government to change the third emissions budget provided that the subsequent budget is set. This option will allow the Government to make suitable changes as more information becomes available.</p>
<p>7. Should the Government have the ability to review and adjust the second emissions budget within a specific range under <a href="#">exceptional circumstances</a>? Pick one:</p> <p><input type="checkbox"/> yes</p> <p><input type="checkbox"/> no.</p>	<p>While this should provide flexibility to reflect any sudden changes in the economy or the environment, including natural disasters, it depends on what exceptional circumstances are included. The Discussion Document does not provide many examples for what would be considered exceptional circumstances. If the Bill proceeds, it should include a list of exceptional circumstances.</p>
<p>8. Do you agree with the <a href="#">considerations</a> we propose that the Government and the Climate Change Commission take into account when advising on and setting budgets? Pick one:</p> <p><input type="checkbox"/> yes</p> <p><input type="checkbox"/> no.</p>	<p>Yes. The regional economic and social effects of reducing emissions must be considered. If people are substantially economically hindered by trying to meet the targets, then their health and social well-being will potentially be affected.</p>

<b>Government response</b>	
<p>9. Should the Zero Carbon Bill require Governments to set out plans within a certain timeframe to achieve the emissions budgets? Pick one:</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no.</p>	<p>Yes. This will ensure the Government sets out plans within a timeframe to avoid creating too much uncertainty. Careful and considered planning by the Government will be important, particularly so as to avoid unintended impacts of any plans on communities and businesses.</p>
<p>10. What are the most important issues for the Government to consider in setting plans to meet budgets? For example, who do we need to work with, what else needs to be considered?</p>	<p>We agree with the four bullet points listed at the top of Page 39 of the Discussion Document, especially the fourth point: "<i>how we address challenges faced by vulnerable communities and sectors, to ensure a just transition.</i>" Investing in new technology and research to assist highly affected regions will be important. Plans for achieving emissions budgets need flexibility to provide for the differences between regional impacts. Adequate consultation must be undertaken amongst all regions, especially with communities most affected, when preparing the plans.</p>
<b>Climate Change Commission</b>	
<p>11. The Government has proposed that the Climate Change Commission <a href="#">advises on and monitors</a> New Zealand's progress towards its goals. Do you agree with these functions? Pick one:</p> <p><input type="checkbox"/> yes <input type="checkbox"/> no.</p>	<p>Yes. The Commission should also provide advice to the public (as well as the Government) so that communities are kept informed, and understand, about how emissions budgets and the Emissions Trading Scheme (ETS) work, to help achieve local uptake. Monitoring is important to identify if progress is being made towards achieving the targets without causing significant negative social, cultural, and economic effects to communities.</p>
<p>12. What role do you think the Climate Change Commission should have in relation to the New Zealand Emissions Trading Scheme (NZ ETS)? Pick one:</p> <p><input type="checkbox"/> advising the Government on policy settings in the NZ ETS <input type="checkbox"/> makes decisions itself, in respect of the number of units available in the NZ ETS.</p>	<p>We agree with the LGNZ view, that the Climate Change Commission should have an advisory role to the Government for setting policy on the ETS. If the Commission's key role is to advise the Government on climate change policy, then it should also advise on the ETS, as this would keep the Commission's roles consistent.</p> <p>This would enable the Commission to advise the Government on matters such as changing the ETS so that it recognises the carbon credits held in forest and bush on West Coast conservation land.</p>

<p>13. The Government has proposed that Climate Change Commissioners need to have a range of <a href="#">essential and desirable expertise</a>. Do you agree with the proposed expertise? Pick one: <input type="checkbox"/> yes <input type="checkbox"/> no.</p>	<p>We agree with all the essential and desirable expertise listed on Page 45 of the Discussion Document. The inclusion of local government expertise to address adaptation is highly supported; this will enable the Commission to consider the effects of implementing the ZCB framework on local communities.</p>
<p><b>Adapting to the impacts of climate change</b></p>	
<p>14. Do you think the Zero Carbon Bill should cover adapting to climate change? Pick one: <input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p>Yes. Policy needs to be set around how we adapt to climate change because even if we reduce our emissions, this may not stop climate change from occurring for at least several decades, if at all, so we need to find ways to manage the ongoing effects of climate change. That said, care is needed to ensure that climate change adaptation in the ZCB is not inconsistent with, or duplicates aspects of, other legislation, such as local government's role in managing significant natural hazard risk under the Resource Management Act (RMA).</p>
<p>15. The Government has proposed a number of new <a href="#">functions</a> to help us adapt to climate change. Do you agree with the proposed functions? Pick one: <input type="checkbox"/> yes <input type="checkbox"/> no.</p>	<p>We generally support the functions proposed, however we also agree with LGNZ's comments that the LGNZ's proposed Local Government Risk Agency (LGRA) may be better placed to undertake a national risk assessment, and should also be involved in the preparation of a national adaptation plan. Local government is best placed to understand the implications for councils and their communities.</p>
<p>16. Should we explore setting up a targeted adaptation reporting power that could see some organisations share information on their exposure to climate change risks? Pick one: <input type="checkbox"/> yes <input type="checkbox"/> no.</p>	<p>Our view on this will depend on whether the WCRC is required to report, and if so, the scope and scale of reporting required. We own/administer public infrastructure (hazard protection structures), and provide a public service. The Council is small with a limited rating base, and we do not have the capacity to undertake significant reporting, additional to what is already required of us under the Environmental Reporting Act 2015, RMA, and Local Government Act.</p>

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 14 August 2018  
 Prepared by: Edith Bretherton - Senior Policy Planner, Hadley Mills, Planning, Science, and Innovation Manager  
 Date: 1 August 2018  
**Subject: Proposed Local Bill: West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Bill**

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Local bills address matters confined to a particular locality, and are intended to change / limit the effect of the general law in its application in a particular locality. A local authority may promote a bill only for an area that is within its jurisdiction. The bill seeks to amend the Conservation Act 1987 for the West Coast Region, see attached. The local Member of Parliament is often the member in charge of a local bill. Members in charge of a local bill are not required to support the premise of the bill. The promoter is responsible for drafting a local bill, in this case the West Coast Regional Council would be the promoter. Any bill presented for introduction to the House must conform with Standing Order requirements for the drafting of bills. We have had legal advice and the attached draft bill generally complies with Standing Orders.

Preliminary procedures for the introduction of local bills - Standing Order notification requirements:

- The promoter of a local bill must alert the public through public notice of the promoter's intention to introduce the bill; and
- The Clerk of the House of Representatives examines the local bill and documents required by Appendix C to ensure that Standing Order requirements have been complied with.

Notice of intention:

- Notice of intention to promote must be advertised in either a daily newspaper circulating the region, or the equivalent,
- Notice of an intention to promote must be advertised in the major centers; and
- Notice of intention must be published at least once in each of two successive calendar weeks, including details of the bill (objects of bill, contact details, places the bill can be inspected, website copy of the bill, dates during which the bill can be inspected).

Notice to persons with direct interest:

- A promoter must also advise people with a direct interest, or who may exercise any power proposed in the bill; and
- A promoter of a local bill must give written notice to every member of a Māori or General electoral district whose constituents may be affected by the provisions of the bill. Proof that this notice has been given is required. Notice can be by email, mail or by hand.

Once the preliminary procedures for the Local Bill are complete the promoter must make a declaration to the Clerk of the House providing evidence of the completion of the preliminary procedures.

Presenting a bill for introduction:

The Member of Parliament in charge of the bill will lodge a notice of intention to introduce the bill to the clerk.

Parliamentary readings:

- 1<sup>st</sup> reading: If a bill passes its first reading it will be referred to a select committee for consideration. Select committees have 6 months to consider and report back recommendations on a bill to the House. A select committee may call for submissions, and may hear evidence on a bill,
- 2<sup>nd</sup> reading: The select committee reports the bill back to the House with recommended changes. The House considers these in the second reading debate. If the bill passes its

- second reading it is set down for consideration in a committee of the whole House. The committee reports the bill back to the House with any amendments it recommends; and
- 3<sup>rd</sup> and final reading: If your bill passes the third reading, the Clerk prepares the bill to be assented by the Governor-General, at which stage the bill becomes an Act of Parliament.

### **RECOMMENDATIONS**

1. *That a notice of intention is disseminated throughout the region to promote the proposed local bill: West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Bill*
2. *That notice be given to persons with direct interest including every member of a Māori or General electoral district whose constituents may be affected by the provisions of the bill.*
3. *That following completion of the preliminary procedures a declaration to the Clerk of the House be made providing evidence of the completion of the preliminary procedures.*

Hadley Mills  
**Planning, Science, and Innovation Manager**

# DRAFT FOR CONSULTATION

## West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Bill

Local Bill

### Explanatory note

#### General policy statement

This Bill seeks to allow the Director-General of Conservation to grant access for removal of specified trees irreversibly damaged by an adverse weather or tectonic event from within the conservation estate, outside of national parks, in the region of the West Coast Regional Council.

#### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause, which provides that the Act comes into force on the day after the date on which it receives the Royal assent.

### Part 1

#### Preliminary provisions

*Clause 3* provides that the purpose of the Bill is to allow the Director-General of Conservation to authorise the removal of timber that has been irreversibly damaged by an adverse weather or tectonic event from certain conservation areas within the region of the West Coast Regional Council.

*Clause 4* defines terms used in the Bill.

*Clause 5* states that the Bill binds the Crown.



## Part 2

### Removal of irreversibly damaged trees

#### *Authorisation of removal of irreversibly damaged trees*

*Clause 6* provides that the Bill applies to the removal of irreversibly damaged trees from the designated area (defined in the Bill as conservation areas and reserves within the region of the West Coast Regional Council that are administered by the Department of Conservation other than nature or scientific reserves, ecological areas, or national parks).

*Clause 7* provides that irreversibly damaged trees may be removed in accordance with an authorisation granted by the Director-General under *clause 9*.

*Clause 8* provides that a person may apply for an authorisation to remove irreversibly damaged trees only if the person has been invited to apply by the Director-General and that an application must be accompanied by the application fee (if a fee is prescribed). *Clause 8(3) to (5)* specifies the methods by which the Director-General may invite and consider applications.

*Clause 9* provides that the Director-General may grant an authorisation to a person to remove irreversibly damaged trees and to carry out other activities that are reasonably necessary to allow for the safe and efficient removal of the timber. *Clause 9(3)* provides that the Director-General must be satisfied of certain matters before granting an authorisation. *Clause 9(4) and (5)* provides that the Director-General may, in considering whether to grant an application, take into account any matters that the Director-General considers relevant and may impose any conditions that he or she thinks fit (but must impose conditions that address the matters specified in *clause 9(3)*).

*Clause 10* restricts the purposes for which timber removed in accordance with an authorisation may be used.

*Clause 11* requires a person to whom an authorisation is granted to pay any royalties, fees, and charges required by the Director-General.

#### *Authorisations*

*Clause 12* sets out the matters that must be specified in an authorisation granted under *clause 9*.

*Clause 13* states that the Director-General may amend an authorisation by agreement with the authorised person or where an amendment is necessary to address adverse effects of the permitted activities that were not foreseen when the authorisation was granted.

*Clause 14* provides that the Director-General may revoke an authorisation in the Director-General's absolute discretion.

*Clause 15* provides that an authorisation expires on the expiry date specified in the authorisation.

*Application of other legislation*

*Clause 16* states that an activity permitted under an authorisation is not an offence under the Conservation Act 1987, Reserves Act 1977, or Wildlife Act 1953 (or any regulations, bylaws, or notices made under those Acts) and does not require any authorisation under those Acts.

*Clause 17* clarifies that an authorisation to remove irreversibly damaged trees is not a disposal of a conservation area, or an interest in a conservation area, under the Conservation Act 1987.

*Clause 18* provides that sections 9, 13, 14, and 15 of the Resource Management Act 1991 do not apply to activities permitted by an authorisation.

*Miscellaneous*

*Clause 19* allows the Director-General to prescribe fees and charges to recover costs associated with the authorisation, and ongoing monitoring, of timber-removal and other permitted activities.

*Clause 20* amends the Conservation Act 1987 to add the Bill to the list of Acts administered by the Department of Conservation.

# West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Bill

Local Bill

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*Application of other legislation*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Act **2018**.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1**

**Preliminary provisions**

**3 Purpose**

The purpose of this Act is to allow the Director-General to authorise the removal from certain conservation areas and reserves in the region of the West Coast Regional Council of trees irreversibly damaged by an adverse weather or tectonic event for timber recovery for timber recovery.

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**adverse weather or tectonic event means**

- a. the weather event on 17 April 2014 known as Cyclone Ita
- b. the weather events on 31 January 2018 and 19 February 2018 known as ex-Cyclone Fehi and ex-Cyclone Gita respectively
- c. any other weather or tectonic event determined by the Director-General to be an adverse weather or tectonic event subject to this Act

**authorisation** means an authorisation granted under **section 9**

**authorised person** means a person to whom an authorisation is granted under **section 9**

**conservation** has the meaning given in section 2(1) of the Conservation Act 1987

**conservation area** has the meaning given in section 2(1) of the Conservation Act 1987

**Department** means the Department of Conservation

**designated area—**

- (a) means every conservation area and reserve that—
  - (i) is within the region of the West Coast Regional Council; and

West Coast (Irreversibly Damaged Timber Recovery on West Coast  
Conservation Lands) Bill

Part 2 cl 6

- (ii) is owned by the Crown and administered by the Department other than—
  - (A) a nature reserve; or
  - (B) a scientific reserve; or
  - (C) an ecological area; and
- (b) excludes any national park within the region of the West Coast Regional Council

**Director-General** means the Director-General of Conservation

**ecological area** has the meaning given in section 2(2) of the Conservation Act 1987

**irreversibly damaged trees**, in relation to timber, means trees—

- (a) dead due to an adverse weather or tectonic event; or
- (b) damaged to the extent that it is not possible to recover naturally

**national park** means a national park constituted under the National Parks Act 1980

**reserve** has the meaning given in section 2(1) of the Reserves Act 1977

**specified site** means a site to which an authorisation granted under **section 9** applies

**timber**—

- (a) means trees and parts of trees, including branches, roots and stumps of trees and
- (b) includes a specified portion of bole or stem wood of merchantable quality to be removed from a fallen tree.

## 5 Act binds the Crown

This Act binds the Crown.

## Part 2

### Removal of irreversibly damaged trees

#### *Authorisation of removal of irreversibly damaged trees*

## 6 Application

This Act applies to the removal of irreversibly damaged trees from the designated area.

West Coast (Irreversibly Damaged Timber Recovery on West Coast  
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**7 Irreversibly damaged trees may be removed if authorised by Director-General**

A person may remove irreversibly damaged trees from the designated area in accordance with an authorisation granted by the Director-General under **section 9**.

**8 Who may apply for authorisation**

- (1) A person may apply for an authorisation under **section 9** only if the person has been invited to do so by the Director-General.
- (2) An application must be accompanied by the application fee (if any) specified by the Director-General under **section 19(a)**.
- (3) The Director-General may invite a person or persons to apply for an authorisation by any means, including, without limitation, by—
  - (a) public notice (which may invite tenders or other proposals);
  - (b) notice to specific persons who the Director-General considers are qualified to undertake the removal of irreversibly damaged trees.
- (4) If the Director-General invites applications under **subsection (3)**, the Director-General may, in the Director-General's discretion,—
  - (a) accept or decline any application; or
  - (b) enter into private negotiations with any applicant with a view to reaching an agreement; or
  - (c) reject all applications.
- (5) Before exercising the Director-General's discretion under **subsection (4)**, the Director-General may have regard to—
  - (a) the interests (including the financial interests) of the Crown in the relevant conservation area or reserve; and
  - (b) any other matters the Director-General considers relevant.

**9 Director-General may authorise removal of irreversibly damaged trees from designated area**

- (1) The Director-General may, on the application of a person under **section 8**, grant an authorisation to the person to—
  - (a) remove irreversibly damaged trees from 1 or more specified sites within the designated area; and
  - (b) carry out within the specified site or sites any other activities that are reasonably necessary to allow for the safe and efficient removal of the irreversibly damaged trees.
- (2) Before considering whether to grant an authorisation, the Director-General may require the applicant to submit a work plan.

West Coast (Irreversibly Damaged Timber Recovery on West Coast  
Conservation Lands) Bill

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- (3) The Director-General must not grant an authorisation unless the Director-General is satisfied that—
- (a) the activities permitted by the authorisation (including tree removal) will be managed so that,—
    - (i) so far as is reasonably practicable, the safety of people working at the specified site or sites, and of members of the public, is protected; and
    - (ii) adverse effects on the environment are kept to a minimum; and
    - (iii) the activities do not unreasonably affect conservation in the conservation area or reserve within which the specified site or sites are located; and
    - (iv) the activities do not cause significant soil disturbance; and
    - (v) the effects of activities within the specified site or sites on the environment outside of the specified site or sites are not contrary to the purpose of the Resource Management Act 1991; and
    - (vi) the activities permitted within the specified site or sites do not breach any regulations made under section 43 of the Resource Management Act 1991; and
  - (b) any trees removed in accordance with the authorisation will be used for a product referred to in **section 10(1)**.
- (4) In considering whether to grant an authorisation, the Director-General may, in addition to the matters specified in **subsection (3)**, take into account any matters that the Director-General considers relevant.
- (5) The Director-General must impose conditions on every authorisation to address each of the matters specified in **subsection (3)** and may impose any other conditions that the Director-General thinks fit, including, without limitation, that the authorised person must—
- (a) pay a bond to the Department (which may be forfeited if the person fails to meet the conditions of the authorisation); and
  - (b) obtain appropriate insurance for the activities permitted by the authorisation.

**10 Restriction on use of irreversibly damaged trees**

- (1) Trees removed in accordance with an authorisation may only be used (whether in the course of removal or later) for 1 or more of the following:
- (a) sawn or cut wood (other than firewood or woodchips):
  - (b) finished or manufactured indigenous timber products (as defined in section 2(1) of the Forests Act 1949):
  - (c) a product or products specified by the Director-General in the authorisation.

West Coast (Irreversibly Damaged Timber Recovery on West Coast  
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- (2) **Subsection (1)** does not limit the use of any incidental or secondary product resulting from the manufacture of a product referred to in that subsection.
- (3) Despite section 67C(1) of the Forests Act 1949, indigenous timber removed in accordance with an authorisation may be exported from New Zealand if the timber is—
- (a) sawn beech; or
  - (b) sawn rimu; or
  - (c) sawn matai; or
  - (d) sawn totara; or
  - (e) a stump; or
  - (f) a root; or
  - (g) a tree fern trunk, or part of a tree fern trunk, or fibres from a tree fern trunk.
- (4) Section 67C(3) of the Forests Act 1949 applies to the export of timber under **subsection (3)**.
- (5) In this section,—
- indigenous** has the meaning given in section 2(1) of the Forests Act 1949
- sawn beech** and **sawn rimu** have the meanings given in section 67C(4) of the Forests Act 1949.

## 11 Royalties, fees, and charges

- (1) An authorised person must pay to the Director-General the royalties and any fees or charges required by the Director-General.
- (2) The Director-General must ensure that any royalties received are paid into a Crown Bank Account.
- (3) The Director-General may, in the Director-General's absolute discretion, refund or waive payment of all or any part of any royalty, fee, or charge paid or required to be paid under this Act.

### *Authorisations*

## 12 Form of authorisation

An authorisation must be in writing and must specify, without limitation,—

- (a) the specified site or sites; and
- (b) the activities permitted by the authorisation; and
- (c) the products for which the timber removed from the specified site or sites may be used; and
- (d) the conditions of the authorisation; and
- (e) the dates on which the authorisation commences and expires; and



- (f) matters relating to the amount and payment of royalties, fees, and charges.

**13 Amendment to authorisation**

The Director-General may amend an authorisation—

- (a) by agreement with the authorised person; or  
 (b) in any case where the amendment is necessary to address adverse effects of the activities permitted by the authorisation that were not reasonably foreseeable at the time that the authorisation was granted.

**14 Revocation of authorisation**

The Director-General may, in the Director-General's absolute discretion, revoke an authorisation granted under this Act.

**15 Expiry of authorisation**

An authority expires on the expiry date specified in the authorisation.

*Application of other legislation*

**16 Permitted activity not an offence**

A person who carries out an activity in accordance with an authorisation—

- (a) does not commit an offence against the Conservation Act 1987, Reserves Act 1977, or Wildlife Act 1953 (or any regulations, bylaws, or notices made under those Acts) in respect of the activity; and  
 (b) does not require any authorisation under the Conservation Act 1987, Reserves Act 1977, or Wildlife Act 1953 (or any regulations, bylaws, or notices made under those Acts) in respect of the activity.

**17 Authorisation not a disposal of conservation area**

To avoid doubt, an authorisation is not a disposal of a conservation area or an interest in a conservation area, for the purposes of section 16 or 26 of the Conservation Act 1987.

**18 Certain sections of Resource Management Act 1991 do not apply**

- (1) Sections 9, 13, 14, and 15 of the Resource Management Act 1991 do not apply to activities permitted by an authorisation.  
 (2) To avoid doubt, the Resource Management Act 1991 applies to any activity that is not permitted by an authorisation.

*Miscellaneous*

**19 Fees and charges**

The Director-General may prescribe fees and charges—

West Coast (Irreversibly Damaged Timber Recovery on West Coast  
Conservation Lands) Bill

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- (a) for processing an application; and
- (b) where an authorisation has been granted to an applicant,—
  - (i) for monitoring compliance with the conditions of the authorisation; and
  - (ii) for monitoring the environmental effects and the effects on conservation of the activities permitted by the authorisation; and
  - (iii) to recover the costs to the Department of paying any fees or charges associated with the use of the land (including, but not limited to, rates imposed under the Local Government (Rating) Act 2002); and
- (c) for any other purpose that is reasonably necessary to recover the cost to the Department of administering this Act.

**20 Amendment to Conservation Act 1987**

- (1) This section amends the Conservation Act 1987.
- (2) In Schedule 1, insert in its appropriate alphabetical order:  
West Coast (Irreversibly Damaged Timber Recovery on West Coast Conservation Lands) Act **2018**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee Meeting – 14 August 2018  
 Prepared by: Emma Perrin-Smith, Senior Resource Science Technician  
 Date: 02 August 2018  
**Subject: REEFTON AIR QUALITY SUMMARY**

There have been no exceedances of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 for PM<sub>10</sub> in Reefton so far this year (Figure 1).

The two gaps in the data record were due to machine faults. The latest fault has required the air quality monitor to be sent back to Auckland for repair (requiring a new motherboard), a loan machine has been installed at the Reefton site in the interim.

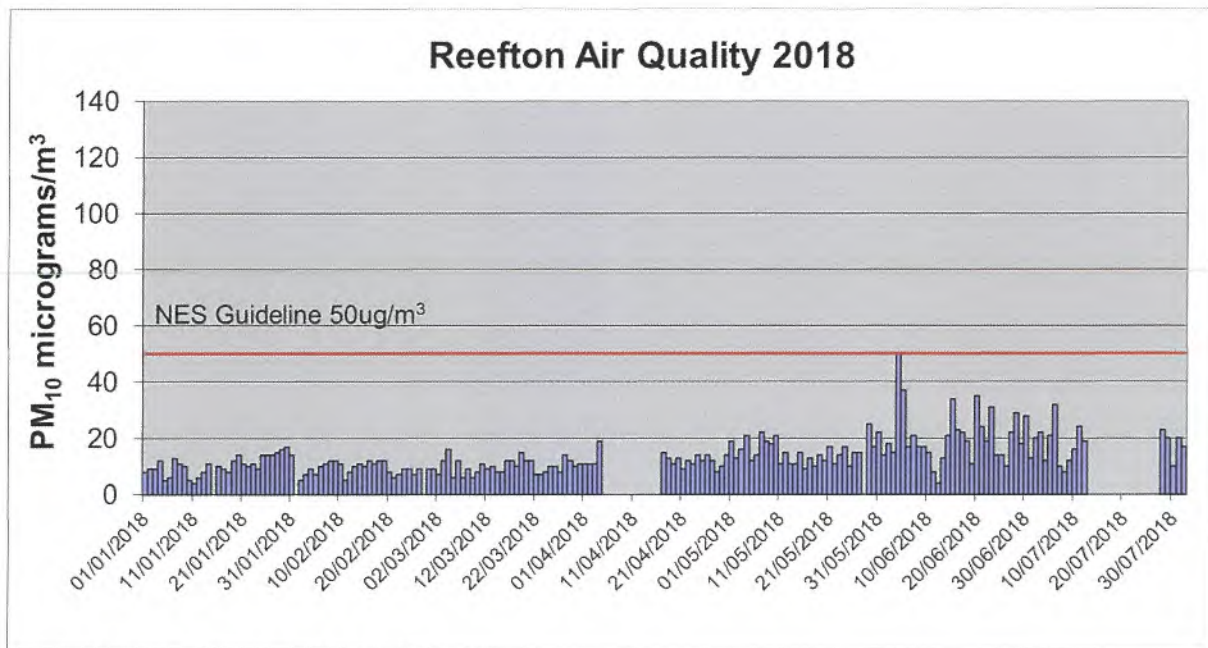


Figure 1. Reefton daily PM<sub>10</sub> for 2018.

**RECOMMENDATION**

*That the report is received.*

Hadley Mills  
**Planning, Science and Innovation Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee – 14 August 2018  
 Prepared by: Cassidy Rae – Consents and Compliance Administrator  
 Date: 31 July 2018  
**Subject: CONSENTS MONTHLY REPORT**

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**3 Consents Site Visit were undertaken 27 June – 31 July 2018**

19/07/2018	RC-2018-0031, KP & JM Kilkelly, Earthworks in Greymouth Earthworks Control Area.	To investigate the proposed site for earthworks with engineer (retrospective consent application)
10/07/18	RC-2018-0065, Anzco Foods Ltd, Arnold Valley Road, Kokiri, Discharge paunch material to land.	Visited site with applicant to observe the area to which the paunch material will be discharged.
25/07/2018	Pre-application, Boyd Kilkelly, Onsite wastewater discharge, 162 North Beach Road.	Rule 79 assessment

**10 Non-Notified Resource Consents were Granted 27 June 2018 – 31 July 2018**

<b>CONSENT NO. &amp; HOLDER</b>	<b>PURPOSE OF CONSENT</b>
RC-2018-0029-02 Henry Adams Contracting Limited Hokitika River	To disturb the wet bed of the Hokitika River for the purpose of removing gravel.
RC-2018-0040 Golden Hills Limited Waiuta	To undertake earthworks associated with alluvial gold mining activities, Waiuta.  To take and use surface water and groundwater via seepage into mining ponds, for the purpose of alluvial gold mining activities, Waiuta.  To discharge water containing sediment to land in circumstances where it may enter water, associated with alluvial gold mining at Waiuta.
RC-2018-0046 Te Runanga O Makaawhio Bruce Bay	To discharge treated sewage wastewater from a Marae to land at Bruce Bay.
RC-2018-0050 Bathurst Coal Limited Denniston Plateau	To undertake exploratory coal drilling and associated activities within a Schedule 2 Wetland on the Denniston Plateau.
RC-2018-0051 KiwiRail Holdings Limited Grey River	To undertake earthworks, including vegetation removal, within the riparian margins of the Grey River.  To disturb the dry bed of the Grey River to undertake gravel extraction for the construction of river protection works.  To disturb the bed and banks of the Grey River to undertake protection and diversion works.  To temporarily and permanently divert water associated with the construction and operation of river protection structures, Grey River.
RC-2018-0056 Waiomou Valley Farms Limited	To undertake earthworks associated with humping and hollowing

Kaniere-Kowhitirangi Road	activities, Kaniere-Kowhitirangi Road. To discharge contaminants (sediment) to land where it may enter water, Kaniere-Kowhitirangi Road.
RC-2018-0058 NPD Limited Springs Junction	To take and use groundwater for the purposes of dewatering, Springs Junction.
RC-2018-0060 Department of Conservation Hokitika Gorge	To discharge treated onsite sewage wastewater to land from Department of Conservation toilets associated with the Hokitika Gorge amenity area.
RC-2018-0061 Glacial Stone Limited Mikonui	To disturb the Coastal Marine Area between the mouths of the Totara River and the Mikonui River for the purpose of removing selected stone.
RC-2018-0065 Anzco Foods Limited Kokiri	To discharge cattle paunch material to land, Kokiri.

#### 4 Change to and Reviews of Consent Conditions were Granted 27 June 2018 – 31 July 2018

<b>CONSENT NO. &amp; HOLDER</b>	<b>PURPOSE OF CHANGE/REVIEW</b>
RC97011-V1 Birchfield Coal Mines Limited Reefton Coal Handling Facility	Change to reporting requirements, Reefton Coal Handling Facility.
RC11135-V1 Waitaha Livestock Limited Waitaha	Increase cow herd size, Waitaha (DS177)
RC12081-V3 Westland Milk Products Hokitika	Relocation of outfall pipeline, near Hokitika.
RC12089-V1 Fahey Contracting Limited Ngahere	Reduction to buffer zone, Ngahere (MP41127)

#### 0 Limited Notified and Notified Resource Consents were granted 27 June 2018 – 31 July 2018

#### Public Enquiries

40 written public enquiries were responded to during the reporting period. 37 (93%) were answered on the same day, and the remaining 3 (7%) within the next ten days.

#### **RECOMMENDATION**

*That the August 2018 report of the Consents Group be received.*

Heather McKay  
**Consents & Compliance Manager**

Prepared for: Resource Management Committee – 14 August 2018  
 Prepared by: Heather McKay – Consents & Compliance Manager  
 Date: 2 August 2018  
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

**Site Visits**

A total of 41 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	6
Mining compliance & bond release	23
Complaint/Incident related	12
Dairy farm	0

- A total of 12 complaints/reported incidents were received, with 11 resulting in site visits.

**Non-Compliances**

Note: These are the activities that have been assessed as non-compliant during the reporting period.

A total of 5 non-compliances occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to air from trade premises	Complaint regarding the discharge of smoke and odour from a trade premises.	Kaniere	The occupant runs a business from his home address and occasionally burns material which causes a nuisance to the neighbour. The person was spoken to and requested to cease the activity of burning plastic and was advised of the applicable rule.	Complaint
Earthworks within the CMA	Complaint regarding earthworks along the Rapahoe Beach front to form a protective bund.	Rapahoe	The site was inspected and established that some members of the local community had arranged for a digger to form a bund along the beach front to provide protection from forecasted heavy swells. The work was unconsented so the person's responsible are being required to obtain a resource consent and to work with Council engineers as to a better solution for the area. Some remedial work was also undertaken to tidy up the appearance of the bund.	Complaint
Gold Mining	Complaint received that the lower reach of Waimea creek was discoloured with sediment.	Waimea Creek	Enquires established that as a result of heavy rain a gold mining operation had a discharge of sediment laden water. The operator had undertaken remedial work to address the problem. A follow up inspection established that the miner had also exceeded their disturbed area allowed by their resource consent. Enquiries are ongoing.	Complaint
Stock access to water	Complaint received that dairy cows had pugged the riparian margin of a stream.	Atarau	The site was investigated and established that cows had broken out of a temporary fence and pugged the riparian margin of a large farm drain. The farmer had moved the cows as soon as he found them. Advice was given on how to manage the area better and a letter outlining the rules sent.	Complaint

Coal Mining	Site visit to a non-operational open cast coal mine established that rehabilitation required by resource consent conditions has not been complied with.	Boatman's	Enquiries are ongoing	Incident
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### **Other Complaints/Incidents**

Note: These are the other complaints/incidents assessed during the reporting period whereby the activity was not found to be non-compliant or compliance is not yet established at the time of reporting.

<b>Activity</b>	<b>Description</b>	<b>Location</b>	<b>Action/Outcome</b>	<b>INC/Comp</b>
Gold Mining	Compliance staff observed that Twelve Mile Creek at Notown was discoloured with sediment.	Notown Grey Valley	A gold mining operation was inspected and established that the operation had a discharge of sediment laden water earlier in the day. Samples obtained at the time of the inspection show the operation was within its consented limits.	Incident
Discharge to water	Complaint regarding the cleaning down of the Otira train tunnel by Kiwi Rail. The complainant advises that there is material deposited onto the river bed.	Otira	The site was investigated and established that material cleaned out of the tunnel has been deposited onto the river bed. Enquiries are ongoing. The operator has a resource consent in place for the activity.	Complaint
Discharge to water	Complaint received that Waimea creek was discoloured with sediment.	Waimea Creek	The site was investigated and the source of the discharge was unable to be located.	Complaint
Drainage & Earth works	Complaint received that a neighbouring property owner has constructed ponds and a drain on their property which may cause a flooding issue.	Kaniere	The site was investigated and established that there was no breach of the Regional Rules. The complainant was advised to monitor the situation in heavy rain events and to contact the council again if storm water is an issue.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Gravel Extraction	Complaint that a gravel contractor had caused the discharge of sediment which was affecting the Westport Water Treatment Plant.	Giles Creek Westport	The contractor was spoken to and it was established that he was extracting under a resource consent. The method of extraction complied with consent conditions. Further enquiries established that a second contractor had extracted gravel from the area and took the gravel downstream of the Water Treatment Plant to rebuild a ford which allows vehicle access to the treatment plant. It was this activity which generated the sediment. Enquiries are ongoing.	Complaint
Discharge of effluent	Complaint received that it appears there is effluent along the beach front at Little Wanganui. The complainant suspects that it is dairy effluent.	Little Wanganui	The site was investigated and water samples obtained. The analysis of the samples shows that it is not effluent and the scum observed is likely to be naturally occurring.	Complaint
Discharge to land	Complaint received that a feed out area on a dairy farm has large amounts of bailing wrap lying around in an area that is subject to erosion.	Waimangaroa	The site was investigated and established that there was no breach of the Regional Rules as to the use of the feed out area. The farmer was requested to clean the rubbish off the site so it does not become windblown and end up in the nearby CMA.	Complaint
Discharge to water	Complaint received that a person has an underground diesel tank on their property which may be contaminating ground water.	Seddonville	The property owner was contacted and advised that the tank has been empty for years and the person has been slowly filling it with earth.	Complaint
Earth works	Complaint received that a dairy farm is currently doing earthworks to extend a dairy effluent pond. They are concerned that this is causing the discharge of effluent from the ponds.	Springs Junction	The site was investigated and established that there were no discharges from the site and there was no breach of the Regional Rules.	Complaint



This section of the report provides an update on ongoing matters relating to the Franz Josef Waste Water Treatment system.

The enforcement order that was in place requiring Westland District Council (WDC) to put a new sewage system in place in Franz Josef by 30 April 2018 was not complied with by WDC. WDC applied to the Court for an extension of the enforcement order, which WCRC did not oppose. On July 27 2018, the Environment Court granted an extension until 30 April 2019 to have a fully functional and operational upgraded waste water treatment plant in place.

As well as a final completion date, the enforcement order has a number of interim milestones, and requires a six weekly written progress report from WDC to WCRC and the Court. Compliance staff will be monitoring the requirements of the enforcement order closely.

As previously reported, WCRC issued an abatement notice in April 2018 relating to sewage discharge which was not compliant with the current resource consent. WDC undertook remedial works and complied with the abatement notice. Enquiries remain ongoing into this matter.

### **Formal Enforcement Action**

There has been no formal enforcement action for the reporting period.

### **Mining Work Programmes and Bonds**

The Council received the following four work programmes during the reporting period. Two work programmes have been approved. The remaining work programmes require a site visit prior to approval.

<b>Date</b>	<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>	<b>Approved</b>
12-07-18	RC08146	AJ Gillman	Kaniere	Yes
25-07-18	RC12240	Kowai Ground haul Company Ltd	Slab Hut	In Progress
31-07-18	RC-2017-0004	Red Jack Resources	Arahura Valley	Yes
31-07-18	RC08033	PJ Fitzgerald	Turiwhate	In Progress

### **Two bonds were received during the reporting period**

<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>	<b>Amount</b>
RC-2015-0060	Butlers Mining Company	Mikonui	\$6000
RC00084	Phoenix Mining Ltd	Moonlight	\$8,000

### **No bonds are recommended for release**

## **RECOMMENDATION**

*That the August 2018 report of the Compliance Group be received.*

Heather McKay  
**Consents and Compliance Manager**

# **COUNCIL MEETING**

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## THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Tuesday, 14 August 2018** commencing on completion of the Resource Management Committee Meeting

A.J. ROBB  
CHAIRPERSON

M. MEEHAN  
CHIEF EXECUTIVE OFFICER

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<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
<b>1.</b>		<b>APOLOGIES</b>
<b>2.</b>		<b>PUBLIC FORUM</b>
<b>3.</b>		<b>MINUTES</b>
	1 – 3	3.1 Minutes of Council Meeting 10 July 2018
	4 – 5	3.1.2 Minutes of a Special Meeting 7 August 2018
<b>4.</b>		<b>REPORTS</b>
	6 - 10	4.1 Engineering Operations Report
	11	4.2 Corporate Services Manager's Monthly Report
		4.2.1 Staff Recommendations Regarding LTP Consultation Document (to be circulated)
	12 - 19	4.3 Twelve Month Review – 1 July 2017 – 30 June 2018
<b>5.</b>	20	<b>CHAIRMAN'S REPORT</b>
<b>6.</b>	21	<b>CHIEF EXECUTIVE'S REPORT</b>
<b>7.</b>		<b>GENERAL BUSINESS</b>

**THE WEST COAST REGIONAL COUNCIL****MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 JULY 2018,  
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,  
GREYMOOUTH, COMMENCING AT 12.15 P.M.****PRESENT:**

A. Robb (Chairman), N. Clementson, T. Archer, P. Ewen, P. McDonnell, A. Birchfield,  
S. Challenger

**IN ATTENDANCE:**

M. Meehan (Chief Executive Officer) R. Beal (Operations Manager), H. McKay (Consents & Compliance Manager), H. Mills (Planning Science and Innovation Manager), T. Jellyman (Minutes Clerk), The Media.

**1. APOLOGY:**

There were no apologies.

**2. PUBLIC FORUM**

There was no public forum.

**3.1 CONFIRMATION OF MINUTES**

**Moved** (Archer / Ewen) *that the minutes of the Council Meeting dated 12 June 2018, be confirmed as correct.*

*Carried*

**Matters arising**

There were no matters arising.

**3.1.2 CONFIRMATION OF MINUTES OF SPECIAL MEETING – 22 JUNE 2018**

**Moved** (Ewen / Archer) *that the minutes of the Special Council Meeting dated 22 June 2018, be confirmed as correct.*

*Carried*

**Matters arising**

There were no matters arising.

**REPORTS:****4.1 ENGINEERING OPERATIONS REPORT**

R. Beal spoke to this report. He provided an update on the Buller River Flood Consultation project and advised that there is working group of council staff, including Civil Defence, Planning, Communications and Operations staff who are meeting fortnightly. R. Beal advised that action points from the working group include a concepts discussion and workshop paper to be presented to the Buller District Council. He stated that the scope of the work needs to

be set and will include identifying short, medium and long term options based on evacuation forecasting and protection.

**Moved** (Archer / Birchfield) *That the report is received.*

*Carried*

#### **4.2 CORPORATE SERVICES MANAGER'S MONTHLY REPORT**

M. Meehan spoke to this report in R. Mallinson's absence. He stated that R. Mallinson would respond via email to any questions Councillors might have. Cr Archer asked about the figures in the emergency management section of the report as these seem to be significantly higher than budgeted. M. Meehan responded that this includes money received via the Growth Study for Franz Josef work. He stated that payments have been received from MBIE over the past couple of years. M. Meehan stated that there are also claims related to the two cyclones and these are a timing issue. It was agreed that R. Mallinson would provide further information to Councillors on this matter.

**Moved** (Archer / Clementson) *That the report be received.*

*Carried*

#### **5.0 CHAIRMANS REPORT**

The Chairman spoke to his report and stated that he and Cr Clementson visited the Taramakau Bridge site. The Chairman stated that this has been a very well run project which finished on time and within budget. He stated that the opening is scheduled for 22 July.

The Chairman advised that the main discussion at the recent Mayors and Chairs forum was on how information is relayed back to the Government on the direction with regard to no new mining on the West Coast and what this means for the West Coast.

The Chairman spoke of the recent meeting with personnel from CNTY. He stated that he and M. Meehan met with them to discuss resource consent requirements, he stated that no resource consent applications have been received as yet. M. Meehan provided additional information on circular economy and class 1 waste.

**Moved** (Robb / Clementson) *That this report is received.*

*Carried*

#### **6.0 CHIEF EXECUTIVE'S REPORT**

M. Meehan spoke to his report. He stated that the Franz Josef Governance Group will be making an application to the Provincial Growth Fund and will work with their community to progress this.

M. Meehan advised that he and Cr Clementson met with Hon Shane Jones, Hon Winston Peters, Hon Damien O'Connor, West Coast Mayors, Development West Coast Chief Executive and Chairperson in Wellington recently. Regional economic development, and the potential ban on new mining land was discussed. He also met with Minister Sage.

M. Meehan advised that a decision from the Local Government Commission is expected within the next month or so.

M. Meehan spoke of the meeting he attended in relation to Civil Defence and the TAG review. He stated that the TAG review was as a result of information which came out of the Port Hills fire and recommendations from this are now being progressed.

M. Meehan reported that following on from his meeting with DoC to discuss a predator free project at Lake Brunner, a hui has since been held with F. Tumahai as it is hoped that a this project can be put forward as a Provincial Growth Fund application.

M. Meehan answered questions from Councillors.

**Moved** (Archer / Ewen) *that this report is received.*

*Carried*

**GENERAL BUSINESS**

**Remits for 2018 LGNZ Annual General Meeting**

The Chairman read out the 12 remits and asked Councillors for a steer on each of the remits. Cr Birchfield stated that he would be saying no to the whole lot as LGNZ is interfering in things it shouldn't be doing, and in particular the climate Change remit. M. Meehan explained how the annual general meeting is run. The Chairman explained the remit process along with the voting system used. The Chairman asked each Councillor for their opinion on each remit.

**Kiwi Quarry**

Cr Archer raised the matter of Kiwi Quarry. He spoke of the Terrafirma report and asked if the right decision has been made with this quarry in view of there being risk to road and rail users. Cr Ewen noted that the resource consent for land use has now expired. M. Meehan advised that consultation on quarries will be carried out via the LTP. M. Meehan advised that Council is not currently doing any blasting in this quarry and does not need the land use consent. R. Beal advised that there are some existing resource consents that are no longer required due to the changes to the regional plan. He stated that a resource consent was surrendered in December as it was no longer required. R. Beal answered questions from Councillors.

The meeting closed at 1.04 pm.

.....  
Chairman

.....  
Date

**THE WEST COAST REGIONAL COUNCIL**

**MINUTES OF A SPECIAL MEETING OF THE WEST COAST REGIONAL COUNCIL HELD ON  
7 AUGUST 2018, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,  
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

**PRESENT:**

A. Robb (Chairman), T. Archer, A. Birchfield, P. Ewen, S. Challenger, N. Clementson, P. McDonnell

**IN ATTENDANCE:**

M. Meehan (Chief Executive), R. Beal (Operations Manager), R. Mallinson (Corporate Services Manager), H. Mills (Planning Science & Innovation Manager), H. McKay (Consents & Compliance Manager), T. Jellyman (Minutes Clerk)

**1. APOLOGIES:**

There were no apologies.

**2. ANNUAL PLAN SUBMISSIONS**

The Chairman welcomed everyone to the meeting. He stated that this meeting is a hearing to listen to submitters. The Chairman advised that Councillors have read the submissions. He stated that Council will take note of what submitters have to say, and may ask questions, or points of clarification but there is no debate allowed. The Chairman explained that this meeting was to hear submissions on the Council's Long Term Plan 2018 / 28. The Chairman stated that at the conclusion of today's meeting a workshop will be held to discuss submissions and decisions will be made as a collective. Decisions will then be made at the August Council meeting on 14 August 2018.

**Submissions on the Long Term Plan and Consultation Document 2018 / 28**

73 submissions were received, of these six were received following the extension of the submission period, along with two submissions that were replaced with updated submissions. These were from F. Inta and L. Grammer. These were circulated to Councillors via email once the extended submission period closed. Three submitters spoke to their submissions in person, and one submitter spoke to her submission via telephone.

**Buller District Council – Various matters**

K. Marshall (Acting Chief Executive – Buller District Council) spoke to this submission. He apologised for Mayor Howard's unavailability. Cr Robb thanked K. Marshall for this submission.

**Alexander Woods – Wasp Control**

A. Woods spoke to his submission. Cr Robb thanked A. Woods for his submission.

**Paul Berry – Various**

P. Berry spoke to his submission. Cr Robb thanked P. Berry for his submission.

**L. Grammer – Various**

L. Grammer spoke to her submission via telephone. Cr Robb thanked L. Grammer for her submission.

A. Johnston was unable to attend the hearing. Cr Robb read out a statement on behalf of Federated Farmers.

**Moved** (Archer / Birchfield) *That the 73 submissions, including the six late and the two updated submissions on the 2018 / 28 Long Term Plan are received.*

*Carried*

Cr Robb thanked those present for their attendance.

The meeting closed at 11.55 a.m.

.....  
Chairman

.....  
Date



Prepared for: Council Meeting – 14 August 2018  
Prepared by: Paulette Birchfield – Engineer, Brendon Russ - Engineer  
Date: 26 July 2018  
Subject: **ENGINEERING OPERATIONS REPORT**

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**WORKS COMPLETED AND WORKS TENDERED FOR**

Inchbonnie Rating District

A tender has been awarded to GH Foster Contracting to place 1200 tonnes of rock into multiple locations on the scheme at a cost of \$31,500 (GST Exclusive).



*Erosion between groyne*



*Completed riprap rock work*

#### Kaniere Rating District

Work has been completed by Henry Adams Contracting fixing rock riprap that had slumped during flooding events. 823 tonnes of rock @ \$30.50 per tonne and 117 tonnes of rubble @ \$15.50 per tonne was placed at a total cost of \$26,915 (GST Exclusive).

The final total of rock placed was considerably higher than initially estimated due to the deep sections of the river where the remedial works were required.



*Placement of rock at slumped areas of the rock riprap at Kaniere*

Work has been completed by Arnold Contracting fixing rock riprap that had slumped during flooding events. This work was carried out as emergency works. 650 tonne of rock @ \$31.00 per tonne was placed at a total cost of \$20,150 (GST Exclusive).



### **ONGOING WORKS**

#### Rapahoe Resource Consent

The resource consent application has been submitted to council with affected party approval now being sought.

Design and costing for a sacrificial bund incorporating larger culverts for more efficient drainage is complete. This will be presented to the community for feedback in the near future.

#### Granity/Ngakawau/Hector Erosion

No progress.

#### Buller River Flood Consultation

Councils internal working group are meeting fortnightly to progress this project. High level consultation with Buller District Council and their Councillors on the revised concept is planned to be undertaken before the next Council meeting.

#### Carters Beach

On going

#### Okarito

Council Engineer attended a meeting with the Okarito domain board on 29/07 to discuss the recommended design for a sacrificial bund as a short term protection option for the Okarito community. The engineer provided advice that included what volume of material would be required and consent advice.

## QUARRIES

Rock movements 1 June 2018 – 30 June 2018

9

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Small/medium	11,943	0	0	11,943
	Large	3,673	0	0	3,673
Whataroa	Small/medium	6,016	0	0	6,016
	Large	11,302	429	0	11,302
Blackball		850	0	0	850
Inchbonnie		26,300	0	0	26,300
Kiwi		497	0	0	497
Okuru		0	200	1,200	1,000
Whitehorse		1,334	0	0	1,334
<b>Totals</b>		<b>61,915</b>	<b>200</b>	<b>1,200</b>	<b>62,915</b>

### Rock requested July 2018

Quarry	Contractor	Amount	Permit Start	Permit Finish
Inchbonnie	G H Foster	1,200	18 July	1 August

### Kiwi Quarry implemented and planned safety work

Since MBD Ltd were awarded the rock production contract in 2015, Council's Quarry manager has been implementing the following safety measures.

10

Reinstating the benches which had been previously removed, the length and height of the bunds have been increased, work has been undertaken on improving the access road gradients, "Stop-Go" traffic control methodology on the highway during blasting operations as a safety improvement practices have been implemented, KiwiRail are consulted regarding blast timing, the areas of over break are being slowly removed and work has been undertaken to reduce the bulk of the loose rock overhanging the main floor and road.

Loose rock was recovered from the rock chute that had developed between two rock outcrops immediately above the quarry entrance and a bunded "catch bench" has been put in place to reduce the risk of "runaway" rock in the short term. A much larger and more robust bund was also constructed at main floor level to further reduce the chance of rock accidentally leaving the quarry.

Quarry waste drainage and subsequent tiphead stability has also been enhanced by cutting down existing waste dump heights, spreading and compacting this material and redirecting excess precipitation into properly formed drainage channels. Small silt retention dams were also incorporated into the channels to assist with water clarity at the point of discharge. These dams are regularly desilted as a normal function of the quarry.

Some exploratory work in 2018 has been undertaken using a digger at 25m intervals to try and assess the depth of "rotten rock" above the competent rock. The exploratory work showed the average depth of "rotten rock" was found to be in the region of 15m.

The current situation is that the main risks of rock fall are associated with rock production (blasting) and seismic activity.

Blasting operations for rock production are suspended till the planned buttressing work in the quarry face is complete. Work on improving the access road is ongoing.

Monitoring of the cracks on the top of rock formation shows that these cracks have not increased since 2016.

John Ellis  
Quarry Manager

### **RECOMMENDATION**

*That the report is received*

Randal Beal  
**Operations Manager**

## THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting - 14 August 2018  
 Prepared by: Robert Mallinson – Corporate Services Manager  
 Date: 6 August 2018  
**Subject: Corporate Services Manager's Monthly Report**

**1. Financial Report 1 July to 30 June 2018**

We are still in the process of finalising the full end of year financials to 30 June 2018. These will be circulated electronically later in the week as soon as they have been finalised.

**2. Investment Portfolio**

30 June 2018	Catastrophe Fund	Major Portfolio	TOTAL
Opening balance 1 June 2018	\$ 1,029,478	\$ 10,750,193	\$ 11,779,671
Income	\$ 10,652	\$ 120,871	\$ 131,523
Deposit			
Withdrawal		\$ -	\$ -
Closing balance 30 June 2018	\$ 1,040,130	\$ 10,871,064	\$ 11,911,194
Total income year to date to 30 June 2018	\$ 56,250	\$ 784,848	\$ 841,098

The above Portfolio income of \$841,098 doesn't include:

Commercial Property income	\$96,183
Limited partnership Income year to 31 March 2018	\$76,598
Miscellaneous interest income	\$10,407

**RECOMMENDATION**

*That the report be received.*

Robert Mallinson  
**Corporate Services Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting – 14 August 2018  
Prepared by: Michael Meehan  
Date: 11 January 2018  
**Subject: Twelve Month Review - 1 July 2017 – 30 June 2018**

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Attached is the Twelve Month Review showing performance target achievements for the year to 30 June 2018.

This report shows achievements as measured against the levels of service and performance targets in the Annual Plan 2017 – 2018.

**RECOMMENDATION**

*That this report be received.*

Michael Meehan  
**Chief Executive**

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## Governance Levels of Service and Performance targets

Levels of Service	Measure	Performance Target	Progress Achievement		
			Councillor	Attendance	%
Maintain a Council of elected representatives in accordance with statutory requirements and in a manner that promotes effective decision-making, transparency, and accountability to the West Coast regional community	Number of public meetings held and individual Councillor attendance.	Conduct eleven monthly meetings of Council and the Resource Management Committee, plus other scheduled meetings and scheduled workshops during the year with at least 80% attendance by all Councillors.	Robb	14 out of 14	100%
			Clementson	13 out of 14	93%
			Birchfield	14 out of 14	100%
			Ewen	14 out of 14	100%
			Challenger	14 out of 14	100%
			McDonnell	13 out of 14	93%
			Archer	12 out of 14	86%
			Compliance with statutory timeframes	Prepare and notify the Council's Annual Plan Statement of Proposal by 31 May each year, and the Annual Report by 31 October, in accordance with the procedures outlined in the Local Government Act 2002.	Achieved. The audited Annual Report for the year to 30 June 2017 was adopted by Council at the Council meeting on 10 October 2017.
Timing and number of newsletters, and internet website based information related to public consultation processes.	Publish an informative Council newsletter twice a year to be circulated to all ratepayers, with their rate demand, in March and September and ensure required information is posted on the Council website when Council invites submissions on a new or revised policy document.	The rates instalments which were sent out in September 2017 and March 2018 contained the usual newsletters.  Council's website continues to be updated whenever submissions are invited on new or revised policy document.			
Continue to support the contribution our two West Coast Runanga make to Council's decision-making processes; and continue to seek contributions from other Maori	Attendance of Iwi appointees at Resource Management Committee meetings.	Continue to invite attendance of Makaawhio and Ngati Waewae representatives as appointees to the Council's resource management committee, to enable Maori participation in resource management decision-making.	Council has continued to invite both Makaawhio and Ngati Waewae representatives to attend all Resource Management Committee meetings.		



## Resource Management Levels of Service and Performance targets

Levels of Service	Measure	Performance Target	Progress Achievement			
				% improving	% declining	% no change
To maintain or enhance water quality in the West Coast's rivers	State of the Environment Monitoring: Ammoniacal nitrogen, periphyton, clarity, turbidity and faecal coliforms are measured quarterly at 38 river sites. These parameters characterise the water quality of West Coast rivers and have been measured since 1996.	Improvement of these parameters, when compared with a baseline of 1996 data on water quality.				
			Ammonia	61	0	39
			FC's	13	18	68
			Turbidity	26	8	66
			Clarity	37	20	43
			Periphyton	0	10	90
To maintain or enhance the water quality in Lake Brunner	Compliance Monitoring for Discharges: The number of compliant or non-compliant point source discharges to water, or discharges likely to enter water; and council's response to any non-compliance.	All significant consented discharges <sup>1</sup> are monitored at least annually, and all dairy sheds at least every second year depending on individual compliance record. All non-compliances publicly reported to the Resource Management Committee and responded to using Council's Enforcement Policy.	Progress continues to be made towards meeting target. There were 86 active and 11 inactive mine site visits during the period (most visited multiple times). Target was not achieved for dairy monitoring, with 68% of required sheds being visited during the period. This was related to staff changes within the compliance team within the period.			
			An audit of District Council and Regional Council held consents is also planned over the next 12 months to ensure complete monitoring of these consents.  All non-compliances have been reported to the Resource Management Committee.			
To maintain or enhance the water quality in Lake Brunner	The trophic state of Lake Brunner is measured by the Trophic Level Index (TLI) which combines clarity, nutrient and algal measures. The rolling 5-year mean is compared with a 2002-2006 baseline mean.	The annual (rolling 5-year mean) TLI of Lake Brunner is less than the 2002-2006 TLI baseline mean of 2.79.	Achieved. The TLI for Mar 2013 – Mar 2018 (latest results) is 2.72.			
Complete current regional plans to operative stage, and review them to maintain their community acceptability.	Statutory requirements for review	Compliance with statutory requirements for the review of Council's plans and strategies.	Achieved.  Section 42A Staff Recommending Reports for the Proposed Regional Policy Statement and Plan Change 1 were finalised, and hearings held in May and June respectively. The Section 42A Report on Coastal Plan submissions was progressed.			

<sup>1</sup> Significant Consented Discharge includes: any consented discharge from a municipal sewage scheme or landfill, any consented discharge from a working mine site, any consented discharge of dairy effluent to water, and any large scale industrial discharge (WMP, Kokiri).

Advocate for the West Coast interests when external environmental policymaking may affect the West Coast.	Number of submissions made and number of successful advocacy outcomes.	Submit on all central or local government discussion documents, draft strategies, policies or Bills that may impact on West Coast interests, within required timeframes.	Achieved. Submissions were made on the National Planning Standards Discussion Document in July 2017, the Proposed National Environmental Standard for Marine Aquaculture in August 2017, and the Local Government Commission's proposal for One District Plan in May 2018.
Levels of Service	Measure	Performance Target	Progress Achievement
To maintain or enhance the life supporting capacity and amenity value of the West Coast's rivers	Stream ecosystem health: Instream macroinvertebrate community health (SQMCI) scores are measured at 29 river sites. The values for each site are calculated using five year rolling means and comparing them to baseline means calculated from data from 2005-2009.	Macroinvertebrate health index <sup>2</sup> (SQMCI) mean is higher, or no more than 20% lower, than the baseline mean.	Not achieved. Six out of 29 sites have not met the criteria and have declined.
	Bathing beach sampling: 18 swimming sites are sampled, either ten or 20 times per summer season for E coli (moderate-high risk > 550) or Enterococci (moderate-high risk > 280). <i>[note – two more sites are added this term]</i>	Scheduled swimming sites do not exceed the moderate-high risk threshold on more than 10% of sampling occasions.	Not achieved. One out of 18 sites did not meet the target. During the 2017-2018 season Kaniere River at Kaniere Kokatahi Rd exceeded the moderate-high risk category more than 10% of the time. This site is currently sampled fortnightly.
To protect human health from adverse impacts of poor groundwater quality.	28 Wells are monitored at least twice annually, 24 of which are used for human consumption. The guideline of 11.3mg/L of nitrate is used to protect human health, particularly for babies. The data from the year is averaged before comparing against the 11.3mg guideline.	In wells used for human consumption, nitrate levels remain below the health guideline of 11.3 mg/L.	Achieved. In Summer and Winter 2018, all of 24 wells used for human consumption were within guidelines.

<sup>2</sup> This macroinvertebrate index uses comparative samples of aquatic invertebrates to evaluate water quality, based on the type and tolerances of invertebrates (bugs) found at that site and how those communities of invertebrates may change over time. Some bug species are pollution tolerant while others are pollution sensitive, so the mix of species tells us a lot about the water quality at the site.

<p>To protect human health from any adverse impacts of poor air quality in Reefton.</p>	<p>Reefton's air is monitored in accordance with the National Environmental Standard (NES) for air quality by measuring PM<sub>10</sub> (airborne particles smaller than ten micrometers, which affect human respiration).</p> <p>The threshold is a 24hr mean PM<sub>10</sub> of 50 micrograms/m<sup>3</sup>.</p>	<p>NES Requirement: 24hr PM<sub>10</sub> values do not exceed the NES threshold more than three times in one year, between 2016 &amp; 2020; whereas after 2020 only 1 exceedance per year is allowed.</p>	<p>Achieved.</p> <p>There have been no exceedances of the National Environmental Standard for Air Quality in winter 2018 so far.</p>
<b>Levels of Service</b>	<b>Measure</b>	<b>Performance Target</b>	<b>Progress Achievement</b>
<p>Respond to all genuine incident complaints received by the Council and take enforcement action where needed.</p>	<p>Number of complaints received and number of enforcement actions resulting from these.</p>	<p>Operate a 24-hour complaints service, assess and respond to all genuine complaints within 24 hours where necessary.</p>	<p>24 hours complaint service has operated throughout the reporting period and all complaints received and enforcement actions resulting from them reported to Resource Management Committee.</p>
<p>Compliance with the consent processing timeframes in the RMA and mining legislation.</p>	<p>Compliance with discounting regulations and mining timeframes</p>	<p>Process all resource consent applications without incurring any cost to Council due to the RMA discounting regulations; and process at least 95% of mining work programmes<sup>3</sup> within 20 working days of receipt.</p>	<p>Resource consent processing target was not achieved. Eight resource consent files were subject to the RMA discounting regulations, from 4% to 13% at a total cost of \$335.30 excluding GST.</p> <p>At least 95% of mining work programmes submitted were processed during the period, although not all within the 20 day timeframe. When considering delays due to further information being supplied, site visits or other consents required, it is considered the intent of this target is met.</p>
<p>Respond to marine oil spills in coastal waters in accordance with the Tier 2 Oil Spill Response Plan and maintain readiness for spill response.</p>	<p>Timing of responses &amp; number of trained staff</p>	<p>Respond within 4 hours to all spills, using Council or MNZ spill equipment to contain spills; plus ensure at least 25 staff are trained responders.</p>	<p>No major spills occurred during the reporting period.</p> <p>Maritime NZ requirements now state that ten staff are required. Number of trained responders is well in exceedance of 10.</p>

<sup>3</sup> This target assumes the work programme is submitted with all necessary information provided.

## Regional Transport Planning Levels of Service and Performance Targets

Levels of Service	Measure	Performance Target	Progress Achievement
Maintain a Regional Land Transport Plan in compliance with relevant legislation and acceptable to our West Coast community.	An Operative Regional Land Transport Plan	Compliance with statutory requirements for the preparation, review and implementation of the Regional Transport Plan and Passenger Transport Plan.	<p>The RTC reviewed the RLTP during 2017 and the start of 2018. The reviewed document was lodged with the Regional Council in June 2018. Council approved the document and submitted the Interim Review on the Regional Land Transport Plan 2015-2021 to NZTA in June 2018.</p> <p>The Regional Passenger Transport Plan does not require a review to be undertaken until 2021.</p>

## Hydrology and Flood Warning Levels of Service and Performance Targets

Level of Service	Measure	Performance Targets	Progress Achievement
Continue to provide flood warning to assist communities to assess risk of impending floods, for the six rivers (Karamea, Mokihinui, Buller, Grey, Hokitika, and Waiho).	Availability of information about high flow events and the staff response to those.	Provide a continuous flood monitoring service for the six rivers monitored and respond in accordance with the flood-warning manual, ensuring data on river levels is available on the Council website (updated 12 hourly; or 3 hourly during floods).	Achieved. All flood events during the period were responded to in accordance with the flood warning manual procedures and data was available on the Council website.
	Installation and operation of new recorder sites.	Install new flood warning and low flow sites as per the approved and funded plans.	Achieved. All new installations completed for 17/18 financial year. <ul style="list-style-type: none"> <li>• Mawheraiti Rv @ Atarau rain gauge.</li> <li>• Orikaka Rv @ Gorge flow recorder.</li> <li>• Orikaka Rv @ Plateau rain gauge.</li> </ul>

### Civil Defence Emergency Management Levels of Service and Performance Targets

Levels of Service	Measure	Performance Targets	Progress Achievement
Maintain a Civil Defence Plan that delivers efficient and effective management of the region's civil defence functions in compliance with the legislation and is acceptable to West Coast community desires.	Civil Defence Plan always operative.	Compliance with statutory requirements for the preparation, review and implementation of the Group CDEM Plan.	The Current CDEM plan is operative however the CDEM Act 2016 amendment requires the Group Plan to incorporate Strategic Planning for Recovery. The Group Plan has been updated and approved by CEG, it now requires sign off by Joint Committee, this is scheduled for 21 August 2018.
	Number of trained staff	Ensure at least 30 Council staff are trained as Emergency Coordination Centre (ECC) personnel so that we have three shifts of ECC staff trained and exercised in case of a regional emergency.	Currently comply with this requirement.

### Quarry Level of Service and Performance targets

Levels of Service for Quarries	Measure	Performance Targets	Progress Achievement
Ensure efficient and effective management and safe operation of Council's quarries, delivering rock to any customers within ten working days with priority given to Council rating district customers.	Timing of delivering on rock requests.	Deliver on requests for rock within two weeks, and ensure sufficient stockpiled rock is available where practical.	Achieved.
	Number of site inspections to monitor contractor health and safety and performance	Visit each active quarry site at least twice a year, when contractors are working the quarry (where possible), to ensure Health and Safety standards and other permit requirements are being adhered to.	Achieved.

### Rating District Levels of Service and Performance targets

Levels of Service	Measure	Performance Targets	Progress Achievement
Meet or exceed the flood protection, drainage or erosion protection levels as described in the levels of service described in the Long Term Plan.	Completion of rating district inspections, works reports and consultation meetings (where material works are proposed).	Complete all asset inspections, works reports, and rating district meetings. Perform all capital and maintenance works as agreed at those meetings.	Ongoing.
	Proportion of schemes performing to their agreed service level.	Monitor all rating district infrastructural assets to ensure they perform to the service level consistent with the Asset Management Plan of each Rating District, or whatever level the community has decided is an acceptable risk.	Ongoing.
	Meet timeframes for plan review	Review Rating District Asset Management Plans every third year, or earlier where information indicates a significant change from what is stated in the Plan.	Achieved.

### Vector Control Service Business Unit Levels of Service and Performance targets

Levels of Service	Measure	Performance Targets	Progress Achievement
To produce a financial surplus (to offset general rates) by tendering for & delivering on vector control contracts and other contracts.	Achieve or exceed budgeted financial return	Tender for, and win, sufficient contracts to provide or exceed the annual budgeted return to Council.	Not achieved. The late withdrawal of a ground control contract and an uncompleted aerial operation due to weather issues prevented the targets from being met.
To provide marine oil spill and terrestrial hazardous substance spill support, and biosecurity response services for the MNZ, MAF and the Regional Council.	Availability of trained staff	Have staff available as a response unit for marine and terrestrial pollution spill events as per the MOU dated 11 November 2005.	Achieved.
	Availability of trained staff	Have 4 staff plus a vehicle available for biosecurity emergencies, as per the National Biosecurity Capability Network agreement 2011.	Achieved.

**THE WEST COAST REGIONAL COUNCIL**

**Prepared for:** Council Meeting- 14 August 2018  
**Prepared by:** Andrew Robb – Chairman  
**Date:** 6 August 2018  
**Subject:** **CHAIRMAN'S REPORT**

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**Meetings Attended:**

- I attended the Governance Group meeting on 11 July.
- I attended a meeting with Hon Damien O'Connor on 12 July.
- The Chief Executive and I attended the LGNZ Pre tour and Conference from 12 – 17 July.
- N. Costley and I attended the Provincial Growth Fund announcements held at Shantytown on 20 July.
- The Chief Executive and I met with Minister Sage on the afternoon of 20 July to discuss the proposed no new mining ban on conservation land.
- I was a guest speaker at the Taramakau Bridge opening on 22 July.

**RECOMMENDATION**

*That this report be received.*

Andrew Robb  
**Chairman**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 14 August 2018  
Prepared by: Michael Meehan – Chief Executive  
Date: 7 August 2018  
Subject: **CHIEF EXECUTIVE'S REPORT**

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**Meetings attended:**

- I attended the Tai Poutini Growth Study Governance Group meeting on 11 July.
- I met with our new Audit Director Chantelle Gernetzky and Chris Genet on 12 July.
- I attended a meeting with Hon Damien O'Connor on 12 July.
- The Chairman and I attended the LGNZ Pre tour and Conference from 12 – 17 July.
- I met with Ilana Miller from MBIE on 18 July and other members of the One Window group to discuss progress.
- The Chairman and I met with Minister Sage on the afternoon of 20 July to discuss the proposed no new mining ban on conservation land.
- I hosted a meeting in Westport on the Proposed Mining Ban on 24 July.
- I attended a West Coast CEO's and iwi leaders meeting in Westport on 25 July.
- I attended the hearing of submissions on Council's 2018 – 2028 Long Term Plan on 7 August.

**Annual Leave**

I took 6 days annual leave from 28 July to 6 August.

**RECOMMENDATION**

*That this report be received.*

Michael Meehan  
**Chief Executive**



## THE WEST COAST REGIONAL COUNCIL

To: Chairperson  
West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

Agenda Item No. 8.

- |         |     |   |
|---------|-----|---|
| 22 – 24 | 8.1 | Confirmation of Confidential Minutes 10 July 2018 |
|         | 8.2 | Overdue Debtors Report (to be tabled)             |
|         | 8.3 | Response to Presentation (if any)                 |
|         | 8.4 | In Committee Items to be Released to Media        |

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<b>Item No.</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 7 of LGOIMA for the passing of this resolution.</b>
8.			
8.1	Confirmation of Confidential Minutes 10 July 2018		Clause 7 subclause 2 (a)
8.2	Overdue Debtors Report (to be tabled)		Clause 7 subclause 2 (a)
8.3	Response to Presentation (if any)	Privacy of natural person	Clause 7 subclause 2 (i)
8.4	In Committee Items to be Released to Media		Clause 7 subclause 2 (i)

I also move that:

- Michael Meehan
- Robert Mallinson
- Randal Beal
- Hadley Mills
- Heather McKay
- Nichola Costley

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

The Minutes Clerk also be permitted to remain at the meeting.